



Metro Outer Joint Development Assessment Panel Agenda

Meeting Date and Time: Friday, 21 July 2023; 9.30am
Meeting Number: MOJDAP/260
Meeting Venue: Electronic Means

To connect to the meeting via your computer -
<https://us06web.zoom.us/j/83011997216>

To connect to the meeting via teleconference dial the following phone number -
+61 8 7150 1149 Australia
Insert Meeting ID followed by the hash (#) key when prompted - **830 1199 7216**

This DAP meeting will be conducted by electronic means (Zoom) open to the public rather than requiring attendance in person.

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Attendance

DAP Members

Eugene Koltasz (Presiding Member)
Karen Hyde (Deputy Presiding Member)
Mayor Rhys Williams (Local Government Member, City of Mandurah)
Cr Caroline Knight (Local Government Member, City of Mandurah)

Officers in attendance

Aaron Lucas (City of Mandurah)

Minute Secretary

Stephen Haimes (DAP Secretariat)

Applicants and Submitters

Tim Parker (Hatch RobertsDay)
Andrew Brodie (Hatch RobertsDay)
Craig Wallace (Lavan)

Members of the Public / Media

Nil

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declares the meeting open and acknowledges the traditional owners and pay respects to Elders past and present of the land on which the meeting is being held.

This meeting is being conducted by electronic means (Zoom) open to the public. Members are reminded to announce their name and title prior to speaking.

2. Apologies

John Syme (Third Specialist Member)
Jason Hick (Third Specialist Member)
Shelley Shepherd (Third Specialist Member)
Diana Goldswain (Third Specialist Member)
Justin Page (Third Specialist Member)
Peter Lee (Third Specialist Member)

3. Members on Leave of Absence

Nil

4. Noting of Minutes

Signed minutes of previous meetings are available on the [DAP website](#).



5. Declarations of Due Consideration

The Presiding Member notes an addendum to the agenda was published to include details of a DAP request for further information and responsible authority response in relation to Item 10.1, received on 18 July 2023.

Any member who is not familiar with the substance of any report or other information provided for consideration at the DAP meeting must declare that fact before the meeting considers the matter.

6. Disclosure of Interests

Nil

7. Deputations and Presentations

- 7.1** Andrew Brodie (Hatch RobertsDay) presenting in support of the recommendation for the application at Item 10.1. The presentation will address support to the Council Recommendation, and request a minor update to the wording of the condition.
- 7.2** Paul Evans (Buchan Group) presenting in support of the recommendation for the application at Item 10.1. The presentation will address support to the council recommendation that the signage element be 14m high.
- 7.3** Craig Wallace (Lavan) submitted a written deputation in support of the recommendation for the application at Item 10.1.

The City of Mandurah may be provided with the opportunity to respond to questions of the panel, as invited by the Presiding Member.

8. Form 1 – Responsible Authority Reports – DAP Applications

Nil

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

Nil

10. State Administrative Tribunal Applications and Supreme Court Appeals

10.1 Lot 9124 Cobaki Brace, Lakelands

Development Description:	Proposed Bulky Goods Showroom
Summary of Modifications:	Signage feature on western portion of the building increased to 14m in height
Applicant:	Hatch RobertsDay
Owner:	Peet Limited
Responsible Authority:	City of Mandurah
DAP File No:	DAP/22/02394



File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/22/02346 DR47/2023	City of Joondalup	8 Elcar Lane, Joondalup	Two Storey Mixed Used Development	17/03/2022
DAP/18/01543 DR 75/2022	City of Joondalup	Lot 649 (98) O'Mara Boulevard, Iluka	Commercial development	02/05/2022
DAP/22/02379 DR98/2023	City of Swan	Lot 31 (No.1487) Neaves Road, Bullsbrook	Proposed roadhouse	16/06/2023

11. General Business

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



Direction for Further Services from the Responsible Authority

Regulation 13(1) and DAP Standing Orders 2020 cl. 3.3

Guidelines

A DAP Member who wishes to request further services (e.g. technical information or alternate recommendations) from the Responsible Authority must complete this form and submit to daps@dplh.wa.gov.au.

The request will be considered by the Presiding Member and if approved, the Responsible Authority will be directed to provide a response to DAP Secretariat within the form.

It is important to note that **the completed form containing the query, response and any accompanying documentation will be published on the DAP website** as an addendum to the meeting agenda.

DAP Application Details

DAP Name	Metro Outer
DAP Application Number	DAP/22/02394
Responsible Authority	City of Mandurah
Property Location	Lot 9124 Cobaki Brace Lakelands

Presiding Member Authorisation

Presiding Member Name	Eugene Koltasz
Signature	<i>E. Koltasz</i>
Date	18 July 2023
Response Due	19 July 2023; 4:00pm

Nature of technical advice or information required*

1	DAP query	Please can the city provide a full set of conditions of approval including the revisions proposed to condition 2b the subject of the review
	Response	Below are the conditions of approval with the reference to the reduction in signage having been removed because its now captured with the plans that are to be stamped. 1. 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. 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 writing by the City of Mandurah, including the following modifications illustrated in red ink: (a) Acoustic wall adjacent to the pedestrian accessway does not form part of this approval and shall be finalised at subdivision stage.

* Any alternate recommendation sought does not infer a pre-determined position of the panel.

		2. 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 3. Prior to the commencement of site works, a detailed stormwater plan must be submitted to and approved by the City of Mandurah showing all stormwater from roofed and paved areas being collected and disposed of on-site in accordance with water sensitive design principles. 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. Prior to Occupation 5. The approved Landscape Plan dated 1 March 2023 (Rev C) shall be fully implemented prior to occupation and thereafter maintained, to the satisfaction of the City of Mandurah. 6. Prior to occupation of the development, a detailed design of the Public Access Way (PAW) shall be submitted to and approved in writing by the City of Mandurah. The PAW shall incorporate trees, footpaths, seating and lighting in accordance with section 5.8(b) of the Lakelands Town Centre Precinct StructurePlan. The PAW will be a minimum width of 10m between the southern driveway and Cobaki Brace. The PAW design, including the link from the southern driveway to the café and main carpark, shall be assessed by a qualified and experienced CPTED practitioner. The PAW will be a minimum width of 10m between the southern driveway and Cobaki Brace. 7. The PAW design, including the link from the southern driveway to the café and main carpark, shall be assessed by a qualified and experienced CPTED practitioner. 8. Additional marking/signage to be installed to reiterate pedestrian priority across the service laneway, to the specification and satisfaction of the City of Mandurah. 9. 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. 10. The approved Waste Management Plan dated 17 November 2022 shall be fully implemented prior to occupation and thereafter maintained to the satisfaction of the City of Mandurah. The bin storage area shall be constructed to the minimum specifications for a suitable enclosure under the <i>Waste Management Amendment Local Law 2012</i>. 11. Prior to occupancy, an acoustic wall shall be installed in accordance with the Environmental Noise Assessment by Lloyd George Acoustics, Report 20045491- 03 (dated 19 January 2023), to the
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		specification of the City of Mandurah. Detailed specification of the wall shall be submitted to and approved in writing by the City. 12. Prior to occupancy, the external facades of the proposed showrooms and acoustic walls shall be painted to the satisfaction of the City of Mandurah and with anti-graffiti coating to a minimum height of 3m. Ongoing Conditions 13. The conclusions and recommendations made in the Environmental Noise Assessment by Lloyd George Acoustics, Report 20045491-03 (dated 19 January 2023), shall be fully implemented to the satisfaction of the City of Mandurah. 14. Delivery vehicles must not enter the site or be operated on site prior to 7.00am and after 7pm Monday to Friday, unless otherwise approved by the City of Mandurah. 15. Rubbish collection vehicles, forklifts and similar equipment shall not enter the site or be operated on site outside of 7am to 7pm Monday to Saturday and 9am and 7pm Sundays and Public Holidays, unless otherwise approved by the City of Mandurah. 16. 17. 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. Window signage, heavy tinting and imagery are limited to 25% of the total glass area of the elevation for the entire development unless otherwise approved by the City of Mandurah. 18. Painting, heavy tinting or otherwise obscuring of the shop front is not permitted to ensure interaction between the car parking area / street and shop floor is maintained unless otherwise approved by the City of Mandurah.
2	DAP query	Insert request for responsible authority
	Response	
3	DAP query	Insert request for responsible authority
	Response	



AnPresentation Request Form

[Regulation 40\(3\)](#) and [DAP Standing Orders 2020](#) cl. 3.5

Must be submitted at least 72 hours (3 ordinary days) before the meeting

Presentation Request Guidelines

Persons interested in presenting to a DAP must first consider whether their concern has been adequately addressed in the responsible authority report or other submissions. Your request will be determined by the Presiding Member based on individual merit and likely contribution to assist the DAP's consideration and determination of the application.

Presentations are not to exceed **5 minutes**. It is important to note that the presentation content will be **published on the DAP website** as part of the meeting agenda.

Please complete a separate form for each presenter and submit to daps@dplh.wa.gov.au

Presenter Details

Name	Andrew Brodie
Company (if applicable)	Hatch RobertsDay
Please identify if you have any special requirements:	YES ☐ NO ☒ If yes, please state any accessibility or special requirements: Click or tap here to enter text.

Meeting Details

DAP Name	Metro Outer JDAP
Meeting Date	21/07/2023
DAP Application Number	MOJDAP/260
Property Location	Lot 9124 Cobaki Brace, Lakelands
Agenda Item Number	10.1

Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content will be published as part of the Agenda:	YES ☒
Is the presentation in support of or against the <u>report recommendation</u> ? (<i>contained within the Agenda</i>)	SUPPORT ☒ AGAINST ☐
Is the presentation in support of or against the <u>proposed development</u> ?	SUPPORT ☒ AGAINST ☐
Will the presentation require power-point facilities?	YES ☐ NO ☒ If yes, please attach



Presentation Content*

These details may be circulated to the local government and applicant if deemed necessary by the Presiding Member. Handouts or power points will not be accepted on the day.

