



## Metro Outer Development Assessment Panel Minutes

**Meeting Date and Time:** Wednesday, 21 August 2024; 9:30am  
**Meeting Number:** MODAP/31  
**Meeting Venue:** 140 William Street, Perth

*A recording of the meeting is available via the following link: [MODAP/31 - 21 August 2024 - City of Joondalup - City of Mandurah](#)*

### **PART A – INTRODUCTION**

1. Opening of Meeting, Welcome and Acknowledgement
2. Apologies
3. Members on Leave of Absence
4. Noting of Minutes

### **PART B – CITY OF JOONDALUP**

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
  - 3.1 Lot 600 (No.36) Clarke Crescent, Joondalup – Bulky goods showroom additions - DAP/24/02679
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

### **PART C – CITY OF MANDURAH**

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
  - 3.1 Lots 11-13 (117-121) Mandurah Terrace, Mandurah – Proposed “Recreation Private” (Gym) & “Shop” Development – DAP/24/02652

Responsible Authority Recommendation

Conditions

Advice Notes
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

**Francesca Lefante**  
**Presiding Member, Metro Outer DAP**



## **PART D – OTHER BUSINESS**

1. State Administrative Tribunal Applications and Supreme Court Appeals
2. General Business
3. Meeting Closure

**Francesca Lefante**  
**Presiding Member, Metro Outer DAP**



<b>Attendance</b>	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Francesca Lefante (Presiding Member)	Claire Ortlepp
Neema Premji (Deputy Presiding Member)	Ashlee Kelly
John Syme	
<i>Part B – City of Joondalup</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Adrian Hill	Aaron Wood
Cr Rebecca Pizzey	Morgan Hutton
<i>Part C – City of Mandurah</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Mayor Rhys Williams	Aaron Lucas
Cr Peter Rogers	Paige Paskov

**Francesca Lefante**  
**Presiding Member, Metro Outer DAP**



<b>Applicant and Submitters</b>
<i>Part B – City of Joondalup</i>
Renee Young (element Advisory) Fiona Atkins (element Advisory) Jacintha Walker (DMG Property) Stephen Evans (Leffler Simes Architects) Brendan Cook (Harvey Norman) Hamzah Sadi (Harvey Norman)
<i>Part C – City of Mandurah</i>
Nik Hidding (Hidding Urban Planning)

**Members of the Public / Media**

Nil.

**Observers via livestream**

There were 4 persons observing the meeting via the livestream.

**Francesca Lefante**  
**Presiding Member, Metro Outer DAP**



## PART A – INTRODUCTION

### 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:33am on 21 August 2024 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 2024 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

#### 1.1 Announcements by Presiding Member

The 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 meeting was recorded and livestreamed on the DAP website in accordance with regulation 40(2A) of the *Planning and Development (Development Assessment Panels) Regulations 2011*. Members were reminded to announce their name and title prior to speaking.

### 2. Apologies

Cr Caroline Knight (Local Government DAP 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](#).

Francesca Lefante  
Presiding Member, Metro Outer DAP



## PART B – CITY OF JOONDALUP

### 1. Declaration of Due Consideration

All members declared that they had duly considered the documents contained within Part B of the Agenda and Part B of the Related Information.

### 2. Disclosure of Interests

Nil.

### 3. Form 1 DAP Applications

#### 3.1 Lot 600 (No.36) Clarke Crescent, Joondalup – Bulky goods showroom additions - DAP/24/02679

##### Deputations and Presentations

Renee Young (element Advisory) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Brendan Cook (Harvey Norman) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

The City of Joondalup addressed the DAP in relation to the application at Item 3.1.

