



## Minutes of the Peel Joint Development Assessment Panel

**Meeting Date and Time:** Wednesday 17 September 2014; 9am  
**Meeting Number:** PeelJDAP/12  
**Meeting Venue:** Department of Planning  
140 William Street  
Perth

### Attendance

#### DAP Members

Ms Megan Bartle (Presiding Member)  
Mr Ian Birch (Deputy Presiding Member)  
Mr Patrick Dick (A/Specialist Member)  
Cr Darren Lee (Local Government Member, City of Mandurah) – via teleconference  
Cr Caroline Knight (Local Government Member, City of Mandurah) – via teleconference  
Cr Chris Thompson (Local Government Member, Shire of Murray) – via teleconference  
Cr Wally Barrett (Local Government Member, Shire of Murray) – via teleconference

#### Officers in attendance

Mr Patrick Ruettjes (Shire of Murray)  
Mr Rod Peake (Shire of Murray) – via teleconference  
Mr Cale Luxton (Department of Planning) - via teleconference

#### Department of Planning Minute Secretary

Ms Zoe Hendry

#### Applicants and Submitters

Mr Jeremy Hofland (Rowe Group)  
Mr Nathan Stewart (Rowe Group)  
Mr Greg Rowe (Rowe Group)  
Ms Fiona Murray (Shell)  
Mr Stuart Turner (Shell)

### 1. Declaration of Opening

The Presiding Member, Ms Megan Bartle declared the meeting open at 9:04am on 17 September 2014 and acknowledged the past and present traditional owners and custodians of the land on which the meeting was being held.

The Presiding Member announced the meeting would be run in accordance with the *Development Assessment Panel Standing Orders 2012* under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

The Presiding Member advised that the meeting is being audio recorded in accordance with Section 5.16 of the Standing Orders 2012; No Recording of Meeting, which states: 'A person must not use any electronic, visual or audio



recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.' The Presiding Member granted permission for the minute taker to record proceedings for the purpose of the minutes only.

**2. Apologies**

Mr Kent McDowall (Specialist Member)

**3. Members on Leave of absence**

Mr Kent McDowall (Specialist Member)

**4. Noting of minutes**

Minutes of the Peel JDAP meeting No.11 held on 13 August 2014 were noted by DAP members.

**5. Disclosure of interests**

<b>Member/Officer</b>	<b>Report Item</b>	<b>Nature of Interest</b>
Cr Caroline Knight	Item 8.1	Impartiality Interest – attended the Special Council Meeting on 29 July 2014 where Council considered the two applications.
Cr Darren Lee	Item 8.1	Impartiality Interest – attended the Special Council Meeting on 29 July 2014 where Council considered the two applications.

In accordance with section 4.6.1 and 4.6.2 of the Standing Orders 2012, the Presiding Member determined that the members listed above, who have disclosed an impartiality interest, are permitted to participate in discussion and voting on the items.

**6. Declaration of Due Consideration**

All members declared that they had duly considered the documents.

**7. Deputations and presentations**

7.1 Mr Nathan Stewart (Rowe Group) addressed the DAP for the application at Item 8.1.

*The presentation at Item 7.1 was heard prior to the application at Item 8.1*

7.2 Mr Jeremy Hofland (Rowe Group) addressed the DAP for the application at Item 8.2.

*The presentation at Item 7.2 was heard prior to the application at Item 8.2.*

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

8.1	Property Location:	Lot 504 (No 14) Guava Way, Halls Head
	Application Details:	Proposed Stage 2 – Shopping Centre
	Applicant:	Rowe Group
	Owner:	CPT Custodian Pty Ltd / ISPPT Pty Ltd
	Responsible authority:	Western Australian Planning Commission
	DoP File No:	DAP/14/00557

### PRIMARY MOTION

Moved by: Mr Ian Birch

Seconded by: Cr Darren Lee

That the Peel JDAP resolves to:

Approve the DAP Application reference DAP7813 and accompanying plans DA-01 to DA-05 in accordance with Clause 21 of the Peel Region Scheme.

The Primary Motion was put and **CARRIED UNANIMOUSLY.**

**Cr Darren Lee and Cr Caroline Knight left the meeting at 9.10am**

**Cr Wally Barrett and Cr Chris Thompson joined the meeting at 9.11am**

8.2	Property Location:	Lot 800 Watson Drive, Barragup
	Application Details:	The application proposes the construction of a petrol filling station and associated convenience store
	Applicant:	Rowe Group
	Owner:	The Shell Company of Australia Ltd
	Responsible authority:	Shire of Murray
	DoP File No:	DAP/14/00570

### PRIMARY MOTION

Moved by: Mr Ian Birch

Seconded by: Cr Chris Thompson

That the Joint Peel Development Assessment Panel resolves to:

Approve DAP Application reference DAP 14/00570 and accompanying plans DA03 and SK7A received on 23 June 2014 and 10 September 2014 respectively 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 23 June 2014 and the revised plans submitted on 10 September 2014, except as otherwise specified in the conditions of approval.


