



Metro Outer Joint Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 12 August 2021; 10am
Meeting Number: MOJDAP/115
Meeting Venue: City of Mandurah
3 Peel Street, Mandurah

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Attendance

DAP Members

Mr Ian Birch (Presiding Member)
Ms Sheryl Chaffer (Deputy Presiding Member)
Mr Justin Page (A/Third Specialist Member)
Cr Caroline Knight (Local Government Member, City of Mandurah)
Mayor Rhys Williams (Local Government Member, City of Mandurah)

Officers in attendance

Item 8.1

Mr Aaron Lucas (City of Mandurah)
Ms Danni Briggs (City of Mandurah)

Minute Secretary

Ms Tegan Dare (City of Mandurah)

Applicants and Submitters

Item 8.1

Mr David Maiorana (Harley Dykstra Pty Ltd)
Mr Benjamin Houweling (Harley Dykstra Pty Ltd)
Mr Mohammad Patel (Auswide International Investments)

Members of the Public / Media

Nil

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 10.01am on 12 August 2021 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2020 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

1.1 Announcements by Presiding Member

The Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2020 which states '*A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.*', the meeting would not be recorded.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



2. Apologies

Mr Jason Hick (Third Specialist Member)

3. Members on Leave of Absence

Nil

4. Noting of Minutes

DAP members noted that signed minutes of previous meetings are available on the [DAP website](#).

5. Declaration of Due Consideration

The Presiding Member noted that an addendum to the agenda was published to include details of a DAP direction for further information and responsible authority response in relation to Item 8.1, received on 12 August 2021.

All members declared that they had duly considered the documents.

6. Disclosure of Interests

Nil

7. Deputations and Presentations

7.1 Mr David Maiorana (Harley Dykstra Pty Ltd) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.2 City of Mandurah officers responded to questions by the panel in relation to the application at Item 8.1.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 55 (50) Montsalvat Street, Greenfields

Development Description:	Development of a Medical Centre
Applicant:	Mr David Maiorana (Harley Dykstra Pty Ltd)
Owner:	Auswide International Investments (Canning Vale) Pty Ltd
Responsible Authority:	City of Mandurah
DAP File No:	DAP/21/02018



REPORT RECOMMENDATION

Moved by: Ms Sheryl Chaffer

Seconded by: Cr Caroline Knight

With the agreement of the mover and seconder the following amendments were made;

- i. That condition no. 1 be amended to read as follows:

*This decision constitutes planning approval only and is valid for a period of ~~two~~ **four** years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.*

REASON: To be in accordance with r.16.A(2)(a) of the Planning and Development (Development Assessment Panels) Regulations 2011.

- ii. That condition no. 2c be amended to read as follows:

*The building entrance from Montsalvat Drive shall ~~designated as the main entrance~~ **and be** accessible by the public. The internal floor layout shall be amended to provide a connection into the main waiting area.*

REASON: To clarify that the two openings must remain open to the public.

That the Metro Outer JDAP resolves to:

1. **Approve** DAP Application reference DAP/21/02018 and accompanying plans (DA01 Rev A and SD-1000 Rev B) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. The development shall be carried out and fully implemented in accordance with the details indicated on the stamped approved plan(s) unless otherwise required or agreed in writing by the City of Mandurah, including the following modifications illustrated in red ink:
 - a. Signage does not form part of this approval.
 - b. A continuous/reinforced footpath is required across the driveway to ensure that vehicles give way to pedestrians crossing.
 - c. The building entrance from Montsalvat Drive shall be accessible by the public. The internal floor layout shall be amended to provide a connection into the main waiting area.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