## REPORT RECOMMENDATION

**Moved by:** Cr Rebecca Pizzey

**Seconded by:** Neema Premji

That the Metro Outer DAP resolves to:

1. **Approve** DAP Application reference DAP/24/02679 and accompanying plans (DA01 – Rev C, DA02 – Rev C, DA03 – Rev C, DA04 – Rev E, DA05 – Rev C, DA06 – Rev C, DA07 – Rev E, DA08 – Rev D, DA09 – Rev C, DA10 – Rev C and DA11 – Rev C) 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 Joondalup Local Planning Scheme No. 3, subject to the following conditions:

Francesca Lefante  
Presiding Member, Metro Outer DAP



## Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of four (4) 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.
3. This approval relates to the Bulky Goods Showroom Additions and associated works only and development shall be in accordance with the approved plan(s), any other supporting information and conditions of approval. It does not relate to any other development on the lot.
4. The patterned and perforated steel façade sheeting as indicated on the approved plans shall be finished with high quality artwork/imagery, final details of which shall be submitted to and approved by the City of Joondalup, prior to submission of the relevant building permit application. The approved artwork/imagery shall be installed prior to the occupation of the development and thereafter maintained to the satisfaction of the City.
5. The car parking bays, driveways and access points shown on the approved plans are to be designed, constructed, drained and marked in accordance with the Australian Standards (AS2890), prior to the occupation of the development. These bays are to be thereafter maintained to the satisfaction of the City.
6. The parking area and pavement indicated on the approved plans shall have appropriate signs and line markings installed to give clear direction to vehicles, to the satisfaction of the City. All signs and line markings shall be in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004) and installed prior to occupation of the development and thereafter maintained to the satisfaction of the City;
7. The bicycle parking spaces shall be designed and installed in accordance with the Australian Standard for Off-street Car Parking – Bicycles (AS2890.3-1993), prior to occupation of the development and thereafter maintained to the satisfaction of the City.

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Presiding Member, Metro Outer DAP



8. Detailed landscaping plans shall be submitted to the City for approval prior to the submission of a building permit. These landscaping plans are to indicate the proposed landscaping treatment(s) of the subject site and the adjoining road verge(s), and shall:
- Provide all details relating to paving and treatment of verges;
  - Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
  - Show spot levels and/or contours of the site;
  - Indicate any natural vegetation to be retained and the proposed manner in which this will be managed;
  - Indicate the proposed species selection and plant densities;
  - Reflect the tree information provided in the arborist report;
  - Be based on water sensitive urban design principles to the satisfaction of the City;
  - Be based on Designing out Crime principles to the satisfaction of the City;
  - Show all irrigation design details.
  - Demonstrate vegetation adjoining any vehicle access points or footpaths not exceeding 600mm to provide adequate sight lines.
  - Demonstrate beds less than 1,000mm in width to be mulch or paved.

Landscaping and reticulation shall be established in accordance with the approved landscaping plans, Australian Standards and best trade practice prior to occupancy and thereafter maintained to the satisfaction of the City.

9. A Waste Management Plan indicating the method of rubbish collection is to be submitted prior to the submission of a building permit and approved by the City and thereafter implemented to the satisfaction of the City.
10. All external fixtures and utilities (e.g. air conditioning units, piping, ducting and water tanks) shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street or integrated with the building design. This includes placement of the air conditioning units within the basement car park as indicated on the approved plans.
11. All external walls of the proposed building shall be of a clean finish and shall at all times be free of vandalism, to the satisfaction of the City.
12. Any graffiti applied to the external surfaces of the building shall be removed within seven (7) days of it being applied to the satisfaction of the City of Joondalup.
13. All stormwater shall be contained on-site and disposed of in a manner acceptable to the City.
14. All development shall be contained within the property boundaries.

**Francesca Lefante**  
**Presiding Member, Metro Outer DAP**





15. Lighting must be installed along all driveways, pedestrian pathways, car parking areas and in all common service areas prior to the occupation of the proposed additions.
16. All signage is to be established and thereafter maintained to a high standard to the satisfaction of the City.
17. The applicant/owner must ensure that all illuminated signage must have any boxing or casing in which it is enclosed constructed of incombustible materials, must not comprise of flashing, pulsating, chasing or running lights and must not have such intensity as to cause annoyance to the public or illuminate beyond the extent of the lot boundaries.
18. A Construction Management Plan must be submitted for approval when an application is made for a building permit. This plan is to detail how construction will be managed to minimise disruption in the area and to adjoining landowners. The plan must address the following:
  - a) The delivery of materials and equipment to the site, including timing for deliveries.
  - b) Storage of materials and the location and types of equipment on site.
  - c) Parking arrangements for contractors and sub-contractors.
  - d) The impact on traffic movement.
  - e) Construction times.
  - f) The relocation and/or management of public footpaths.
  - g) Measures to minimise impacts of noise and sand drift and dust from the site.
  - h) Tree protection zones to be established for trees identified to be retained in the approved landscaping plan (including any verge trees) where applicable.
  - i) The relocation/disruption of any public transport infrastructure; and
  - j) Any other matter required by the City.