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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 conditions of approval.
3. 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 Regulation before any site works are commenced. Where an ASS Management Plan is required to be submitted all site works are to 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 Regulation.
4. 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.
5. Detailed design drawings and specifications for the site generally consistent with the approved plans and which address the various conditions of approval that impact on the design are to be submitted to and endorsed by the Shire of Murray prior to the submission of an application for a building permit. All development works are to be undertaken in accordance with the approved detailed design drawings and specifications.
6. Detailed engineering drawings and specifications are to be prepared and submitted to the Shire of Murray for approval for the proposed construction works required by this approval within Pinjarra Road, Watson Drive and the right of way to the north of Lot 800 (Douglas Place). All works are to be undertaken in accordance with the approved engineering drawings and specifications.
7. An easement in gross pursuant to Sections 195 and 196 of the Land Administration Act 1997 for the benefit of the public is to be placed on the Certificate of Title for Lot 800 Watson Drive, Barragup, specifying access rights for the public at large for the internal driveways within Lot 800 Watson Drive as highlighted on the approved plan.
8. Prior to commencement of any site works, a Dust Management Plan is to be developed in accordance with the Department of Environment Regulation "Guidelines for the prevention of dust and smoke pollution from land development sites in Western Australia" and submitted to the Shire for approval. The approved Dust Management Plan is to be implemented during the construction works.

#### Street Network, Access and Car Parking

9. A proportional contribution is to be provided to the Shire toward the future installation of traffic signals at the intersection of Pinjarra Road and Watson Drive.
10. The right of way to the north of Lot 800 (Douglas Place) is to be constructed, kerbed, drained and line-marked for the full length where it abuts Lot 800 Watson Drive. This is to include a concrete 2.5m dual use path on the southern side of the right of way, on-street car parking separated with street

  
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trees and an eight metre wide bitumen carriageway with associated earthworks and drainage.

11. The left turn in only access from Pinjarra Road and associated the deceleration lane are to be designed, constructed, kerbed, drained and line-marked to the satisfaction of the Shire of Murray on advice from Main Roads WA.
12. A proportional contribution is to be provided to the Shire of Murray toward the upgrade of Watson Drive to an urban standard with an eight metre wide carriageway width where it abuts Lot 800.
13. A contribution is to be provided to the Shire to cover the full cost of providing a dual use path within the Pinjarra Road reserve where it abuts the portion of Lot 800 proposed to be developed.
14. A two metre wide pedestrian path is to be provided from the proposed dual use path within the Pinjarra Road reserve required by condition 13 northward past the building entrance to the proposed dual use path in the right of way to the north of Lot 800 (Douglas Place) in the location shown on the approved plan. The path is to be thereafter maintained in a sound state of repair.
15. The parking bays, driveways and points of ingress and egress is to 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, kerbed, drained and line-marked prior to the development first being occupied and thereafter maintained in a sound state of repair.
16. Service vehicle manoeuvring within the site is to 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 demonstrating this requirement is to be shown on the detailed design drawings required by condition 6.
17. The design is to be modified in the vicinity of car bay 1 as shown on the approved plan to accommodate the safe and direct pedestrian access between Pinjarra Road and the building entrance and to provide for an improved landscape outcome.

#### Landscaping

18. Detailed landscape plans for the development site and the adjoining road/right of way verge/s are to be lodged with the Shire for approval prior to the submission of an application for a building permit. Landscaping and reticulation is to be established in accordance with the approved plans prior to the development first being occupied and is to be thereafter maintained in a healthy condition.

#### Drainage and Water Management

19. A Drainage and Water Management Plan, consistent with the Shire's Water Sensitive Urban Design Local Planning Policy and the Department of Water's Water Quality Protection Notes 49 - *Service stations* and 62 - *Tanks for underground chemical storage*, shall be submitted for approval prior to the

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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 shall be maintained to a sound state of repair. A petrol and oil trap shall be installed to the satisfaction of the Shire of Murray on advice from the Department of Environment Regulation.