Brief sentence summary for inclusion on the Agenda	<i>The presentation will address:</i> Provide support to the Council Recommendation, and request a minor update to the wording of the condition.
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In accordance with Clause 3.5.2 of the [DAP Standing Orders](#), your presentation request must also be accompanied with a written document detailing the content of your presentation.

Please attach detailed content of presentation or provide below:

We thank both the City and members of the MOJDAP for their time as part of the SAT mediation, and for the meeting today. We thank the City for its RAR, which accepts the proposal to increase the westernmost signage element to 14m and recommends the JDAP vary its decision.

We have provided a written submission, which provides further commentary on the proposal and includes a design study prepared by Buchans.

The design study demonstrates that as currently approved, the westernmost signage element would not be visible from Mandurah Road as it is almost entirely obscured by vegetation in the drainage basin and vegetation in the median of Mandurah Road.

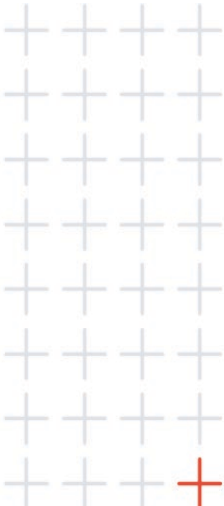
Importantly, the design study also demonstrates there will be no amenity impact to the residential development directly abutting the approved development to the south as a result of the proposed variation to the approval.

A minor change to the wording of the recommendation is requested, to clarify the nature and extent of the variation proposed to the existing approval. It is requested that the recommendation be amended as follows:

That the Metro Outer Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR69 of 2023, resolves to:

Reconsider its decision dated 22 March 2023 and **VARY** its decision for DAP Application reference DAP/22/02394 by approving the accompanying plans (s2951571 (14 June 2023)) and removing condition 2(a) 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.

We have representatives from Peet Limited and Buchan, the project architects to answer any questions the panel may have. We look forward to the JDAP's favourable determination.



OUR REF: PEE LAK



17 July, 2023

Metro Outer Joint Development Assessment Panel

Dear Sir / Madam,

**RE: SUBMISSION ON METRO OUTER JOINT DEVELOPMENT ASSESSMENT PANEL – MOJDAP/260
ITEM 10.1. – LOT 9124 COBAKI BRACE, LAKELANDS**

Hatch RobertsDay acts on behalf of Peet Limited c/- Peet Mandurah Syndicate Ltd (the Landowner and Applicant). We make this submission to the Metro Outer Joint Development Assessment Panel (**MOJDAP**) in support of the recommendation made by the City of Mandurah (**City**), being that the MOJDAP reconsider and vary their decision in relation to DAP Application DAP/22/02394 dated 22 March 2023 (**Existing Approval**), to modify the eastern signage element to 10m in height, and the westernmost signage element to 14m in height.

A minor change to the wording of the recommendation provided by the City in its Responsible Authority Report (**RAR**) is requested, to clarify the nature and extent of the variation proposed to the Existing Approval. It is requested that the recommendation be amended to include the wording highlighted below:

That the Metro Outer Development Assessment Panel, pursuant to section 31 of the State Administrative Tribunal Act 2004 in respect of SAT application DR 69 of 2023, resolves to:

Reconsider its decision dated 22 March 2023 and **VARY its** decision for DAP Application reference DAP/22/02394 by approving the accompanying plans (2951571 (14 June 2023)) **and removing condition 2(a)** 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.

Furthermore, it is requested that the proposed advice note to the City's recommendation in the RAR be amended to reference condition 2(a), as opposed to condition 2(b).

We thank both the City and members of the MOJDAP for their time as part of the State Administrative Tribunal (**SAT**) mediation, and for the meeting today. We thank the City for its RAR, which accepts the proposal to increase the westernmost signage element to 14m and recommends the MOJDAP vary its decision. We look forward to this matter being resolved.

Further background and planning justification in support of our client's application for reconsideration is provided below.

1. Background

An application for development approval was lodged with the MOJDAP and the City December 2022. The application sought approval for the development of a large format retail (bulky goods showroom) development. Notably, two signage elements were proposed as part of the application, both at 17 metres in height. These elements were incorporated into the design of the building through the use of consistent materiality and a continuation of the roof-line.



The location and design of these signage elements was in response to two constraints of the site, being a large drainage basin located on the north-west corner of the site and the Lakelands Activity Centre Plan requirement of no pylon signage being permitted in the Lakelands Town Centre. These factors resulted in the signage for the proposed development needing to be set back approximately 35m from Mandurah Road.

It is noted that at the request of the City, the proposed fascia signage was reduced in size throughout the assessment process so as not to protrude higher than the parapet wall.

The application was determined by the MOJDAP on 31 March 2023. Relevant to this request for reconsideration, condition 2(a) of the Existing Approval read:

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) Height of the corner features on plans DA401 and DA402 reduced to 10m, measured from the finished floor level.

In response to the decision of the MOJDAP, an application for review of condition 2(a) was lodged with the SAT. As a result of mediation on 6 June 2023, the SAT made the following orders:

- 1. Amended condition 7 and condition 8 by consent of both parties.*
- 2. By 15 June 2023 the applicant is to give to the respondent its amended plans and any supporting documentation in support of the revised height of the corner features on plans DA401 and DA402 the subject of condition 2(a) of the development approval.*
- 3. Pursuant to s 31 of the State Administrative Tribunal Act 2004 (WA) the respondent is invited to reconsider its decision in relation to the height of the corner features the subject of condition 2(a) of the development approval on or before 31 July 2023*

The amendment to condition 7 and 8 of the Existing Approval simply clarified the procedure by which such conditions could be cleared by the Applicant and were amended administratively by consent between the parties.

2. Proposed Amendment

The City's RAR recommends that the MOJDAP resolve to reconsider and vary condition 2(a) to the Existing Approval by approving the revised signage plans that show the easternmost signage element at 10m in height, and the westernmost signage element at 14m in height.

The proposed amendment results in an approximately 59% reduction in the amount of signage on the tower elements compared to the original proposal presented to the MOJDAP and the City for determination. The purpose of the reconsideration is to ensure that signage is visible from Mandurah Road and not obscured by vegetation, whilst ensuring that the signage is not visible from the surrounding residential development.

In recommending the variation sought by the Applicant to condition 2(a) of the Existing Approval, the City has acknowledged that its concerns in relation to signage height are addressed through the revised signage proposal.

3. Planning Justification

Signage elements (be it pylon signage or signage that is incorporated into the building) that identify both the development as a whole and the individual tenancies are an important component of a bulky goods development. This signage provides both a landmark feature to signify the location of the development, but also identifies specific tenants within the development to passing traffic. These functions are not possible if the signage is not visible from the road.

Visibility is an important factor in the location and design of any signage element. In particular, visibility from a major road is critical for the function of a bulky goods retail developments which are predominantly accessed by private vehicle. The attached design study demonstrates that as conditioned, the westernmost signage element would not be visible from Mandurah Road. The height of the signage contemplated under the Existing Approval (being 10m) is almost entirely obscured by vegetation in the drainage basin, and vegetation in the median of Mandurah Road.

Importantly, the design study also demonstrates there will be no amenity impact to the residential development directly abutting the approved development to the south as a result of the proposed variation to the signage height contemplated by the Existing Approval.

3.1. City of Mandurah Local Planning Policy No. 2 – Signage

The City's Local Planning Policy No. 2 – Signage (**LPP2**) sets out the circumstances where approval is required for signage. As the signage contemplated by the development is not "exempt" under LPP2, it therefore requires development approval.

Clause 3.2 of LPP2 notes that where approval is required for signage, the proposal will be assessed against a series of assessment criteria. An assessment of the requested amendment to the signage contemplated by condition 2(a) of the Existing Approval against the criteria set out in LPP2 is provided below.

Table 1: LPP 2 Objectives

Requirement	Response
<i>Ensure that advertisements are appropriately sized and sited for their location;</i>	The signage elements are incorporated into the design of the building and are (as amended) considered to be appropriately sized in the context of the approved built form. The amended height is appropriate for the location in that it provides tenants with exposure to Mandurah Road without negatively impacting the amenity of the adjacent residential area.
<i>Require advertisements to maintain and enhance the amenity of the immediate area, including areas of historical or environmental significance;</i>	The attached design study demonstrates the proposed amendment to the height of the signage contemplated by condition 2(a) to the Existing Approval will not result in any impact on the amenity of the residential development to the south as it is not visible from the residential area to the south of the proposed development.
<i>Discourage the ineffective, visually intrusive and proliferation of excessive advertisements; and</i>	The proposed amendment to the height of the signage contemplated by condition 2(a) to the Existing Approval results in approximately 59% reduction in the amount of signage on the tower elements compared to the original proposal presented to the MOJDAP and the City.

	The signage elements contemplated by the development are not visually intrusive and are not visible from adjacent residential areas.
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Table 2: LPP 2 Assessment Criteria

Requirement	Response
<i>The scale and design of the proposed signage is compatible with the character of the locality and the general land use of the area.</i>	The proposed amendment to the height of the signage contemplated by condition 2(a) to the Existing Approval is typical of a bulky goods retail development and is therefore consistent with the land use of the locality with the site being zoned 'District Centre: Mixed Business' under the Lakelands Town Centre Precinct Structure Plan. The 14m high signage is lower than the 18m high signage that is present at the Lakelands Shopping Centre, providing transition to the surrounding residential development. The signage provides a wayfinding feature that identifies both the location of the development and the individual tenancies to passing traffic.
<i>The scale and design of the proposed signage is in keeping with the scale and design of the building and does not obscure architectural features.</i>	The signage has been designed to read as part of the building through the use of consistent materiality and a continuation of the roof-line.
<i>The proposed signage does not block views, does not interfere with the safe movement of pedestrian traffic, or affect the amenity of adjoining properties.</i>	The attached design study demonstrates the proposed amendment to the height of the signage contemplated by condition 2(a) to the Existing Approval will not result in any impact on the amenity of the residential development to the south.
<i>The proposed signage represents a cohesive and attractive visual statement.</i>	The use of consistent materiality and architectural features ensures the signage elements read as part of the building.
<i>The proposed signage ensures that visual surveillance of the street is maintained or enhanced.</i>	No change to window signage treatment (as per condition 18 of the approval) is proposed.