The construction management plan is to be submitted to and approved by the City prior to the commencement of any development.

### Advice Notes

1. Prior to commencement of the development, or any works associated with the development, the applicant/owner must obtain approval from the PTA for works in and around the operating Joondalup Railway Corridor in accordance with the PTA's 8810-450-003 – Procedure – Working in and around the PTA rail corridor, Assets and Infrastructure, to the satisfaction of the PTA.

**Francesca Lefante**  
Presiding Member, Metro Outer DAP



The applicant/owner is required to submit an application to undertake works within the PTA protection zone prior to any works commencing. Information about the procedure and required information for assessment can be found in the PTA's 8810-450-003 – Procedure – Working in and around the PTA rail corridor, Assets and Infrastructure. The application must be submitted a minimum of 3 months prior to the commencement of the development. Please email the application to [PTAThirdPartyAccess@pta.wa.gov.au](mailto:PTAThirdPartyAccess@pta.wa.gov.au).

2. Any existing infrastructure/assets within the road reserve (e.g. footpath, kerbing and street trees) are to be retained and protected during construction of the development and are not to be removed or altered unless otherwise approved by the City. Should any infrastructure or assets be damaged during the construction of the development, it is required to be reinstated to the satisfaction of the City.
3. The City encourages the applicant/owner to incorporate materials and colours to the external surface of the development, including roofing, that have low reflective characteristics to minimise potential glare from the development impacting the amenity of the adjoining or nearby neighbours.
4. In relation to condition 4, the City encourages the applicant/owner to engage with a public artist assist with the artwork for the car park screen.
5. The applicant/owner is advised that verge treatments are required to comply with the City's Street Verge Guidelines. A copy of the Guidelines can be obtained at [www.ioondalup.wa.gov.au/wp-content/uploads/2021/10/Street-Verge-Guidelines-2021.pdf](http://www.ioondalup.wa.gov.au/wp-content/uploads/2021/10/Street-Verge-Guidelines-2021.pdf).
6. In relation to Condition 16, any lighting is to achieve compliance with AS/NZS 1680.1:2006 Interior and workplace lighting or AS/NZS 4282:2019 Outdoor Lighting Obtrusive Effects.

**The Report Recommendation was put and CARRIED UNANIMOUSLY.**

**REASON:** The proposed bulky goods expansion is consistent with the planning framework and the non-conforming use. Members were satisfied that the proposed development is capable of approval, with high quality design and no identified traffic issues. The proposal also supports increased employment within its locational context. Members supported the proposal having regard to the above and the reasons as given in the RAR.

**Francesca Lefante**  
Presiding Member, Metro Outer DAP



**4. Form 2 DAP Applications**

Nil.

**5. Section 31 SAT Reconsiderations**

Nil.

*Cr Adrian Hill & Cr Rebecca Pizzey (Local Government DAP Members, City of Joondalup) left the panel at 9:42am.*

A handwritten signature in black ink, appearing to read 'Francesca Lefante'.

**Francesca Lefante**  
**Presiding Member, Metro Outer DAP**



## PART C – CITY OF MANDURAH

*Mayor Rhys Williams & Cr Peter Rogers (Local Government DAP Members, City of Mandurah) joined the panel at 9:43am.*

### 1. 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 3.1, received on 20 August 2024.

All members declared that they had duly considered the documents contained within Part C of the Agenda and Part C of the Related Information.

### 2. Disclosure of Interests

Nil.

### 3. Form 1 DAP Applications

#### 3.1 Lots 11-13 (117-121) Mandurah Terrace, Mandurah – Proposed “Recreation Private” (Gym) & “Shop” Development – DAP/24/02652

##### Deputations and Presentations

Nik Hidding (Hidding Urban Planning) addressed the DAP in support of the recommendation for the application at Item 3.1.

