



Metro Outer Joint Development Assessment Panel Minutes

Meeting Date and Time: Tuesday, 19 October 2021; 10am
Meeting Number: MOJDAP/131
Meeting Venue: City of Mandurah Council Chambers
83 Mandurah Terrace, Mandurah

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Mr Ian Birch
Presiding Member, Metro Outer JDAP



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

Mr Aaron Lucas (City of Mandurah)
Mr Tom Carroll (City of Mandurah)

Minute Secretary

Ms Adele McMahon (DAP Secretariat) – *via electronic means*

Applicants and Submitters

Mr David Maiorana (Harley Dykstra)
Mr Benjamin Houweling (Harley Dykstra)
Mr Tim Reynolds (Herring Storer Acoustics)
Mr Scott Lambie (Cardno)
Ms Vishna Dodia (Bloom Architecture)
Mr James Olsen (James Olsen Engineering)

Members of the Public / Media

Nil

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 10:05am on 19 October 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

All members declared that they had duly considered the documents.

6. Disclosure of Interests

Nil

7. Deputations and Presentations

- 7.1 Mr Benjamin Houweling (Harley Dykstra) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.2 Mr David Maiorana (Harley Dykstra) responded to questions from the panel in relation to item 8.1.
- 7.3 Mr Scott Lambie (Cardno) responded to questions from the panel in relation to item 8.1.
- 7.4 Mr Tim Reynolds (Herring Storer Acoustics) responded to questions from the panel in relation to item 8.1.
- 7.5 Mr James Olsen (James Olsen Engineering) responded to questions from the pane in relation to item 8.1.
- 7.6 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 Lot 600 (69-70) Sutton Street, Mandurah

Development Description: Proposed Child Day Care Centre
Applicant: Harley Dykstra
Owner: Cambronne PTY LTD
Responsible Authority: City of Mandurah
DAP File No: DAP/21/02021

REPORT RECOMMENDATION

Moved by: Mayor Rhys Williams

Seconded by: Cr Caroline Knight

With the agreement of the mover and seconder, the following amendment was made;

That condition no. 5 be amended to read as follows:

*The conclusions and recommendations made in the Environmental Noise Assessment by ~~Lloyd George Acoustics Pty Ltd~~ **Herring Storer Acoustic**, Report 27792-4-21126, be fully implemented to the satisfaction of the City of Mandurah including:*

- *Noise mitigation measures - no music played outside, indoor music to be of reasonable level, without heavy bass, signage to be posted within car bays advising of parents/staff not to play loud music and/or slam car doors.*

REASON: To correctly note the author of the Environmental Noise Assessment.

That the Metro Outer JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/21/02021 is appropriate for consideration as a “Child Care Centre” land use and compatible with the objectives of the zoning table in accordance with Clause 3.2 of the City of Mandurah Town Planning Scheme No. 3;
2. **Approve** DAP Application reference DAP/21/02021 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause 3.2 of 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 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.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



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.
3. The approved Waste Management Plan (see Appendix 5) must be implemented, constructed and thereafter maintained to the satisfaction of the City of Mandurah, for the life of the development.
4. The approved Parking Management Plan (see Appendix 6) must be implemented, constructed and thereafter maintained to the satisfaction of the City of Mandurah, for the life of the development.
5. The conclusions and recommendations made in the Environmental Noise Assessment by Herring Storer Acoustic, Report 27792-4-21126, be fully implemented to the satisfaction of the City of Mandurah including:
 - Noise mitigation measures - no music played outside, indoor music to be of reasonable level, without heavy bass, signage to be posted within car bays advising of parents/staff not to play loud music and/or slam car doors.
6. The hours of operation shall be limited to 6:30am to 6:30pm Monday to Friday and shall not occur at any time on Saturdays and Sundays. The outdoor play area is not to be used before the hours of 7am, unless otherwise agreed in writing by the City of Mandurah.
7. 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.
8. 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.
9. No parking or display of vehicles and/or equipment is to occur within the road verge area at any time.
10. Trees shall be provided between car parking spaces as indicated on the stamped approved plan, to the specification and satisfaction of the City of Mandurah and prior to the commencement of the use.
11. All services (e.g. air conditioners, water meters, hot water storage systems etc.) shall be designed to be integrated into the building design and/or screened from surrounding properties to the satisfaction of the City of Mandurah.
12. 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.