4. Summary and Conclusion

In summary, the proposed amendment to the height of the signage contemplated by condition 2(a) to the Existing Approval balances the considerations of the MOJDAP and City but ensures that this key signage element of the development is visible from Mandurah Road. Importantly, the signage as proposed by condition 2(a) to the Existing Approval does not result in any adverse impact on the amenity of the residential development to the south. Further, the amendment meets the approval criteria of the City's LPP2.

We look forward to the JDAP's favourable consideration of this application. Should you require any further information, please don't hesitate to contact the undersigned on 0409 994 701.

Yours sincerely,

HATCH | ROBERTSDAY



Andrew Brodie

Principal, Urban Solutions

CC – Tim Parker, Urban Planner, Hatch RobertsDay



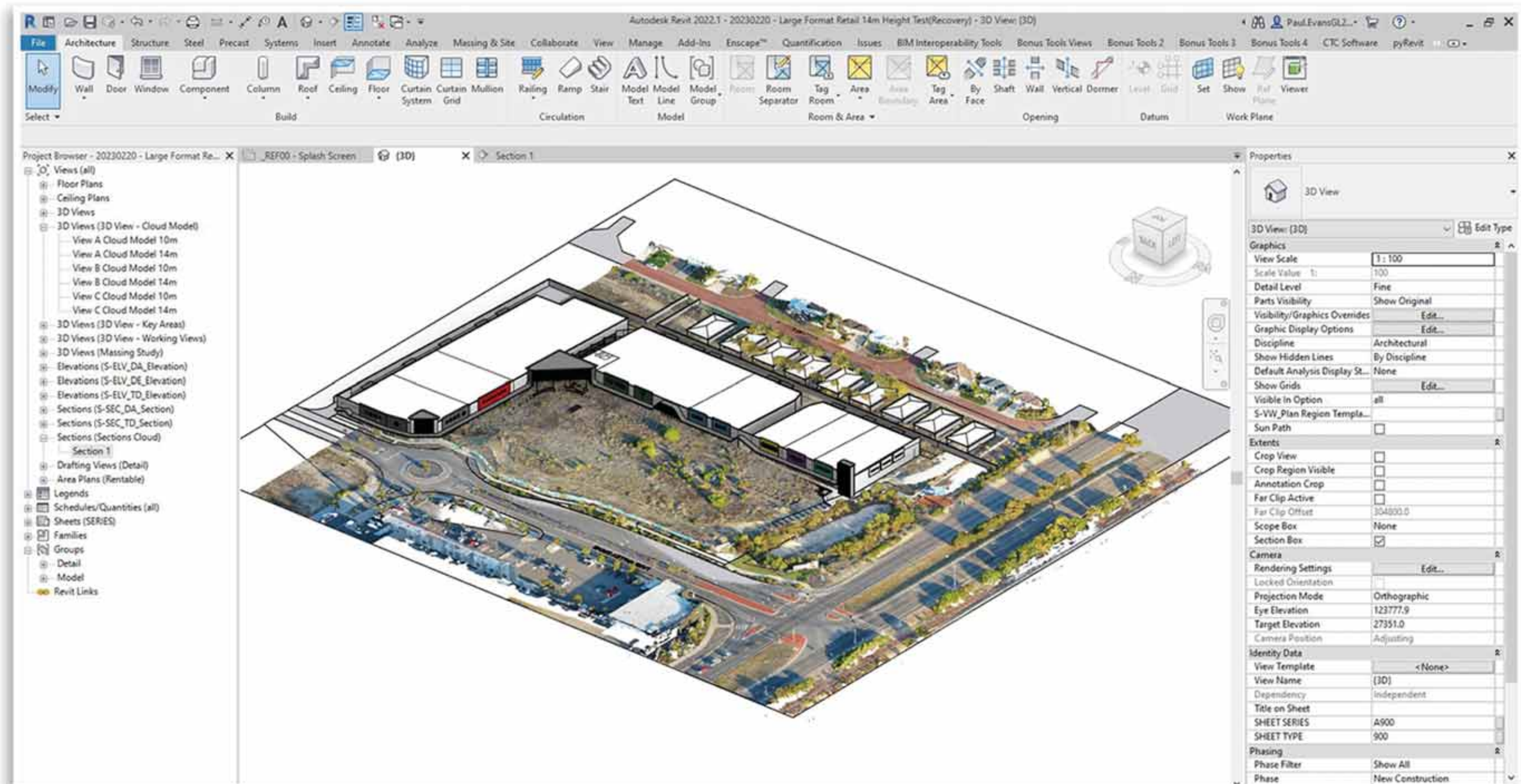
Lakelands Bulky Goods/ 10m-14m Sign Analysis