The City of Mandurah addressed the DAP in relation to the application at Item 3.1 and responded to questions from the panel.

### REPORT RECOMMENDATION

**Moved by:** Mayor Rhys Williams

**Seconded by:** Neema Premji

*With the approval of the mover and seconder, the following amendment was made:*

That Condition No. 12 be deleted, and a new Condition No. 12 be added in its place:

***Prior to occupation, Lots 11, 12 and 13 shall be amalgamated. As part of the amalgamation process, the area of land that encroaches into the road reserve shall be set aside as a separate lot pending acquisition by the local authority.***

Francesca Lefante  
Presiding Member, Metro Outer DAP



## Responsible Authority Recommendation

The Metro Outer DAP resolves to:

1. **Approve** DAP Application reference DAP/24/02652 and accompanying plans (Plan Nos DA00, DA01, DA02, DA03, DA04, DA05, DA06, DA07, L-1100 Rev 2) 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 Local Planning Scheme No. 12, subject to the following conditions:

### Conditions

1. 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:
  - 1a. Additional windows are to be added to the ground floor east elevation to ensure passive surveillance over the parking bays to the satisfaction of the City of Mandurah.
  - 1b. At least 3 ACROD bays are to be installed into the parking plan to the satisfaction of the City of Mandurah.
2. This decision constitutes planning approval only and is valid for a period of 4 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.
3. Construction hours are limited to 7:00am to 7:00pm Monday to Saturday, unless otherwise agreed in writing with the City of Mandurah.
4. 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.

### Prior to Construction

5. Prior to construction, a waste management plan shall be submitted to and approved by the City of Mandurah. The waste management plan shall be implemented at all times to the satisfaction of the City of Mandurah and is to be created in line with [WALGA Waste Management Guidelines](#).

Francesca Lefante  
Presiding Member, Metro Outer DAP



6. A Drainage Management Plan that meets the requirements of the Department of Water and Regulations specified below, is required to be submitted and approved by the City of Mandurah prior to construction and thereafter implemented to the satisfaction of the City of Mandurah.

The proponent is required to manage stormwater in accordance with the [Decision Process for Stormwater Management in WA](#) (DWER, 2017) and the [Stormwater Management Manual for Western Australia](#) (DWER, 2022).

Consistent with these documents, the Department of Water and Environmental Regulation (DWER) recommends that the first 15mm of stormwater runoff passed through a water quality treatment process before infiltration. This biofiltration treatment to be landscaped rain gardens, trees pits or swales with waterwise plant species.

7. Prior to construction an amended Landscaping Plan is to be submitted to and approved by the City of Mandurah with the following modifications;
  - 7a. The plant species, *Carpobrotus virescens*, are not supported and shall be substituted for *myoporum parvifolium*.
  - 7b. There shall be a 1.5m mulch offset from the footpath to where the planting starts to ensure this space is not encroached.
  - 7c. An irrigation plan is required for all landscaping areas.
8. The approved landscaping is to be fully implemented, at all times maintained to the satisfaction of the City of Mandurah.
9. The proposed developments earthworks and access is to be completed in a manner compatible with the geometry of the Mandurah Terrace road carriageway, to the specifications of the local government and satisfaction of the WAPC.
10. 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.

#### Prior to Occupancy

11. Prior to the commencement of the development/use, the proposed development shall be connected to sewer to the satisfaction of the City of Mandurah.

