



Metro Outer Joint Development Assessment Panel Agenda

Meeting Date and Time: Tuesday, 12 January 2021; 9:30am
Meeting Number: MOJDAP/61
Meeting Venue: City of Mandurah
3 Peel Street, Mandurah

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Attendance

DAP Members

Ms Sheryl Chaffer (A/Presiding Member)
Ms Rachel Chapman (A/Deputy Presiding Member)
Mr Jason Hick (Third Specialist Member)
Cr Caroline Knight (Local Government Member, City of Mandurah)

Officers in attendance

Mr Thomas Foulds (City of Mandurah)

Minute Secretary

Mr Ben Dreckow (City of Mandurah)

Applicants and Submitters

Mr Ross Underwood (Planning Solutions)
Mr Clinton Witnish (Signature Care) (via phone)

Members of the Public / Media

Nil.

1. Opening of Meeting, Welcome and Acknowledgement

The A/Presiding Member declared the meeting open at 9:35am on 12 January 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 A/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 A/Presiding Member advised that panel members may refer to technical devices, such as phones and laptops, throughout the meeting to assist them in considering the information before them.

The A/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.

2. Apologies

Mr Ian Birch (Presiding Member)
Cr Darren Lee (Local Government Member, City of Mandurah)



3. **Members on Leave of Absence**

DAP Member, Mr Ian Birch has been granted leave of absence by the Director General for the period of 11 January 2021 to 15 January 2021 inclusive.

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 A/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 11 January 2021.

All members declared that they had duly considered the documents.

6. **Disclosure of Interests**

Nil

7. **Deputations and Presentations**

7.1 Mr Ross Underwood (Planning Solutions) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.2 The City of Mandurah officers addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

8. **Form 1 – Responsible Authority Reports – DAP Applications**

8.1 **No. 33-68 (Lot 7) Bailey Boulevard, Dawesville**

Development Description:	Proposed Nursing Home
Applicant:	Planning Solutions
Owner:	Croft Developments Pty Ltd
Responsible Authority:	City of Mandurah
DAP File No:	DAP/20/01844



REPORT RECOMMENDATION

Moved by: Ms Rachel Chapman

Seconded by: Mr Jason Hick

With the agreement of the mover and the seconder the following amendments were made to the report recommendation:

(i) The preamble be amended to read as follows:

That the Metro Outer Joint Development Assessment Panel (MOJDAP) resolves to:

1. **Approve** DAP Application reference DAP/20/01844 and accompanying plans:

- Site Plan, Drawing DA02 Rev 3;
- Ground Floor Plan, Drawing DA03 Rev 3;
- Elevations and Sections, Drawing DA04 Rev 2;

in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and City of Mandurah Town Planning Scheme No 3, subject to the following conditions:

REASON: The preamble was amended to delete the requirement for the WAPC to first approve the Structure Plan as the timing of that approval is currently unknown and beyond the control of the applicant. Without this amendment, the approval would be subject to a third-party decision maker and not pass the test of certainty in regard to timing.

(ii) Condition 14 be deleted and the remaining conditions be renumbered accordingly

REASON: The requirements of the condition are addressed in the Construction Management Plan referred to under condition 16. The City officers agreed to this amendment.

(iii) Minor typographical corrections be made to conditions 2(a), 4 and 9.

REASON: To ensure the conditions are legible and unambiguous.

That the Metro Outer Joint Development Assessment Panel (MOJDAP) resolves to:

Approve DAP Application reference DAP/20/01844 and accompanying plans:

- Site Plan, Drawing DA02 Rev 3;
- Ground Floor Plan, Drawing DA03 Rev 3;
- Elevations and Sections, Drawing DA04 Rev 2;

in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City of Mandurah Town Planning Scheme No 3, subject to the following conditions:



Conditions

1. This decision constitutes planning approval only and is valid for a period of 2 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 advance in writing by the City of Mandurah, including the following modifications illustrated in red ink:
 - (a) Retaining walls that exceed a height of 1.5m above natural ground level shall be modified to include a landscaped terrace so as to reduce the height of site works up to the boundary; and,
 - (b) Fire equipment/infrastructure shall be relocated to the “back of house” east of the proposed building and screened through the use of feature materials and landscaping.
3. A detailed fencing plan, showing location, design and materials shall be submitted to and approved to the satisfaction of the City of Mandurah, identifying the following:
 - (a) Northern boundary fencing adjacent to Bailey Boulevard that has a maximum height of 1.2m above the retained ground level and is visually permeable; and
 - (b) Southern boundary fencing that is visually permeable above 1.2m of the retained ground level.
4. Prior to the commencement of the development, engineering drawings shall be submitted to and approved to the satisfaction of the City of Mandurah, detailing the construction of all roads, infrastructure, landscaping, footpaths and on-street car bays surrounding the site as indicated on the stamped approved site plan and the upgrading of Bailey Boulevard, including the provision of a roundabout. Prior to the commencement of the development/use, the engineering drawings shall be implemented at the landowners cost to the satisfaction of the City of Mandurah.
5. Prior to the commencement of the development, the landowner/operator shall enter into an appropriate legal agreement with the City of Mandurah, in order to demonstrate that the landowner/operator will accept the maintenance costs of the on-street car parking bays in perpetuity.
6. All uncovered car parking bays, including any bays adjacent to kerbs or for those bays that are to be used for disabled parking shall be in accordance with the relevant Australian Standard.
7. The area to be used for the car parking in connection with the development hereby approved shall not be used for general storage or any other purpose other than the parking of motor vehicles to the satisfaction of the City of Mandurah.
8. Security, building, signage 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.



9. A detailed landscaping plan shall be submitted to and approved to the satisfaction of the City of Mandurah, detailing additional screening of retaining walls, screening of fire infrastructure and details of verge development (including street trees). The landscaping plan shall be implemented thereafter to the satisfaction of the City of Mandurah.
10. Prior to the commencement of the development, a Waste Management Plan shall be submitted to and approved to the satisfaction of the City of Mandurah (refer advice note).
11. The Bushfire Management Plan, dated November 2019, must be fully implemented for the duration of the development to the satisfaction of the City of Mandurah, unless otherwise agreed in writing.
12. Prior to the commencement of the development, the proposed development shall be connected to sewer to the satisfaction of the City of Mandurah.
13. 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.
14. The recommendations made in the Transportation Noise Assessment by Lloyd George Acoustics, Reference 19054973-01a, shall be fully implemented to the satisfaction of the City of Mandurah.
15. 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.

Advice Notes:

1. In relation to Condition 10, the City acknowledges the submission of a Waste Management Plan as part of the application, however this plan is subject to further review and endorsement.

AMENDING MOTION 1

Moved by: Mr Jason Hick

Seconded by: Nil

That condition 2(b) be deleted and the remaining conditions be renumbered accordingly.

The Motion LAPSED for want of a seconder.



AMENDING MOTION 2

Moved by: Cr Caroline Knight

Seconded by: Ms Rachel Chapman

That a new Condition 2(c) be added as follows:

A detailed colour and materials palette, that references the coastal location and amenity of the surrounding environment, shall be submitted and approved by the City of Mandurah prior to the commencement of the development.

The Amending Motion was put and CARRIED (3/1).

For: Ms Sheryl Chaffer
Ms Rachel Chapman
Cr Caroline Knight

Against: Mr Jason Hick

REASON: The panel, by majority vote, felt that the submitted colour and materials palette, comprising predominantly uniform dark roofing and dark brick walls and representing the corporate branding of the developer, did not adequately meet the objectives of SPP 7 – Design of the Built Environment in that the colour palette was not sympathetic to the local context and reflect the natural light colours and materials of the surrounding coastal environment.

AMENDING MOTION 3

Moved by: Ms Rachel Chapman

Seconded by: Cr Caroline Knight

That Condition 2(b) be amended to read as follows:

~~Fire equipment/infrastructure~~ **Water tanks and fire pumps for fire fighting purposes shall be relocated to a more suitable position, away from the (proposed) roundabout, to not detract from the streetscape and amenity of residents and to be suitably screened to the satisfaction of the City of Mandurah. the “back of house” east of the proposed building, and screened through the use of feature materials and landscaping.**

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The revised wording specifically addresses the requirement to relocate and screen the large items of fire equipment/infrastructure (water tanks and fire pumps) to a less obvious position without causing detriment to the visual amenity of the surrounding streetscape and nursing home residents.