Method/

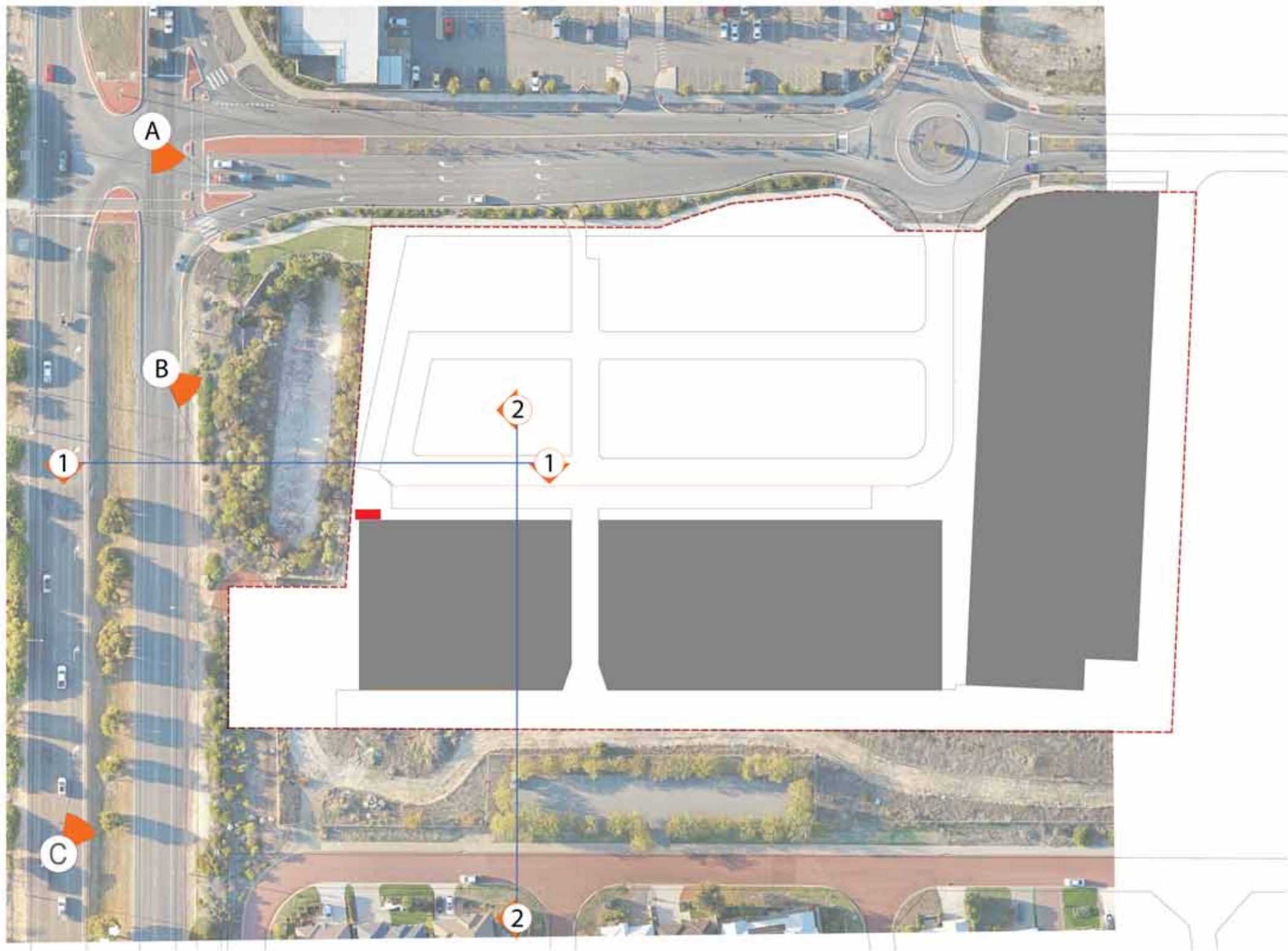
3D Photogrammetry Model

Generated with a Drone Survey

Inserted into 3D BIM Model

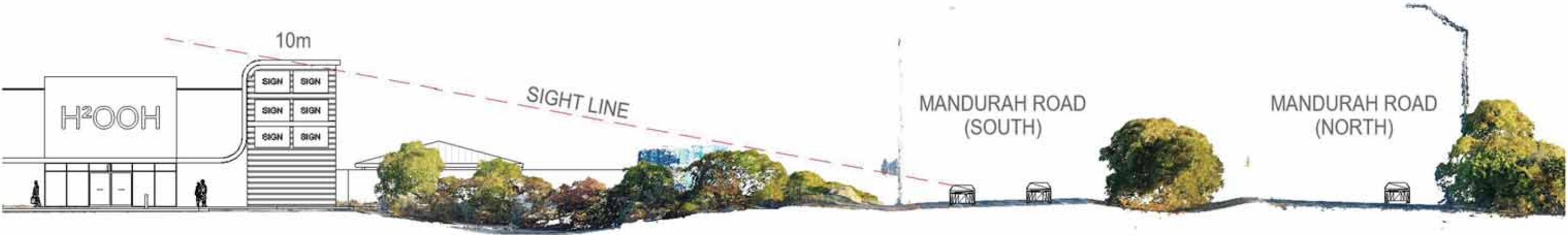


Critical Views



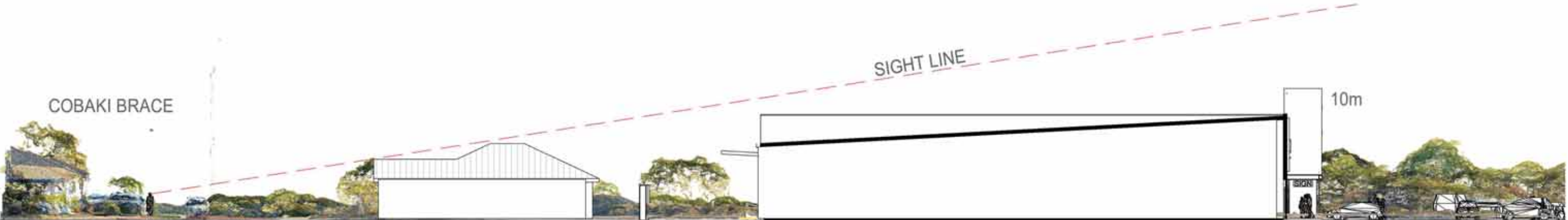
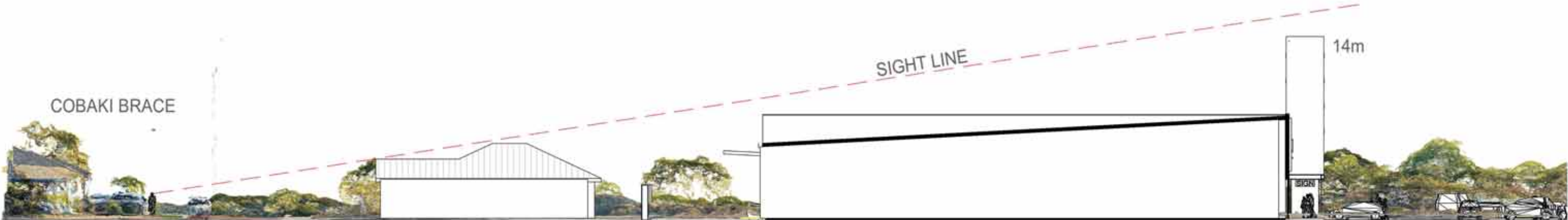
Comparative Sections

through Mandurah Road



Comparative Sections

through Cobaki Brace Residential



Eye Level Views/

View C



View B



View C





Presentation Request Form

[Regulation 40\(3\)](#) and [DAP Standing Orders 2020](#) cl. 3.5

Must be submitted at least 72 hours (3 ordinary days) before the meeting

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Please complete a separate form for each presenter and submit to daps@dplh.wa.gov.au

Presenter Details

Name	Paul Evans
Company (if applicable)	Buchan Group
Please identify if you have any special requirements:	YES ☐ NO ☒ If yes, please state any accessibility or special requirements: Click or tap here to enter text.

Meeting Details

DAP Name	Metro Outer JDAP
Meeting Date	21 July 2023
DAP Application Number	DAP/22/02394
Property Location	Lot 9124 Cobaki Brace, Lakelands
Agenda Item Number	10.1

Presentation Details

I have read the contents of the report contained in the Agenda and note that my presentation content will be published as part of the Agenda:	YES ☒
Is the presentation in support of or against the <u>report recommendation</u> ? (<i>contained within the Agenda</i>)	SUPPORT ☒ AGAINST ☐
Is the presentation in support of or against the <u>proposed development</u> ?	SUPPORT ☒ AGAINST ☐
Will the presentation require power-point facilities?	YES ☐ NO ☒ If yes, please attach



Presentation Content*

These details may be circulated to the local government and applicant if deemed necessary by the Presiding Member. Handouts or power points will not be accepted on the day.

Brief sentence summary for inclusion on the Agenda	<i>The presentation will address:</i> Provide support to the council recommendation that the signage element be 14m high.
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In accordance with Clause 3.5.2 of the [DAP Standing Orders](#), your presentation request must also be accompanied with a written document detailing the content of your presentation.

Please attach detailed content of presentation or provide below:

We thank both the City and members of the MOJDAP for their time as part of the SAT mediation, and for the meeting today. We thank the City for its RAR, which accepts the proposal to increase the westernmost signage element to 14m and recommends the JDAP vary its decision.

We have provided a design study that evaluates the impact of the signage element at 10m -and 14m high respectively. The study demonstrates that the signage element at 10m high, will be obscured by the vegetation buffer on Mandurah Road, and that the signage element will be sufficiently visible at the proposed height of 14m.

The design study also demonstrates that there will be no amenity impact to the residential development directly abutting the approved development to the south as a result of the proposed variation to the approval.

We have representatives from Peet Limited and Buchan, the project architects to answer any questions the panel may have. We look forward to the JDAP's favourable determination.

17 July 2023 – 18028 Lakelands Bulky Goods

DESIGN STUDY: LAKELANDS BULKY GOODS SIGNAGE HEIGHT EVALUATION

(Reference to 18028 DESIGN STUDY v1 document)

APPLIED METHOD

We utilized a surveying process called “Photogrammetry”, to generate an accurate three-dimensional cloud model of the context. We merged this cloud model into our 3D virtual BIM model, which allowed us to place cameras- or cut sections at key points in the BIM model.

This allows us to evaluate views of the building within its surrounding context with pinpoint accuracy which then in turn inform design decisions based real world circumstances.

It is by this process of evaluation, that a height of 14m for the tenant signs is being proposed as the appropriate height for the tenant signs to be visible beyond the vegetation. Any height lower than this, and the signs become obstructed by the vegetation.

IMPORTANT TO NOTE: The cloud model is made up of points in space or pixels with a height dimension and the nature of this model is that objects close to the camera display ghost-like or almost transparent and elements further from the camera display more solid or dense. It is important to take this phenomenon into account when evaluating the images.

VIEWS

SECTION 1 – Cross section through Mandurah Road.

At 10m high, barely any of the tenant signs will be visible from the road.

SECTION 2 – Cross section through Cobaki Brace.

This indicates that the signs will not have a significant visual impact on the adjoining residential areas.

VIEW A – Street level view from Mandurah Road –and Lake Valley drive intersection.

At 10m high, the signs will be partially obstructed, with the vegetation expected to grow larger in the future.

VIEW B – Street level view from Mandurah Road heading South.

At 10m high, the signs will not be visible.

VIEW C – Street level view from Mandurah Road heading North.

At 10m High, there is no space to display tenant signs and the vegetation on the median will obscure the view in intervals.

Yours sincerely,



Paul Evans

THE BUCHAN GROUP AUSTRALIA PTY LTD



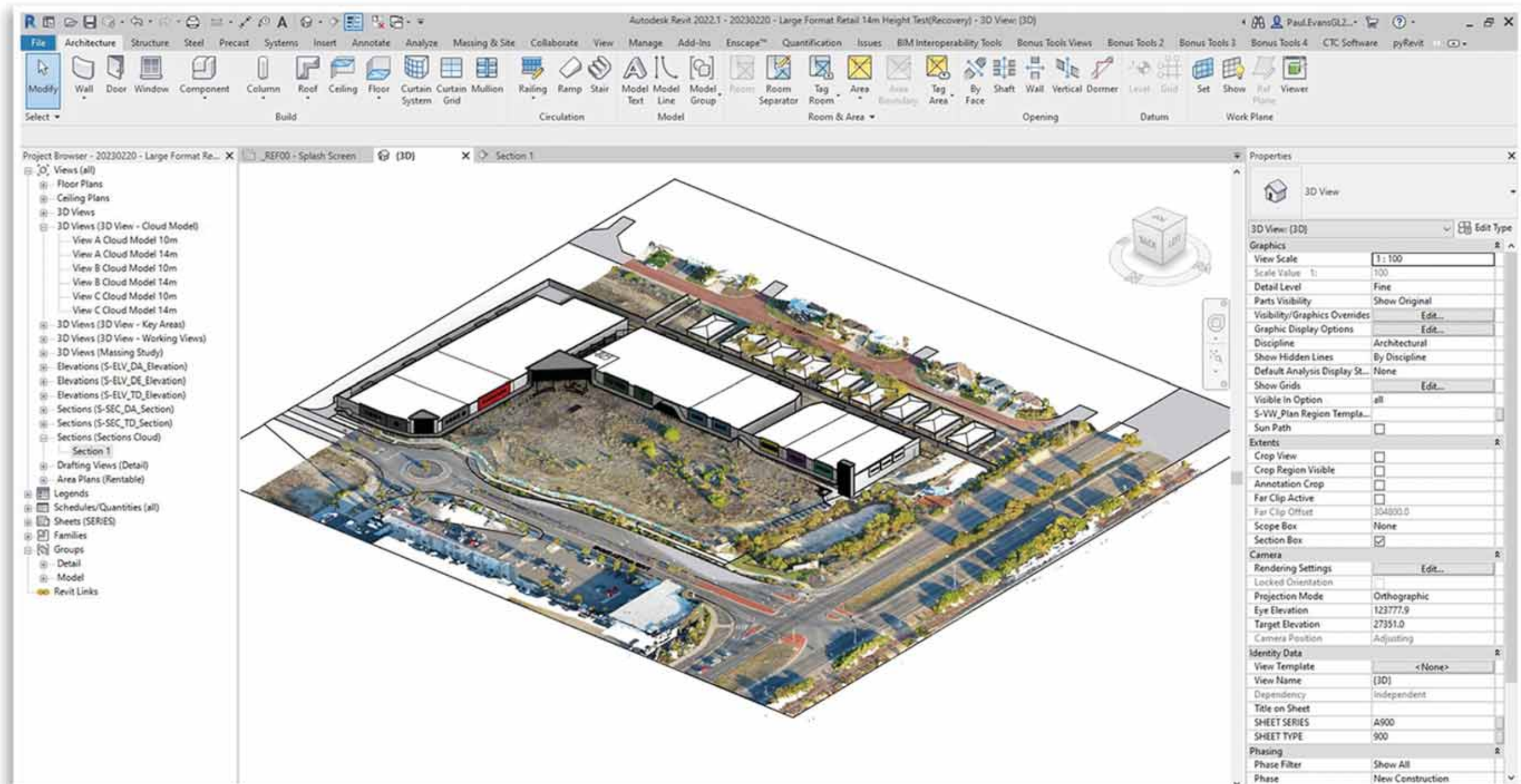
Lakelands Bulky Goods/ 10m-14m Sign Analysis