**Francesca Lefante**  
Presiding Member, Metro Outer DAP



12. Prior to occupation, Lots 11, 12 and 13 shall be amalgamated. As part of the amalgamation process, the area of land that encroaches into the road reserve shall be set aside as a separate lot pending acquisition by the local authority.
13. Prior to occupation, 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.
14. Prior to occupation, a bin storage area shall be provided and screened from public view to the satisfaction of the City of Mandurah.
15. Prior to occupation, 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.
16. Prior to occupation security, building, signage and carpark lighting must be located, designed and installed to prevent excess light spillage from the development and must comply with AS4282 Control of the Obtrusive Effects of Outdoor Lighting and other relevant lighting standards.
17. Prior to occupation, the external finish of the parapet wall hereby permitted shall be finished with the same materials as the proposed development to the satisfaction of the City of Mandurah.
18. Prior to occupation, 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.
19. Prior to occupation, the external finish of the parapet wall shall be painted with anti-graffiti coating to a maximum height of 4m, unless otherwise agreed upon in writing by the City of Mandurah.
20. Prior to occupation all services shall be screened from the primary street and surrounding properties to the satisfaction of the City of Mandurah.
21. Prior to occupation any recommendations for sound attenuation/minimisation practices shall be installed in accordance with the *Environmental Noise Impact Report by Reverberate Consulting (Reference: P191287RP1) dated 9 February 2024* to the specification of the City of Mandurah.

**Francesca Lefante**  
Presiding Member, Metro Outer DAP





22. Within 3 months of occupation, a noise verification report shall be submitted to the City of Mandurah by a suitably qualified acoustic consultant to assess compliance with the Environmental Protection (Noise) Regulations 1997.

#### Ongoing Conditions

23. All signage shall be kept clean and maintained free of dilapidation at all times to the satisfaction of the City of Mandurah.
24. All glazed surfaces shall be clear and free of posters, decals, heavy tinting or any other visual obscuring which prevents a clear view into the building, unless otherwise agreed in writing by the City of Mandurah.
25. The illuminated sign must not be moving, pulsating, flashing, incorporate animation or movement into their design or structure and is to be backlit to the satisfaction of the City of Mandurah.
26. All delivery and service 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 or 9:00am to 7:00pm Sundays and public holidays.
27. The proponent is required to manage lot 12 in accordance with the ongoing site management plan as detailed in the document, 'Former Caltex Mandurah Service Station (55598s) Ongoing Site Management Plan' (Coffey, July 2019).
28. The proponent is to ensure excavations to a depth of greater than 2.5m below ground level across Lots 11, 12 and 13 are to be undertaken in accordance with an appropriate health, safety and environmental management plan.

#### **Advice Notes**

1. Application for Building Permit to be submitted and approved prior to commencing any building work.
2. Application for Occupancy Permit to be submitted and approval obtained prior to occupancy of the building.
3. Lots to be amalgamated prior to submission of the Building Permit Application.
4. Prior to the commencement of site works, the applicant shall schedule a start-up meeting with the City of Mandurah.

**Francesca Lefante**  
Presiding Member, Metro Outer DAP





5. The proponent is advised that due to the nature and extent of groundwater contamination beneath Lots 11 and 12, the abstraction of groundwater for any purpose is not recommended.
6. The proponent is advised that acid sulfate soils (ASS) risk mapping indicates that the site is located within an area identified as representing a low to moderate risk of ASS occurring within 3 metres of the natural soil surface. Please refer to Department of Water and Environmental Regulation's acid sulfate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works.
7. As it is intended to use the premises as a "public building" as defined in Section 173 of the Health (Miscellaneous Provisions) Act 1911 (as amended), it is necessary to make application for a Certificate of Approval from the City of Mandurah Environmental Health Services before commencing as a public building.
8. In addition to planning and building requirements, the development must comply with Health (Aquatic Facilities) Regulations 2007. Requirements of the Regulations must be incorporated into the detailed design of the premises.
9. The applicant must submit an application for registration of a food business as required by the Food Act 2008. The business must not trade in food until a Registration certificate has been issued by the City's Health Services.

#### AMENDING MOTION

**Moved by:** John Syme

**Seconded by:** Cr Peter Rogers

*The following amendments were made en bloc:*

- i) That Condition No. 21 be amended to read as follows:

*Prior to occupation any recommendations for sound attenuation/minimisation practices shall be installed in accordance with the Environmental Noise Impact Report by Reverberate Consulting (Reference: P191287RP1) dated 9 February 2024 to the **specification satisfaction** of the City of Mandurah.*

**REASON:** Minor changes to reflect the details submitted and clarify applicable standards.

- ii) That Advice Note No. 3 be deleted and the remaining advice notes be renumbered accordingly.