REPORT RECOMMENDATION (AS AMENDED)

That the Metro Outer Joint Development Assessment Panel (MOJDAP) resolves to **Approve** DAP Application reference DAP/20/01844 and accompanying plans:

- Site Plan, Drawing DA02 Rev 3;
- Ground Floor Plan, Drawing DA03 Rev 3;
- Elevations and Sections, Drawing DA04 Rev 2;

in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City of Mandurah Town Planning Scheme No 3, subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of 2 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 advance in writing by the City of Mandurah, including the following modifications illustrated in red ink:
 - (a) Retaining walls that exceed a height of 1.5m above natural ground level shall be modified to include a landscaped terrace so as to reduce the height of site works up to the boundary; and,
 - (b) Water tanks and fire pumps for firefighting purposes shall be relocated to a more suitable position, away from the (proposed) roundabout, to not detract from the streetscape and amenity of residents and to be suitably screened to the satisfaction of the City of Mandurah.
 - (c) A detailed colour and materials palette, that references the coastal location and amenity of the surrounding environment, shall be submitted and approved by the City of Mandurah prior to the commencement of the development.
3. A detailed fencing plan, showing location, design and materials shall be submitted to and approved to the satisfaction of the City of Mandurah, identifying the following:
 - (a) Northern boundary fencing adjacent to Bailey Boulevard that has a maximum height of 1.2m above the retained ground level and is visually permeable; and
 - (b) Southern boundary fencing that is visually permeable above 1.2m of the retained ground level.



4. Prior to the commencement of the development, engineering drawings shall be submitted to and approved to the satisfaction of the City of Mandurah, detailing the construction of all roads, infrastructure, landscaping, footpaths and on-street car bays surrounding the site as indicated on the stamped approved site plan and the upgrading of Bailey Boulevard, including the provision of a roundabout. Prior to the commencement of the development/use, the engineering drawings shall be implemented at the landowners cost to the satisfaction of the City of Mandurah.
5. Prior to the commencement of the development, the landowner/operator shall enter into an appropriate legal agreement with the City of Mandurah, in order to demonstrate that the landowner/operator will accept the maintenance costs of the on-street car parking bays in perpetuity.
6. All uncovered car parking bays, including any bays adjacent to kerbs or for those bays that are to be used for disabled parking shall be in accordance with the relevant Australian Standard.
7. The area to be used for the car parking in connection with the development hereby approved shall not be used for general storage or any other purpose other than the parking of motor vehicles to the satisfaction of the City of Mandurah.
8. Security, building, signage 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.
9. A detailed landscaping plan shall be submitted to and approved to the satisfaction of the City of Mandurah, detailing additional screening of retaining walls, screening of fire infrastructure and details of verge development (including street trees). The landscaping plan shall be implemented thereafter to the satisfaction of the City of Mandurah.
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11. The Bushfire Management Plan, dated November 2019, must be fully implemented for the duration of the development to the satisfaction of the City of Mandurah, unless otherwise agreed in writing.
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14. The recommendations made in the Transportation Noise Assessment by Lloyd George Acoustics, Reference 19054973-01a, shall be fully implemented to the satisfaction of the City of Mandurah.



15. 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.

Advice Notes:

1. In relation to Condition 10, the City acknowledges the submission of a Waste Management Plan 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: The panel was satisfied that it had the discretion to approve the application consistent with the provisions of the City of Mandurah TPS 3 and Planning and Development (Local Planning Schemes) Regulations 2015 as a structure plan had previously been approved for development on the site and a modified structure plan, reflecting the current proposal, had been endorsed by the City. The proposed land use is consistent with the broad urban development zone objectives and future Structure Plan and is not inconsistent with the regional planning framework for the area.

The conditional approval addresses relevant amenity, streetscape, landscaping, bushfire risk management, access and drainage infrastructure in accordance with the RAR assessment.

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

Nil



10. State Administrative Tribunal Applications and Supreme Court Appeals

The A/Presiding Member noted the following SAT Applications -

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
DAP20/1738 DR 225/2020	City of Kwinana	Lot 15 Mason Road, Kwinana	Proposed Lithium Refinery	6/10/2020
DAP/20/01803 DR 226/2020	City of Joondalup	Lots 208 & 207 (122 & 124) Coolibah Drive, Greenwood	Development and use of a Child Care Premise and associated car parking, access, and signage	6/10/2020

11. General Business

The A/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 A/Presiding Member declared the meeting closed at 11:06am.