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13. 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.
14. Prior to the commencement of the use, the proposed development shall be connected to sewer to the satisfaction of the City of Mandurah.
15. Prior to the commencement of use, the road verge adjacent to the site shall be upgraded, including the provision of mature street trees, to the specification and satisfaction of the City of Mandurah.
16. 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.
17. Prior to the occupancy, a vehicle crossover is to be constructed to the specification and satisfaction of the City of Mandurah. Once constructed, the vehicle cross over 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.
18. Prior to occupancy, a sign concept plan shall be submitted to and approved to the satisfaction of the City of Mandurah, and shall indicate all the intended locations of signs to be placed within the site and on any building(s).
19. Prior to occupancy, an acoustic report that specifically details the mechanical plant impact, shall be submitted and approved to the satisfaction of the City of Mandurah.

Advice Notes

1. 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. Reference is given to this in the Environmental Noise Assessment by Lloyd George Acoustics Pty Ltd, Report 20126016-01.
2. The kitchen facility to fully comply with the requirements of the Food Act 2008 and subsidiary legislation. Guidance on the design and construction requirements for food premises can be found in the City's Guidelines for the fit out & construction of a food premises available from <https://www.mandurah.wa.gov.au/business/permits-and-approvals/food%20business%20approvals%20and%20training>

Mr Ian Birch
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3. The applicant must apply for registration of a food business as required by the Food Act 2008. The business must not trade until a Registration certificate has been issued by the City's Health Services.
4. Any installation of a grease trap within the premises shall be subject to the following conditions:
 - a. approval for the installation from the City and the Water Corporation of WA;
 - b. the trap shall be constructed of solid impervious materials sealed to prevent the escape of odours;
 - c. the door shall be fitted with a gasket to provide a seal when closed; and independent access to the trap for cleaning purposes shall be provided.
5. The applicant is encouraged to review the City of Mandurah Waste Management Plan Guidelines via <https://www.mandurah.wa.gov.au/-/media/files/com/downloads/community/services/planning/waste-management-plan-commercial--industrial-development-template.pdf>

AMENDING MOTION

Moved by: Ms Sheryl Chaffer

Seconded by: Mayor Rhys Williams

That a new condition no. 20 be added to read as follows:

A Stormwater Management Plan is to be submitted and implemented to the satisfaction of the City of Mandurah.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To confirm arrangements made through discussions with the City on this matter.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro Outer JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/21/02021 is appropriate for consideration as a "Child Care Centre" land use and compatible with the objectives of the zoning table in accordance with Clause 3.2 of the City of Mandurah Town Planning Scheme No. 3;
2. **Approve** DAP Application reference DAP/21/02021 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause 3.2 of the City of Mandurah Town Planning Scheme No. 3, subject to the following conditions:

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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.
3. The approved Waste Management Plan (see Appendix 5) must be implemented, constructed and thereafter maintained to the satisfaction of the City of Mandurah, for the life of the development.
4. The approved Parking Management Plan (see Appendix 6) must be implemented, constructed and thereafter maintained to the satisfaction of the City of Mandurah, for the life of the development.
5. The conclusions and recommendations made in the Environmental Noise Assessment by Herring Storer Acoustic, Report 27792-4-21126, be fully implemented to the satisfaction of the City of Mandurah including:
 - Noise mitigation measures - no music played outside, indoor music to be of reasonable level, without heavy bass, signage to be posted within car bays advising of parents/staff not to play loud music and/or slam car doors.
6. The hours of operation shall be limited to 6:30am to 6:30pm Monday to Friday and shall not occur at any time on Saturdays and Sundays. The outdoor play area is not to be used before the hours of 7am, unless otherwise agreed in writing by the City of Mandurah.
7. 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.
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9. No parking or display of vehicles and/or equipment is to occur within the road verge area at any time.
10. Trees shall be provided between car parking spaces as indicated on the stamped approved plan, to the specification and satisfaction of the City of Mandurah and prior to the commencement of the use.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