**REASON:** The advice note is not required as site amalgamation is contained in Condition No. 12.

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

**Francesca Lefante**  
Presiding Member, Metro Outer DAP



## REPORT RECOMMENDATION (AS AMENDED).

The Metro Outer DAP resolves to:

1. **Approve** DAP Application reference DAP/24/02652 and accompanying plans (Plan Nos DA00, DA01, DA02, DA03, DA04, DA05, DA06, DA07, L-1100 Rev 2) 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 Local Planning Scheme No. 12, subject to the following conditions:

### Conditions

1. 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:
  - 1a. Additional windows are to be added to the ground floor east elevation to ensure passive surveillance over the parking bays to the satisfaction of the City of Mandurah.
  - 1b. At least 3 ACROD bays are to be installed into the parking plan to the satisfaction of the City of Mandurah.
2. This decision constitutes planning approval only and is valid for a period of 4 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.
3. Construction hours are limited to 7:00am to 7:00pm Monday to Saturday, unless otherwise agreed in writing with the City of Mandurah.
4. 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.

### Prior to Construction

5. Prior to construction, a waste management plan shall be submitted to and approved by the City of Mandurah. The waste management plan shall be implemented at all times to the satisfaction of the City of Mandurah and is to be created in line with [WALGA Waste Management Guidelines](#).

Francesca Lefante  
Presiding Member, Metro Outer DAP



6. A Drainage Management Plan that meets the requirements of the Department of Water and Regulations specified below, is required to be submitted and approved by the City of Mandurah prior to construction and thereafter implemented to the satisfaction of the City of Mandurah.

The proponent is required to manage stormwater in accordance with the [Decision Process for Stormwater Management in WA](#) (DWER, 2017) and the [Stormwater Management Manual for Western Australia](#) (DWER, 2022).

Consistent with these documents, the Department of Water and Environmental Regulation (DWER) recommends that the first 15mm of stormwater runoff passed through a water quality treatment process before infiltration. This biofiltration treatment to be landscaped rain gardens, trees pits or swales with waterwise plant species.

7. Prior to construction an amended Landscaping Plan is to be submitted to and approved by the City of Mandurah with the following modifications;
  - 7a. The plant species, *Carpobrotus virescens*, are not supported and shall be substituted for *myoporum parvifolium*.
  - 7b. There shall be a 1.5m mulch offset from the footpath to where the planting starts to ensure this space is not encroached.
  - 7c. An irrigation plan is required for all landscaping areas.
8. The approved landscaping is to be fully implemented, at all times maintained to the satisfaction of the City of Mandurah.
9. The proposed developments earthworks and access is to be completed in a manner compatible with the geometry of the Mandurah Terrace road carriageway, to the specifications of the local government and satisfaction of the WAPC.
10. 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.

#### Prior to Occupancy

11. Prior to the commencement of the development/use, the proposed development shall be connected to sewer to the satisfaction of the City of Mandurah.

**Francesca Lefante**  
Presiding Member, Metro Outer DAP



12. Prior to occupation, Lots 11, 12 and 13 shall be amalgamated. As part of the amalgamation process, the area of land that encroaches into the road reserve shall be set aside as a separate lot pending acquisition by the local authority.
13. Prior to occupation, 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.
14. Prior to occupation, a bin storage area shall be provided and screened from public view to the satisfaction of the City of Mandurah.
15. Prior to occupation, 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.
16. Prior to occupation security, building, signage and carpark lighting must be located, designed and installed to prevent excess light spillage from the development and must comply with AS4282 Control of the Obtrusive Effects of Outdoor Lighting and other relevant lighting standards.
17. Prior to occupation, the external finish of the parapet wall hereby permitted shall be finished with the same materials as the proposed development to the satisfaction of the City of Mandurah.
18. Prior to occupation, 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.
19. Prior to occupation, the external finish of the parapet wall shall be painted with anti-graffiti coating to a maximum height of 4m, unless otherwise agreed upon in writing by the City of Mandurah.
20. Prior to occupation all services shall be screened from the primary street and surrounding properties to the satisfaction of the City of Mandurah.
21. Prior to occupation any recommendations for sound attenuation/minimisation practices shall be installed in accordance with the *Environmental Noise Impact Report by Reverberate Consulting (Reference: P191287RP1) dated 9 February 2024* to the satisfaction of the City of Mandurah.

