



## **Metro South-West Joint Development Assessment Panel Minutes**

**Meeting Date and Time:** 9 January 2020; 10:00am  
**Meeting Number:** MSWJDAP/200  
**Meeting Venue:** Department of Planning, Lands and Heritage  
140 William Street  
Perth

### **Attendance**

#### **DAP Members**

Mr Tony Arias (Presiding Member)  
Ms Lee O'Donohue (Deputy Presiding Member)  
Mr John Syme (A/Specialist Member)

#### **Officers in attendance**

Mr Tom Foulds (City of Mandurah)

#### **Minute Secretary**

Ms Ashlee Kelly (DAP Secretariat)

#### **Applicants and Submitters**

Ms Emma van der Linden (Robertsday)  
Mr Mark Lederer (Opal Aged Care)  
Mr Joel Bryan (Johnstaff)  
Mr Chris Fagri (Johnstaff)  
Ms Sally Jones (KPA Architects)  
Mr John Loreck (KPA Architects)

#### **Members of the Public / Media**

There was 1 member of the public in attendance.

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

The Presiding Member declared the meeting open at 10.01am on 9 January 2020 and acknowledged the traditional owners and pay 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 2017 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.



The Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2017 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

Cr Caroline Knight (Local Government Member, City of Mandurah)  
Cr Darren Lee (Local Government Member, City of Mandurah)

## 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 Ms Emma van der Linden addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.

7.2 Mr Tom Foulds (City of Mandurah) responded to questions from the panel in relation to Item 8.1.

## PROCEDURAL MOTION

**Moved by:** Mr Tony Arias

**Seconded by:** Ms Lee O'Donohue

That the meeting be adjourned for a period of 10 minutes to allow members to discuss legal advice received from the Department of Planning, Lands and Heritage.

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

**REASON:** To discuss legal advice received from the Department of Planning, Lands and Heritage.

*The meeting was adjourned at 10.19am  
The meeting was reconvened at 10.27am*



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

- 8.1 Property Location: Lot 90 (87) Leisure Way, Halls Head  
Development Description: Three Storey Aged Care Facility with allied health and incidental café.  
Applicant: Robertsday  
Owner: Bordland Pty Ltd  
Responsible Authority: City of Mandurah  
DAP File No: DAP/19/01705

### REPORT RECOMMENDATION

**Moved by:** Nil

**Seconded by:** Nil

That the Metro South West JDAP resolves to:

1. **Approve** DAP Application reference 19/01705 and accompanying plans (Project No 19-037 SK01, SK02, SK03, SK04, SK05, SK06, SK07) dated 12 November 2019 and Landscape Concept Master Plan (Plan 1907001 C1.101 Rev F) Dated November 2019 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions 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 two years from the date of approval. If the subject development is not substantially commenced within the two-year 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. Prior to the commencement of the development/use, the proposed development shall be connected to sewer to the satisfaction of the City of Mandurah.
4. Prior to the occupation of the development, 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, any 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.
5. 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.



6. 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.
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. 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.
9. The approved landscaping plan must be fully implemented and maintained to the satisfaction of the City of Mandurah, unless otherwise agreed in writing.
10. The approved Waste Management Plan shall be fully implemented to the satisfaction of the City of Mandurah, unless otherwise agreed in writing.
11. The approved Acoustic Report shall be fully implemented to the satisfaction of the City of Mandurah.
12. The approved 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.

**The Report Recommendation LAPSED for want of a mover and a seconder.**

### **PROCEDURAL MOTION**

**Moved by:** Ms Lee O'Donohue

**Seconded by:** Mr John Syme

That the consideration of DAP Application DAP/19/01705 be deferred until 24 February 2020, in accordance with section 5.10.1a of the DAP Standing Orders 2017, for the following reasons:

- The application requires to be advertised in accordance with the mandatory 'SA' advertising requirements, as set out under Clause 7.3, of the City of Mandurah Town Planning Scheme No.3

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

**REASON:** To ensure compliance with the 'SA' advertising requirements, as set out under Clause 7.3 of the City of Mandurah Town Planning Scheme No.3 and Clause 67 of the Deemed Provisions – Planning Development (Local Planning Schemes) Regulations.



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

Nil

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

Nil

**11. General Business / Meeting Close**

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2017 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 10.31am.

A handwritten signature in blue ink that reads "Tony Arias".