11. All services (e.g. air conditioners, water meters, hot water storage systems etc.) shall be designed to be integrated into the building design and/or screened from surrounding properties to the satisfaction of the City of Mandurah.
12. 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.
13. 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.
14. Prior to the commencement of the use, the proposed development shall be connected to sewer to the satisfaction of the City of Mandurah.
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18. Prior to occupancy, a sign concept plan shall be submitted to and approved to the satisfaction of the City of Mandurah, and shall indicate all the intended locations of signs to be placed within the site and on any building(s).
19. Prior to occupancy, an acoustic report that specifically details the mechanical plant impact, shall be submitted and approved to the satisfaction of the City of Mandurah.
20. A Stormwater Management Plan is to be submitted and implemented to the satisfaction of the City of Mandurah.

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Advice Notes

1. 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. Reference is given to this in the Environmental Noise Assessment by Lloyd George Acoustics Pty Ltd, Report 20126016-01.
2. The kitchen facility to fully comply with the requirements of the Food Act 2008 and subsidiary legislation. Guidance on the design and construction requirements for food premises can be found in the City's Guidelines for the fit out & construction of a food premises available from <https://www.mandurah.wa.gov.au/business/permits-and-approvals/food%20business%20approvals%20and%20training>
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 - a. approval for the installation from the City and the Water Corporation of WA;
 - b. the trap shall be constructed of solid impervious materials sealed to prevent the escape of odours;
 - c. the door shall be fitted with a gasket to provide a seal when closed; and independent access to the trap for cleaning purposes shall be provided.
5. The applicant is encouraged to review the City of Mandurah Waste Management Plan Guidelines via <https://www.mandurah.wa.gov.au/-/media/files/com/downloads/community/services/planning/waste-management-plan-commercial--industrial-development-template.pdf>

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

REASON: As outlined in the Responsible Authority Report, the application has been assessed against relevant planning requirements as satisfying location and development standards for the proposed Child Care Centre. Impact on neighbouring residential properties in terms of noise, traffic and parking have been assessed and appropriate measures put in place to mitigate against any potential unacceptable disturbance. Accordingly, the panel adopted the RAR recommendation, with the addition of one condition.

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

Nil

Mr Ian Birch
Presiding Member, Metro Outer JDAP



10. State Administrative Tribunal Applications and Supreme Court Appeals

The 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
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
DAP/210/01926 DR144/2021	City of Armadale	Lot 60 Centre Road, Camillo	Proposed 45 Grouped Dwellings	09/07/2021
DAP/21/02000 DR203/2021	City of Joondalup	Lot 642 (104) Mullaloo Drive & Lot 643 (20) Stanford Road, Kallaroo	Proposed Child Care Centre	28/09/2021
DAP/21/02016 DR207/2021	City of Joondalup	centre Lot 667 (73) Kingsley Drive & Lot 666 (22) Woodford Wells Way, Kingsley	Child Care Centre	28/09/2021

Finalised SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/21/01952 DR 096/2021	City of Rockingham	Lot 265 (40) Talisker Bend, Golden Bay	Mixed commercial development	14/05/2021

* Matters finalised during the last meeting cycle.

Mr Ian Birch
Presiding Member, Metro Outer JDAP



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 10:35am.

A handwritten signature in black ink, appearing to read 'Ian Birch'.

Mr Ian Birch
Presiding Member, Metro Outer JDAP