Method/

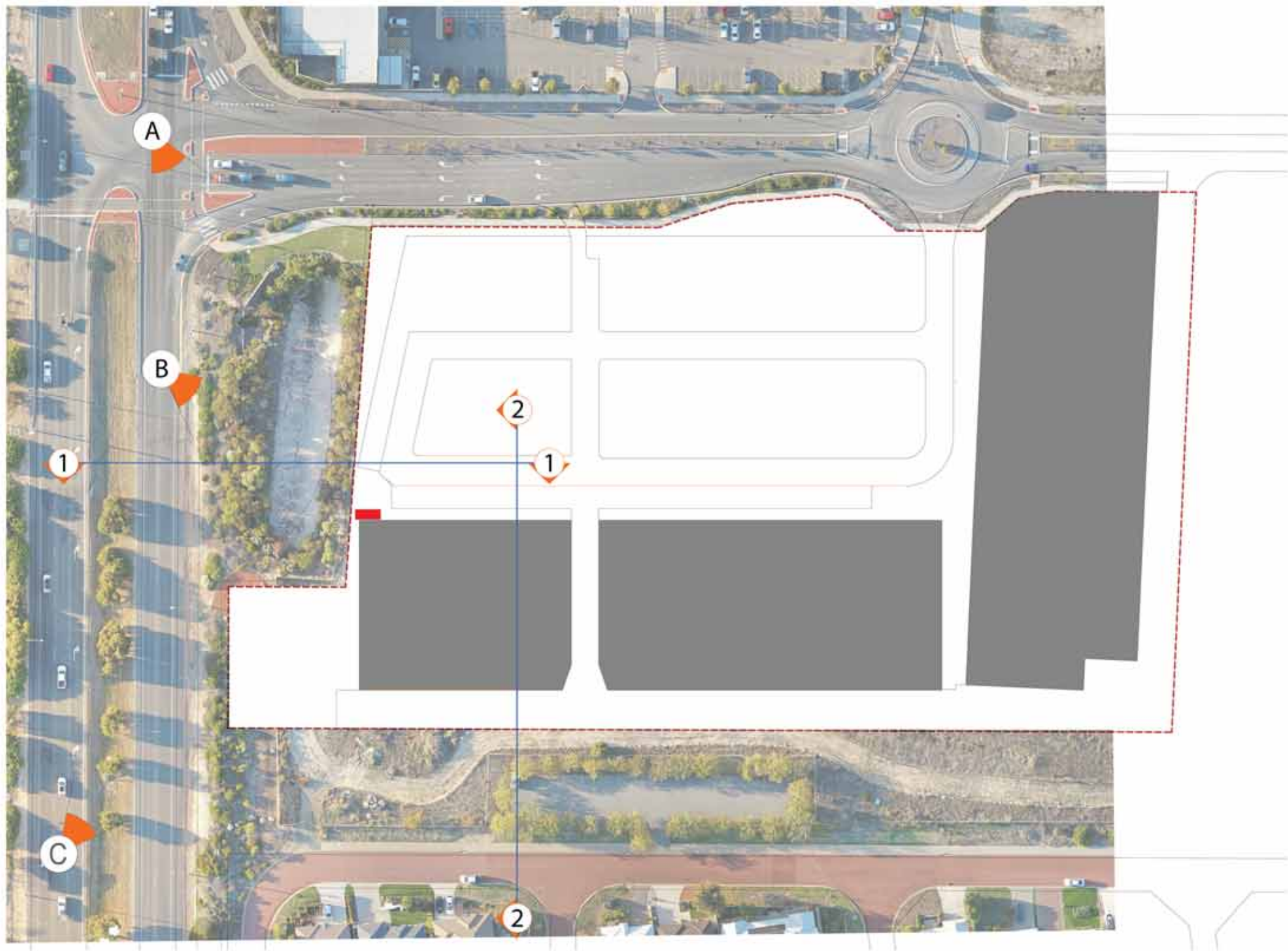
3D Photogrammetry Model

Generated with a Drone Survey

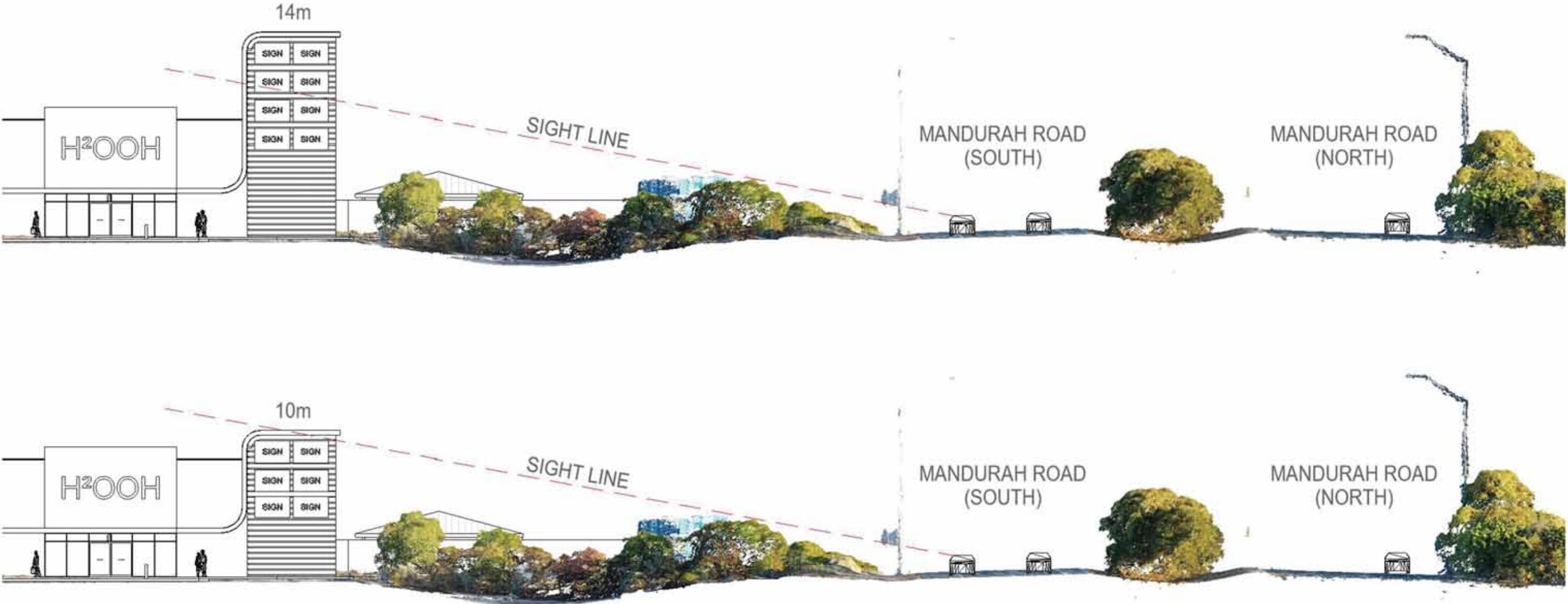
Inserted into 3D BIM Model



Critical Views

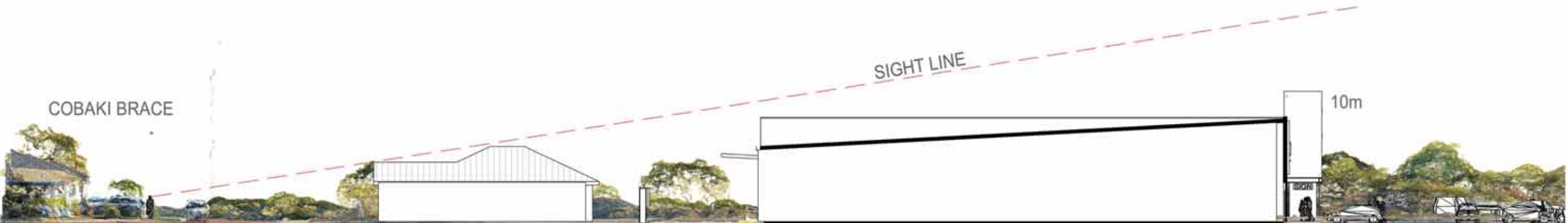
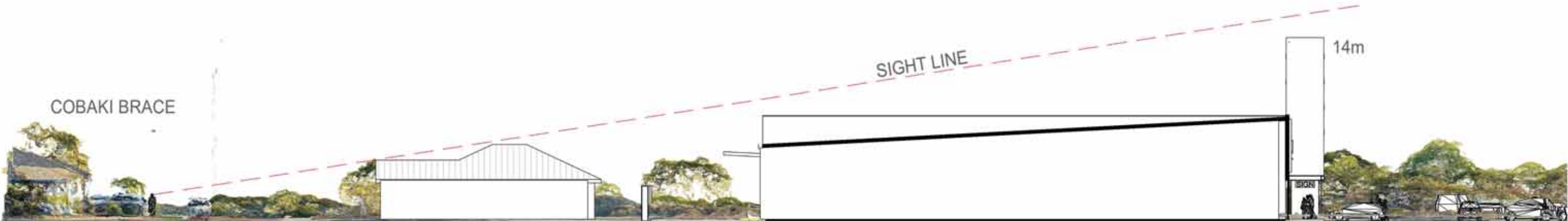


Comparative Sections through Mandurah Road



Comparative Sections

through Cobaki Brace Residential



View A



View B



View C





Our ref: 1176529
Your ref: DAP/22/02394

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Perth Western Australia 6000
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18 July 2023

Mr Eugene Koltasz
Presiding Member
Metro Outer JDAP
140 William Street
PERTH WA 6000
By Email: daps@dplh.wa.gov.au

Dear Mr Koltasz

**Legal submission in support of State Administrative Tribunal
Reconsideration of DAP/22/02394 – DR 69 of 2023**

- 1 I refer to the upcoming meeting of the Metro Outer Joint Development Assessment Panel (**JDAP**) on Friday, 21 July 2023.
- 2 Lavan acts for Peet Limited (**Applicant**) who is the applicant in State Administrative Tribunal (**SAT**) proceeding DR 69 of 2023, which is application for review of the conditions of an approved large format retail (bulky goods showroom) development (**Existing Approval**) at Lot 9124 Cobaki Brace, Lakelands (**Subject Site**).
- 3 I provide this legal submission on behalf of my client in support of the City of Mandurah's (**City**) recommendation, in its responsible authority report (**RAR**) to the JDAP, to vary condition 2(a) to the Existing Approval by amending the height of the western-most signage element contemplated by the Existing Approval from 10m to 14m.
- 4 I am instructed to request that the JDAP consider this submission with the submission prepared by my client's consultant planner, Andrew Brodie of Hatch RobertsDay, which supports the City's recommendation to the JDAP, subject to minor modifications (**Hatch RobertsDay Submission**).