20. Detailed engineering drawings and specifications are to be submitted for approval by the Shire of Murray, and works undertaken in accordance with the approved engineering drawings and specifications, for the draining of the land. Engineering drawings and specifications are to be in accordance with the approved Drainage and Water Management Plan.

#### Signage

21. The pylon sign located within the Pinjarra Road reserve is to be relocated to a position within Lot 800 in the vicinity of the access point to Pinjarra Road.

#### Servicing and Fencing

22. 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.
23. Arrangements to be made for the development to be connected to a reticulated sewerage service.
24. The proposed development is to be connected to the reticulated water service to the satisfaction of the Shire on advice from the Water Corporation.
25. A fence sufficient to preclude pedestrian and vehicle access to the abutting Lot 55 is to be constructed along the portion of the common boundary of Lots 55 and 800, between Pinjarra Road and the right of way (Douglas Place). Details of the proposed fence are to be submitted to the Shire for approval, with the fence being constructed in accordance with the Shire's approval.

#### Advice notes

- a) In relation to condition 6 the Water Corporation advises that the Pinjarra Road entry to the proposed development crosses three water mains. The protection of these services is to be considered as part of the access design and should be included on the plans required by condition 6. The requirements and process to protect these mains are located on the Water Corporation website and the utility providers code of practice. In addition any new underground power required to service this development that crosses the steel mains will need to consider if cathodic protection for the steel mains is required.

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- b) In relation to condition 9 the proportional contribution relates to the costs associated with the provision of the traffic signals which include costs associated with the upgrade of the intersection such as channelization works, drainage facilities, service relocations, street lighting, pathway connections and associated structures as well as any land acquisition costs that may be necessary to accommodate the traffic signals and associated infrastructure.
- c) In relation to conditions 10, 13, 14 and 17, pedestrian access to and from the proposed convenience store is subject to further detailed design and staging. Satisfactory arrangements shall be made with the Shire of Murray of a provision of suitable pedestrian access, such as the potential bonding of works.
- d) In relation to condition 23 if it can be demonstrated that connection of the development to reticulated sewer is impractical or cost prohibitive at this time, the Shire may approve the deferral of this connection provided a practical and achievable pathway to sewer connection is demonstrated. This is to include a conceptual design of the future sewer system for the site and surrounding area and the landowner entering into a legal agreement supported by an absolute caveat with and to the satisfaction of the Shire setting out suitable triggers and commitments to proportional funding and connection of the development to the sewer. In addition the development is to be connected on an interim basis to an alternative nutrient retentive effluent disposal system located within the undeveloped portion of Lot 800 to the east of the Coles Express building.

#### AMENDING MOTION

Moved by: Ms Megan Bartle

Seconded by: Mr Patrick Dick

To add the following to Condition 9, 10 and 13:

*This condition is to be satisfied on or before 24 months of the issuing of a certificate of occupancy.*

**REASON:** To ensure that Amendment No.283 to the Shire's Town Planning Scheme No.4, which relates to a development contribution arrangement, is finalised prior to the applicant entering into negotiations of the required contribution.

The Amending Motion was put and **CARRIED UNANIMOUSLY.**

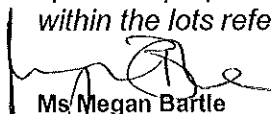
#### AMENDING MOTION

Moved by: Ms Megan Bartle

Seconded by: Mr Ian Birch

To add the following to Advice Note B:

*The formula for proportional contributions will be set out in the adopted version of District Scheme Amendment No. 283 to the Shire of Murray Town Planning Scheme No. 4. At this point in time, the advertised version of DSA 283 stipulates that the landowners of Lots 24, 55, 137, 156, 157 and 800 shall make a contribution based upon the proportion that the area of that owner's lot bears to the total area of land within the lots referred to in this paragraph.*

  
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**REASON:** To clarify how the proportional contribution is to be met.

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

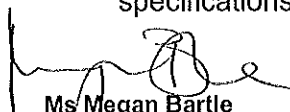
**PRIMARY MOTION (AS AMENDED)**

That the Joint Peel Development Assessment Panel resolves to:

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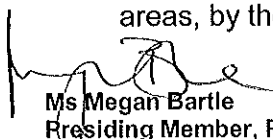
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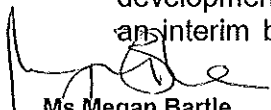
  
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located within the undeveloped portion of Lot 800 to the east of the Coles Express building.

**The Primary Motion (as amended) 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 Close**

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

There being no further business, the presiding member declared the meeting closed at 9.42am.

Ms Megan Bartle  
Presiding Member, Peel JDAP