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22. Within 3 months of occupation, a noise verification report shall be submitted to the City of Mandurah by a suitably qualified acoustic consultant to assess compliance with the Environmental Protection (Noise) Regulations 1997.

#### Ongoing Conditions

23. All signage shall be kept clean and maintained free of dilapidation at all times to the satisfaction of the City of Mandurah.
24. All glazed surfaces shall be clear and free of posters, decals, heavy tinting or any other visual obscuring which prevents a clear view into the building, unless otherwise agreed in writing by the City of Mandurah.
25. The illuminated sign must not be moving, pulsating, flashing, incorporate animation or movement into their design or structure and is to be backlit to the satisfaction of the City of Mandurah.
26. All delivery and service 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 or 9:00am to 7:00pm Sundays and public holidays.
27. The proponent is required to manage lot 12 in accordance with the ongoing site management plan as detailed in the document, 'Former Caltex Mandurah Service Station (55598s) Ongoing Site Management Plan' (Coffey, July 2019).
28. The proponent is to ensure excavations to a depth of greater than 2.5m below ground level across Lots 11, 12 and 13 are to be undertaken in accordance with an appropriate health, safety and environmental management plan.

#### **Advice Notes**

1. Application for Building Permit to be submitted and approved prior to commencing any building work.
2. Application for Occupancy Permit to be submitted and approval obtained prior to occupancy of the building.
3. Prior to the commencement of site works, the applicant shall schedule a start-up meeting with the City of Mandurah.
4. The proponent is advised that due to the nature and extent of groundwater contamination beneath Lots 11 and 12, the abstraction of groundwater for any purpose is not recommended.

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5. The proponent is advised that acid sulfate soils (ASS) risk mapping indicates that the site is located within an area identified as representing a low to moderate risk of ASS occurring within 3 metres of the natural soil surface. Please refer to Department of Water and Environmental Regulation's acid sulfate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works.
6. As it is intended to use the premises as a "public building" as defined in Section 173 of the Health (Miscellaneous Provisions) Act 1911 (as amended), it is necessary to make application for a Certificate of Approval from the City of Mandurah Environmental Health Services before commencing as a public building.
7. In addition to planning and building requirements, the development must comply with Health (Aquatic Facilities) Regulations 2007. Requirements of the Regulations must be incorporated into the detailed design of the premises.
8. The applicant must submit an application for registration of a food business as required by the Food Act 2008. The business must not trade in food until a Registration certificate has been issued by the City's Health Services.

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

**REASON:** The proposal is consistent with the planning framework and locational context. The development land use, form, design, and vehicle access address the street and incorporate an appropriate interface with adjoining sites. The Panel supported the proposal consistent with the reasons contained in the RAR.

**4. Form 2 DAP Applications**

Nil.

**5. Section 31 SAT Reconsiderations**

Nil.

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## PART D – OTHER BUSINESS

### 1. State Administrative Tribunal Applications and Supreme Court Appeals

The DAP noted the status of the following State Administrative Tribunal Applications and Supreme Court Appeals:

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DR193/2023 DAP/23/02545	Shire of Serpentine Jarrahdale	Lot 218 (No.575) Abernethy Road, Oakford	Proposed Educational Establishment	19/12/2023
DR94/2024 DAP/23/02623	City of Cockburn	Lot 9501 Gaebler Road, Hammond Park	Mixed Use Commercial Development	27/06/2024

The Presiding Member noted the following Supreme Court Appeal -

Current Supreme Court Appeals				
File No.	LG Name	Property Location	Application Description	Date Lodged
DAP/23/02496 CIV 2251 of 2023	City of Swan	Lot 2 & 67 (No.163) and Lot 18 (No.159) James Street, Guildford	Proposed redevelopment of Vaudeville Theatre	03/11/2023

### 2. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2024 a DAP member must not publicly comment on any action or determination of a DAP.

### 3. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 9:56am.

Francesca Lefante  
Presiding Member, Metro Outer DAP