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Our Values:

Excellence
Courage
Collaboration
Fulfilment
Integrity

Lavan respectfully acknowledges the traditional owners of the land on which we live and work.

- 5 I concur with the modified recommendation proposed in the Hatch RobertsDay Submission to clarify the nature and scope of the variation sought by my client to condition 2(a) to the Existing Approval by adding the words in red below:

That the Metro Outer Development Assessment Panel, pursuant to section 31 of the State Administrative Tribunal Act 2004 in respect of SAT application DR 69 of 2023, resolves to:

Reconsider its decision dated 22 March 2023 and **VARY** its decision for DAP Application reference DAP/22/02394 by approving the accompanying plans (2951571 dated 14 June 2023) **and amending condition 2(a)** 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.

- 6 In the alternative, I am instructed that my client would also be amenable for the JDAP to approve the variation sought by my client to condition 2(a) to the Existing Approval by replacing the reference to “10m” with “14m”, insofar as it relates to the western-most signage element.
- 7 Furthermore, it is requested that the proposed advice note to the City's recommendation in the RAR be amended to reference condition 2(a), as opposed to condition 2(b), for correctness.

Factual background

- 8 On 7 December 2022, Hatch RobertsDay lodged an application, for and on behalf of the Applicant, to develop a large format retail (bulky goods showroom) development comprising:

- 8.1 three buildings with a total gross floor area of 9,997m²;
- 8.2 an incidental café;
- 8.3 256 car bays;
- 8.4 landscaping; and
- 8.5 associated signage,

(Proposed Development).

- 9 In particular, the Proposed Development sought approval for two signage corner elements, measuring 17m in height.
- 10 The Proposed Development was assessed by planning officers of the City, being the relevant local authority, and a responsible authority report was provided to JDAP for consideration.
- 11 At its meeting on 22 March 2023, the JDAP resolved to approve the Proposed Development subject to the following conditions:

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) *Height of the corner features on plans DA401 and DA402 reduced to 10m, measured from the finished floor level (**Condition 2(a)**)*

7. *Prior to occupation of the development, a detailed design of the Public Access Way (PAW) shall be submitted to and approved in writing by the City of Mandurah. The PAW shall incorporate trees, footpaths, seating and lighting in accordance with section 5.8(b) of the Lakelands Town Centre Precinct Structure Plan. The PAW will be a minimum width of 10m between the southern driveway and Cobaki Brace. The PAW design, including the link from the southern driveway to the café and main carpark, shall be assessed by a qualified and experienced CPTED practitioner. (**Condition 7**).*

8. *The PAW will be a minimum width of 10m between the southern driveway and Cobaki Brace. The PAW design, including the link from the southern driveway to the café and main carpark, shall be assessed by a qualified and experienced CPTED practitioner. (**Condition 8**).*

12 I am instructed that the City recommended the imposition of condition 2(a) to the Existing Approval to address concerns that the proposed signage corner elements were not in keeping with the relevant planning framework.

13 On 28 April 2023, my client commenced an application for review in the SAT.

14 Following a mediation between the Presiding Member of the JDAP, representatives of the City and my client, the SAT made orders:

14.1 amending Condition 7 and Condition 8 to the Existing Approval;

14.2 inviting my client to revise its development plans; and

14.3 inviting the Shire, pursuant to section 31 of the *State Administrative Tribunal Act 2004* (WA), to reconsider condition 2(a) to the Existing Approval, based upon the revised development plans.

15 The amendments to Condition 7 and Condition 8 to the Existing Approval sought to clarify the procedure by which such conditions could be cleared by my client and were effected administratively, by consent between the Presiding Member of the JDAP, on advice from the City, and my client.

Amended development plans

16 The revised documentation provided to the JDAP for reconsideration comprises:

16.1 a planning submission prepared by Hatch RobertsDay which addresses the variation sought by my client to Condition 2(a) against the City's *Local Planning Policy No. 2 Signage (LPP2)*;

- 16.2 revised signage plans prepared by Buchan; and
- 16.3 a design study prepared by Buchan.
- 17 The revised signage plans, supported by the design study, illustrate the variation in height of the western-most signage element contemplated by the Proposed Development to 14m. I am instructed that my client accepts the 10m height limit imposed by the Existing Approval to the eastern-most signage element of the Proposed Development.
- 18 LPP2 is a “due regard” document which is expected to guide the exercise of planning discretion but should not be inflexibly applied (*Bestry Property Group Pty Ltd and Western Australian Planning Commission* [2019] WASAT 15 at [99]). What this means is, the JDAP has discretion to approve the amendment to sought Condition 2(a) of the Existing Approval against LPP2.
- 19 There is significant judicial commentary on the meaning of “due regard” in the context of planning legislation and that requirement has been interpreted to mean:
 - 19.1 “active and positive consideration” (*Marshall v Metropolitan Redevelopment Authority* [2015] WASC 226); or
 - 19.2 “proper, genuine and realistic consideration” (*City of South Perth v ALH Capital Group Property Holdings Pty Ltd* (2016) LGERA 96).
- 20 It is also well understood that the term “due regard” is a flexible concept which must be considered in the context of the individual proposal.
- 21 As outlined in the Hatch RobertsDay Submission, the variation to the height of western-most signage element is considered to meet the criteria listed in LPP 2 as it is appropriate for a bulky goods development (which is provided for in the Lakelands Town Centre Precinct Structure Plan (**Structure Plan**)).

Officer recommendation

- 22 The City, in its RAR, has recommended to the JDAP that Condition 2(a) to the Existing Approval be amended to permit the western-most signage element contemplated by the Proposed Development to 14m, measured from the finished floor level.
- 23 This support from the City reflects the amount of work that has gone into both the preparation and consideration of the revised signage plans and supporting documentation to the Proposed Development since the JDAP granted the Existing Approval.
- 24 In my opinion, it is clear that the JDAP has the legal ability to consider and approve the variation sought by my client to Condition 2(a) to the Existing Approval.
- 25 As demonstrated by the City in its RAR, the revised signage plans submitted by my client seek to address the City’s concerns in relation to the scale of the signage contemplated by the Proposed Development through the variation in height

proposed between the eastern-most signage element (at 10m) and the western-most signage element (at 14m) of the Subject Site.

26 Relevantly:

- 26.1 the proposed amendment results in a 59% reduction to the amount of signage on the tower elements compared to the original proposal presented to the JDAP and the City for determination;
- 26.2 the higher of the two sign features (being that on the western-most side of the Subject Site) is located at the furthest point from any existing or future residential land uses; and
- 26.3 my client has successfully demonstrated the landscaped area between the Subject Site and Mandurah Road is likely to grow and gradually become more of a screen to the built form of the Proposed Development, justifying the increase in height sought to the western-most signage element.

27 In this regard, the revised signage plans have been technically assessed by the City's planning officers and appropriately considered with due regard to the relevant planning framework, including the mandatory relevant considerations contained in clause 67(2) of Schedule 2 to the *Planning and Development (Local Planning Schemes) Regulations 2015 (Deemed Provisions)*.

28 In the absence of any issues identified by the City's planning officers against the considerations in clause 67(2) of the Deemed Provisions (specifically in relation to clause 67(2)(m) and (n)), approval of variation sought by my client to Condition 2(a) of the Existing Approval is justified.

Summary

29 For the reasons provided above, and in the absence of any reason identified by the City to refuse the variation sought to Condition 2(a), I would invite the JDAP to adopt the City's recommendation in the RAR, subject to the modifications suggested in the Hatch RobertsDay Submission and this submission (respectively) for clarity.

30 I do not intend to attend the upcoming JDAP meeting on Friday, 21 July 2023 to make an oral deputation however, I will be available on 9288 6828 to answer any questions arising out of this submission.

Please contact me or Isabella Mosole if you have any questions.

Yours sincerely



Craig Wallace
Partner

Please notify us if this communication has been sent to you by mistake. If it has been, any privilege between solicitor and client is not waived or lost and you are not entitled to use it in any way

LOT 9124 COBAKI BRACE, LAKELANDS – PROPOSED BULKY GOODS SHOWROOM

State Administrative Tribunal Reconsideration – Responsible Authority Report (Regulation 12)

DAP Name:	Metro Outer JDAP	
Local Government Area:	City of Mandurah	
Summary of Modifications:	Signage feature on western portion of the building increased to 14m in height	
Applicant:	Hatch Roberts Day	
Owner:	Peet Limited	
Value of Development:	\$15 million	
Responsible Authority:	City of Mandurah	
Authorising Officer:	Brendan Ingle Executive Manager Development and Compliance	
LG Reference:	DA10291	
DAP File No:	DAP/22/02394	
SAT File No (DR reference):	DR69 of 2023	
Date of Decision under Review:	22 March 2023	
Application for Review Lodgement Date:	28 April 2023	
Attachment(s):	1. Site Plan 2. Building Elevations Sheet 1 3. Building Elevations Sheet 2	
Is the Responsible Authority Recommendation the same as the Officer Recommendation?	☒ Yes	Complete Responsible Authority Recommendation section
	☐ No	Complete Responsible Authority and Officer Recommendation sections

Responsible Authority Recommendation

That the Metro Outer Development Assessment Panel, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR69 of 2023, resolves to:

Reconsider its decision dated 22 March 2023 and **VARY its** decision for DAP Application reference DAP/22/02394 and accompanying plans (2951571 (14 June 2023)) 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.