3. All uncovered car parking bays to be in accordance with Australian Standard AS2890.1. Any bays adjacent to kerbs or for those bays that are to be used for disabled parking, shall be in accordance with Australian Standards AS1428.1. Parking bay number 50 on the stamped approved plans shall be used for “small cars only” and marked/signed accordingly.
4. Prior to the commencement of site works, a Construction Management Plan shall be submitted to and approved by the City of Mandurah. The Plan must detail how the site will be managed during and after works are completed, in order to minimise issues associated with dust/sand, erosion, noise, vibration, traffic and general construction issues. The approved plan must thereafter be implemented to the satisfaction of the City of Mandurah.
5. Prior to the commencement of site works, a Waste Management Plan shall be submitted to and approved to the satisfaction of the City of Mandurah (refer advice note).
6. Prior to the occupation of the development, the vehicle crossovers are to be constructed to the specification and satisfaction of the City of Mandurah. Once constructed, the vehicle crossovers shall be maintained at all times to the satisfaction of the City of Mandurah. During construction, the existing landscaping, footpaths, infrastructure and associated brick paved areas within the road reserve shall be protected and/or re-instated to the satisfaction of the City of Mandurah.
7. Prior to the commencement of the use, vehicle parking, manoeuvring and circulation areas shall be suitably constructed, sealed, drained, kerbed, marked (including loading and disabled bays), and thereafter maintained to the specification and satisfaction of the City of Mandurah.
8. Prior to the commencement of the use, where it is proposed to use pre-cast concrete or tilt-up wall construction, all exposed, external wall faces are to be painted to the satisfaction of the City of Mandurah. The development shall thereafter be implemented in accordance with the approved schedule of colours, materials and particulars.
9. Prior to the occupation of the development, the proposed development shall be connected to sewer to the satisfaction of the City of Mandurah.
10. Prior to occupation of the development, the landscaping works shall be carried out in accordance with the approved details, to the satisfaction of the City of Mandurah. The landscaping thereafter shall be maintained to the specification and satisfaction of the City of Mandurah.
11. All delivery vehicles must be located entirely on the site, and have their engines and refrigeration units turned off during loading and unloading of goods associated with the use of the site, and shall only access the site during the ‘day period’ of 7:00am to 7:00pm Monday to Saturday, and 9:00am to 7:00pm Sunday to the satisfaction of the City of Mandurah.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



12. The Bushfire Management Plan, dated 28 May 2021, must be fully implemented for the duration of the development to the satisfaction of the City of Mandurah, unless otherwise agreed in writing.
13. Security, building, and carpark lighting must be located, designed and installed to prevent excess light spillage from the development. Reference should be made to AS4282 Control of the obtrusive effects of outdoor lighting and other relevant lighting standards.

Advice Notes

1. Prior to any work commencing, an application for a building permit is to be submitted to and approved by the City of Mandurah.
2. Careful consideration be given to location of mechanical noise sources (ventilation, fans & the like), to ensure compliance with Environmental Protection (Noise) Regulations 1997 for nearby residential noise sensitive premises.
3. In relation to the Waste Management Plan (WMP), the City acknowledges the submission of a WMP as part of the application, however this plan is subject to further review and endorsement.

AMENDING MOTION

Moved by: Mr Justin Page

Seconded by: Mayor Rhys Williams

That condition no. 3 be amended to read as follows:

*All uncovered car parking bays to be in accordance with Australian Standard AS2890.1. Any bays adjacent to kerbs or for those bays that are to be used for disabled parking, shall be in accordance with Australian Standards AS1428.1, **including the following modifications;***

- a) *Parking bay number 50 on the stamped approved plans shall be used for "small cars only" and marked/signed accordingly.*
- b) *Parking bay number 44 on the stamped approved plans shall be used as a reversing bay and marked/signed accordingly.*

The Amending Motion was put and CARRIED UNANIMOUSLY

REASON: To improve vehicle manoeuvrability and safety within the carparking area.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro Outer JDAP resolves to:

1. **Approve** DAP Application reference DAP/21/02018 and accompanying plans (DA01 Rev A and SD-1000 Rev B) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to the following conditions:

Mr Ian Birch
Presiding Member, Metro Outer JDAP



Conditions

1. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. The development shall be carried out and fully implemented in accordance with the details indicated on the stamped approved plan(s) unless otherwise required or agreed in writing by the City of Mandurah, including the following modifications illustrated in red ink:
 - a. Signage does not form part of this approval.
 - b. A continuous/reinforced footpath is required across the driveway to ensure that vehicles give way to pedestrians crossing.
 - c. The building entrance from Montsalvat Drive shall be accessible by the public. The internal floor layout shall be amended to provide a connection into the main waiting area.
3. All uncovered car parking bays to be in accordance with Australian Standard AS2890.1. Any bays adjacent to kerbs or for those bays that are to be used for disabled parking, shall be in accordance with Australian Standards AS1428.1, including the following modifications;
 - a. Parking bay number 50 on the stamped approved plans shall be used for "small cars only" and marked/signed accordingly.
 - b. Parking bay number 44 on the stamped approved plans shall be used as a reversing bay and marked / signed accordingly.
4. Prior to the commencement of site works, a Construction Management Plan shall be submitted to and approved by the City of Mandurah. The Plan must detail how the site will be managed during and after works are completed, in order to minimise issues associated with dust/sand, erosion, noise, vibration, traffic and general construction issues. The approved plan must thereafter be implemented to the satisfaction of the City of Mandurah.
5. Prior to the commencement of site works, a Waste Management Plan shall be submitted to and approved to the satisfaction of the City of Mandurah (refer advice note).
6. Prior to the occupation of the development, the vehicle crossovers are to be constructed to the specification and satisfaction of the City of Mandurah. Once constructed, the vehicle crossovers shall be maintained at all times to the satisfaction of the City of Mandurah. During construction, the existing landscaping, footpaths, infrastructure and associated brick paved areas within the road reserve shall be protected and/or re-instated to the satisfaction of the City of Mandurah.
7. Prior to the commencement of the use, vehicle parking, manoeuvring and circulation areas shall be suitably constructed, sealed, drained, kerbed, marked (including loading and disabled bays), and thereafter maintained to the specification and satisfaction of the City of Mandurah.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



8. Prior to the commencement of the use, where it is proposed to use pre-cast concrete or tilt-up wall construction, all exposed, external wall faces are to be painted to the satisfaction of the City of Mandurah. The development shall thereafter be implemented in accordance with the approved schedule of colours, materials and particulars.
9. Prior to the occupation of the development, the proposed development shall be connected to sewer to the satisfaction of the City of Mandurah.
10. Prior to occupation of the development, the landscaping works shall be carried out in accordance with the approved details, to the satisfaction of the City of Mandurah. The landscaping thereafter shall be maintained to the specification and satisfaction of the City of Mandurah.
11. All delivery vehicles must be located entirely on the site, and have their engines and refrigeration units turned off during loading and unloading of goods associated with the use of the site, and shall only access the site during the 'day period' of 7:00am to 7:00pm Monday to Saturday, and 9:00am to 7:00pm Sunday to the satisfaction of the City of Mandurah.
12. The Bushfire Management Plan, dated 28 May 2021, must be fully implemented for the duration of the development to the satisfaction of the City of Mandurah, unless otherwise agreed in writing.
13. Security, building, and carpark lighting must be located, designed and installed to prevent excess light spillage from the development. Reference should be made to AS4282 Control of the obtrusive effects of outdoor lighting and other relevant lighting standards.

Advice Notes

1. Prior to any work commencing, an application for a building permit is to be submitted to and approved by the City of Mandurah.
2. Careful consideration be given to location of mechanical noise sources (ventilation, fans & the like), to ensure compliance with Environmental Protection (Noise) Regulations 1997 for nearby residential noise sensitive premises.
3. In relation to the Waste Management Plan (WMP), the City acknowledges the submission of a WMP as part of the application, however this plan is subject to further review and endorsement.

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

REASON: Having regard for the assessment outlined in the Responsible Authority Report and the City's response to questions raised by the panel, the proposed development is demonstrated to satisfy the planning considerations for the site. The building is orientated towards the street and together with the intended use, will bring activity to this end of the Local Centre,

Mr Ian Birch
Presiding Member, Metro Outer JDAP



9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval

Nil

10. State Administrative Tribunal Applications and Supreme Court Appeals

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/19/01708 DR 138/2020	City of Kwinana	Lot 108 Kwinana Beach Road, Kwinana	Proposed Bulk Liquid Storage for GrainCorp Liquid Terminals	01/07/2020
DAP/01729 DR 176/2020	City of Kalamunda	Lot 130 (74) Warlingham Drive, Lesmurdie	Aged Residential Care Facility	28/8/2020
DAP/20/01764 DR 204/2020	City of Swan	Lot 780 (46) Gaston Road, Bullsbrook	Proposed Stock Feed Grain Mill	8/09/2020
DAP/20/01829 DR 001/2021	City of Swan	Lot 1 (42) Dale Road & Lot 4 (43) Yukich Close, Middle Swan	Aged care and community purpose	08/01/2021
DAP/21/01952 DR 096/2021	City of Rockingham	Lot 265 (40) Talisker Bend, Golden Bay	Mixed commercial development	14/05/2021

11. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2020 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.

12. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 10.31am.