1. 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.

Advice Notes

1. The above reconsideration relates only to the condition 2(b) of the approval; decision made by the Metro Outer Development Assessment Panel on March 22, 2023, and all other conditions of that approval shall be applied to the amended approval.

Details: outline of development application

Region Scheme	Peel Region Scheme
Region Scheme - Zone/Reserve	Urban
Local Planning Scheme	Local Planning Scheme No 12
Local Planning Scheme - Zone/Reserve	District Centre
Structure Plan/Precinct Plan	Lakelands Activity Centre Structure Plan
Structure Plan/Precinct Plan - Land Use Designation	Mixed Business and Residential R40
Use Class and permissibility:	Bulky Goods Showroom: P Restaurant/Café: I
Lot Size:	4.28 ha
Existing Land Use:	Vacant land
State Heritage Register	No
Local Heritage	☒ N/A ☐ Heritage List ☐ Heritage Area
Design Review	☒ N/A ☐ Local Design Review Panel ☐ State Design Review Panel ☐ Other
Bushfire Prone Area	No
Swan River Trust Area	No

Proposed Land Use	Bulky Goods Showroom, Restaurant/Café
Proposed Net Lettable Area	9,783m ²
Proposed No. Storeys	1
Proposed No. Dwellings	NA

Background:History of Application

The proposed development of Bulky Goods Showrooms was approved by the Metro Outer Development Assessment Panel on March 22, 2023 with the support of the Local Authority.

Application to the State Administrative Tribunal

Application was made to the State Administrative Tribunal 28 April 2023 for review of conditions relating to the proposal.

The State Administrative Tribunal (SAT) has made orders inviting the decision-maker, under Section 31 of the *State Administrative Tribunal Act 2004* (SAT Act) to reconsider its decision. The decision-maker may:

- affirm the previous decision,
- vary the decision, or
- set aside the decision and substitute a new decision.

Legislation and Policy:

Legislation

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Local Planning Scheme No 12

State Government Policies

State Planning Policy 7 - Design of the Built Environment

Structure Plans/Activity Centre Plans

Lakelands Town Centre Precinct Structure

Local Policies

Local Planning Policy No 2 - Signage

Consultation:

Public Consultation

The proposal was not advertised.

Planning Assessment:

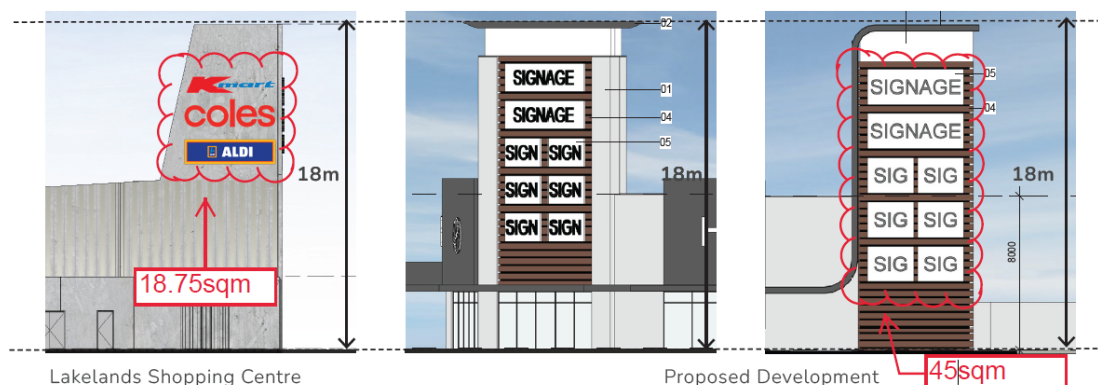
The following provides specific reference to the subject of the condition being reviewed which called for the reduction in the corner feature signs on the development being reduced from 18 metres in height to 10 metres in height.

In the Responsible Authority Report, the City provided the following discussion which related to the subject signage:

Corner Feature Signage

The proposal includes two signage corner features, measuring 18m in height. These corner features will be more than double the height of the main building and will dominate the development and the streetscape. The applicant's justification for the signage is that they are consistent with the height of the Lakelands Shopping Centre. These two sites are considered to be incomparable for the following reasons:

- 1. The Lakelands Shopping Centre is a District Centre and a significantly larger development, with a retail floor area of approximately 20,000sqm. The proposed development is half the size, with a GLA of approximately 10,000sqm. Therefore, the signage should reflect this hierarchy.*
- 2. Even if the height was considered appropriate, the proposal has significantly larger signage areas on the corner features when compared to the Lakelands Shopping Centre. As an example, the northern face of the corner element on Building C has a total sign area of 45sqm, compared to the Lakelands Shopping Centre with 19sqm.*



Given the above, the City recommends that the height of the corner features be reduced to 10m, measured from the finished floor level. By way of comparison, the height of the pylon sign for the Halls Head bulky goods precinct is 6.5m. A 10m high pylon is larger than would normally be permitted under LPP2, however the additional height has been considered appropriate as it has been designed into the building.

In summary, the extent of signage is contrary to LPP2 and would result in unnecessary clutter of the streetscape. The City recommends that the plans be amended via condition of approval and considers the amended signage to be more than sufficient given the prominence of the site.

It is acknowledged the revised proposal that has been presented by the applicant reduces the height of one of the features, (easternmost) to 10 metres, consistent with the condition of approval. The proposal seeks to gain approval for the feature adjacent to Mandurah Road at a height of 14 metres.

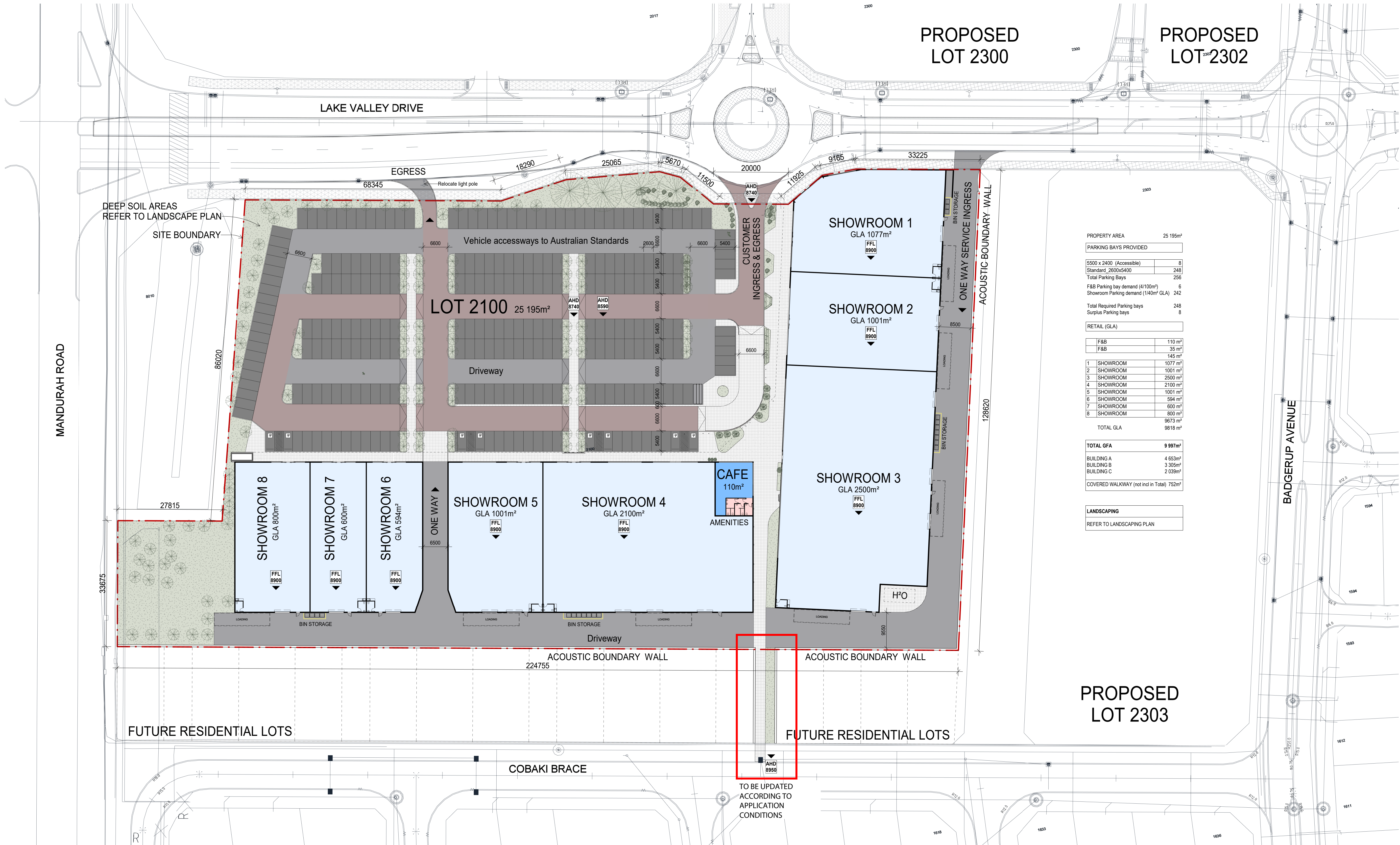
Consideration of additional height

In considering the proposed 14 metre high signage feature, the City notes the following:

- The City's concerns and commentary above that raises concern with the scale of the Lakelands Shopping Centre signage and the scale of that site when compared to the much lower scale of the Bulky Goods Showroom development are somewhat addressed through the reduced signage from two, 18 metre high signs to one 10 metre high sign and one 14 metre sign.
- It is acknowledged the higher of the two feature signs, which is the subject of this report, is located at the farthest point from any existing or future residential land uses and as such its impact is considered less.
- The applicant has successfully demonstrated the landscaped area between the subject site and Mandurah Road may grow and gradually become more of a screen to the built form. With this in mind, the increase in height could be justified.
- While the City still has some concerns relating to the sign face area, it is acknowledged the reduction in the heights has a similar reducing effect of the size of the sign face.
- With the bulk and scale of the built form to the immediate north with the Lakelands Shopping Centre, it is acknowledged the impact of the feature signs will be partially reduced.

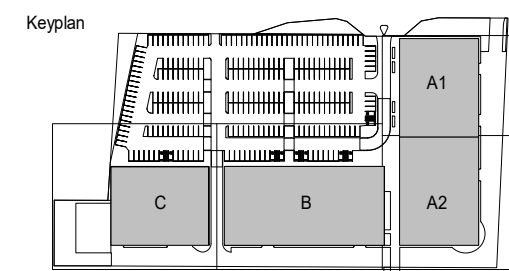
Conclusion:

The proposed signage features are still significantly beyond what would normally be approved in terms of signage; however, it is acknowledged that the context does provide justification to consider the increase in size. While the City still holds some concern with the signage that is proposed, it does accept the proposal to increase to 14 metres for the sign feature closest to Mandurah Road.



PROPERTY AREA	25 195m²
PARKING BAYS PROVIDED	
5500 x 2400 (Accessible)	8
Standard 2600x5400	248
Total Parking Bays	256
F&B Parking bay demand (4/100m²)	6
Showroom Parking demand (1/140m² GLA)	242
Total Required Parking bays	248
Surplus Parking bays	8
RETAIL (GLA)	
F&B	110 m²
F&B	35 m²
F&B	145 m²
1 SHOWROOM	1077 m²
2 SHOWROOM	1001 m²
3 SHOWROOM	2500 m²
4 SHOWROOM	2100 m²
5 SHOWROOM	1001 m²
6 SHOWROOM	594 m²
7 SHOWROOM	600 m²
8 SHOWROOM	800 m²
TOTAL GLA	9673 m²
TOTAL GLA	9818 m²
TOTAL GFA	9 997m²
BUILDING A	4 653m²
BUILDING B	3 305m²
BUILDING C	2 039m²
COVERED WALKWAY (not incl in Total)	752m²
LANDSCAPING	
REFER TO LANDSCAPING PLAN	

Rev.	Date	Description	Iss.	Appr.
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File
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Project
LAKELANDS BULKY GOODS
LAKE VALLEY DRIVE, LAKELANDS, WA 6180

Project Number
18028

Status

Date Plotted 04/11/2022 10:29:44

Date Issued

Scale 1 : 500 @A1

0 5 10 20 30M

Drawing Title
SITE PLAN

Drawing Number
DA101

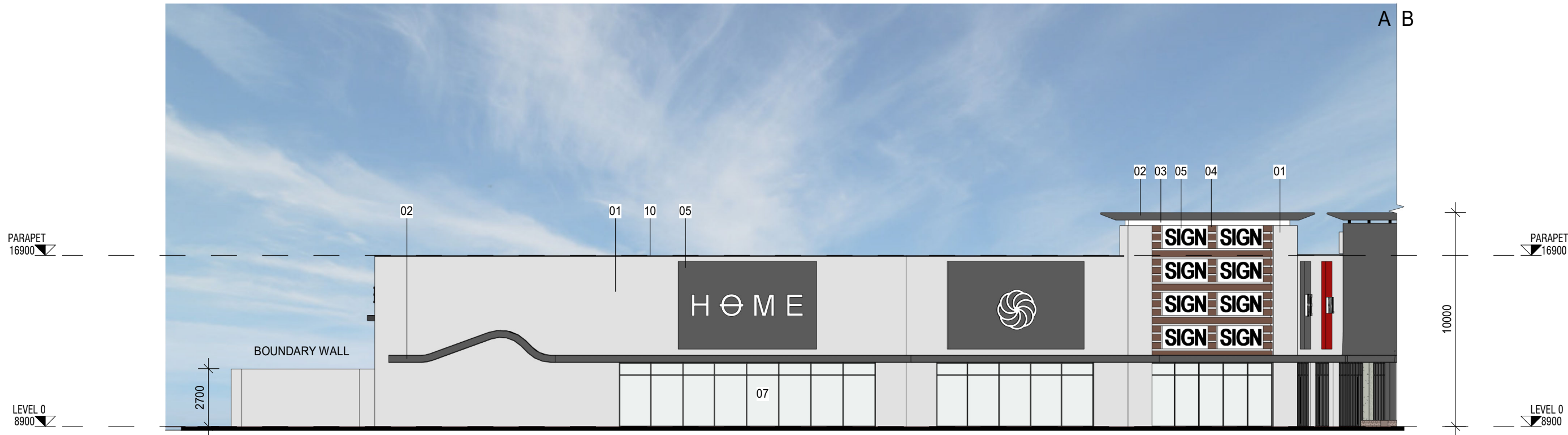
Revision

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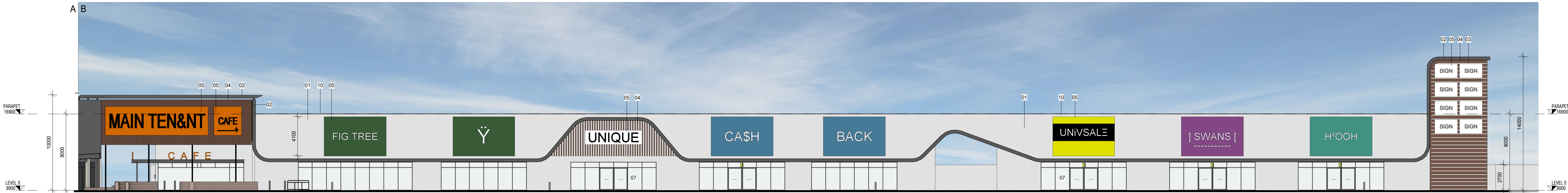
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- 03 WHITE TRANSLUCENT POLYCARBONATE
- 04 WOOD LOOK CFC
- 05 SIGN BY TENANT. FINAL DESIGN TBC
- 07 POWDERCOATED SHOPFRONT WITH CLEAR GLAZING
- 08 ROLLER SHUTTER. COLOUR: SURFMIST
- 09 COLORBOND SHEETING. COLOUR: SOUTHERLY
- 10 COLORBOND ROOF TRIM. COLOUR: MONUMENT
- 11 PRECAST CONCRETE WEATHER SEALED



2 BUILDING A NORTH ELEVATION

DA201 SCALE 1 : 200



4 BUILDING B & C NORTH ELEVATION

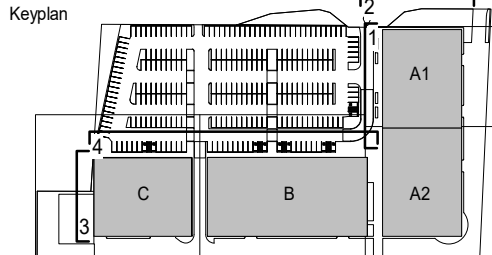
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3 BUILDING C WEST ELEVATION

DA201 SCALE 1 : 200

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File
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- Large Format Retail 14m Height Test v2.rvt

Project
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LAKE VALLEY DRIVE, LAKELANDS, WA 6180

Project Number
18028

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Drawing Title
BUILDING ELEVATIONS SHEET 1

Drawing Number
DA401

Revision
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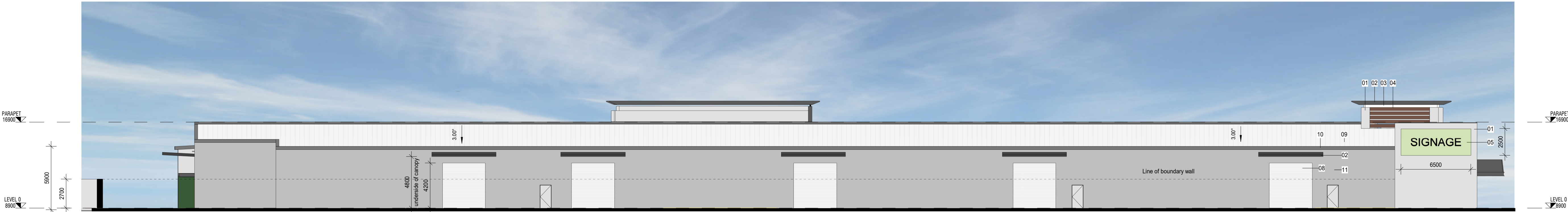
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- 04 WOOD LOOK CFC
- 05 SIGN BY TENANT. FINAL DESIGN TBC
- 07 POWDERCOATED SHOPFRONT WITH CLEAR GLAZING
- 08 ROLLER SHUTTER. COLOUR: SURFMIST
- 09 COLORBOND SHEETING. COLOUR: SOUTHERLY
- 10 COLORBOND ROOF TRIM. COLOUR: MONUMENT
- 11 PRECAST CONCRETE WEATHER SEALED



2 BUILDING B & C SOUTH ELEVATION
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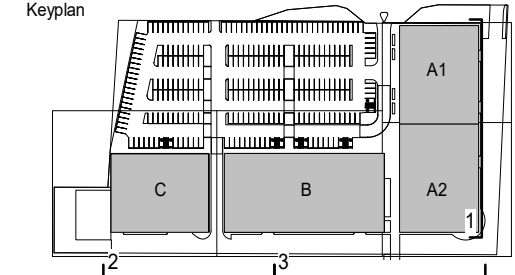


3 BUILDING A & B SOUTH ELEVATION
DA201 SCALE 1 : 200



1 BUILDING A EAST ELEVATION
DA201 SCALE 1 : 200

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- Large Format Retail 14m Height Test v2.rvt

Project
LAKELANDS BULKY GOODS
LAKE VALLEY DRIVE, LAKELANDS, WA 6180

Project Number
18028

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Drawing Title
BUILDING ELEVATIONS SHEET 2

Drawing Number
DA402

Revision
A

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