

Planning and Development Act 2005
Section 171P(1)

APPROVAL OF FORM 11B-1 SIGNIFICANT DEVELOPMENT APPLICATION

WAPC Ref: SD-032-24

Property Location: Lot 29 (No. 35) Martinique Mews, Hillarys

Application Details: Mixed Use Development

Determination Date: 24 June 2026

Determination Notice Issue Date: 22 July 2026

Under delegation of the Western Australian Planning Commission, the Statutory Planning Committee resolved:

- A. to note this application is capable of being determined under the applicable planning instrument, being the City of Joondalup Local Planning Scheme No. 3, and it has been considered and determined accordingly, and
- B. under s.171P(1) of the Planning and Development Act 2005 to approve development application reference SD-032-24 and accompanying plans (date-stamped 14 and 18 May 2026) for a mixed use development at Lot 29 (No. 35) Martinique Mews, Hillarys, subject to the following:

Conditions

Approval Timeframe

1. This decision constitutes development approval only and is valid for a period of 4 years from the date of approval. If the development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

Conformity with Plans

2. The development is to be undertaken in accordance with the approved plans (date-stamped 14 and 18 May 2026) attached to this approval, subject to modifications required by any condition of this approval, final details of which are to be submitted at working drawings stage (conditions clearance stage), to the satisfaction of the Western Australian Planning Commission, on advice from the City of Joondalup.
3. Prior to submission of the relevant building permit application, revised plans are to be submitted to the satisfaction of the Western Australian Planning Commission, which include the following modifications:
 - (i) Removal of all pedestrian crossings in the adjoining road reserve/s;
 - (ii) The materials and finishes for the development be further refined to:

- (a) provide for further articulation of the uppermost level of the tower (the crown) and a consistent treatment of the upper level across both towers to achieve a more distinctive landmark expression, and to minimise the visibility of lift overruns in longer range views;
 - (b) Ensure the materials, colours and finishes of the Level 1 shade structure are integrated with and complementary to the overall architectural design; and
 - (c) Provide detail of the location, design, and materiality of the canopy to the seating area.
- 4. A copy of the final working drawings (prepared for submission of relevant building permit application(s)) and all associated plans, reports and information that addresses the conditions of approval are to be submitted to, and cleared by, the Western Australian Planning Commission (WAPC). The final working drawings and associated documents are to comply with all conditions of development approval, as confirmed by the WAPC, and any variations from the approved development plans are required to be clearly identified.

Land Use

- 5. This approval is for the following land uses, as defined under the City of Joondalup Local Planning Scheme No. 3 and identified on the approved plans:
 - Multiple Dwellings
 - Shop
 - Restaurant/Café
 - Liquor Store - Small

Notifications

- 6. Prior to the occupation of the development, an easement in accordance with Section 195 and 196 of the *Land Administration Act 1997* for the benefit of the City of Joondalup is to be placed on the certificate of title of the site specifying access rights to the City of Joondalup and the public at large to the portion of land intended to be utilised as a public plaza. Notice of this easement is to be included on the diagram or plan of survey (deposited plan) and evidence provided to the Western Australian Planning Commission.
- 7. Prior to occupation of the development, the applicant/landowner is to register on the certificate/s of title a notification, pursuant to section 70A of the *Transfer of Land Act 1893*. The notification is to be included on the diagram or plan of survey (deposited plan) and registered at the landowner/applicant's expense, to the satisfaction of the Western Australian Planning Commission. The notification is to state as follows:

"The lot is situated in the vicinity of a maritime facility and entertainment precinct and may be affected by noise arising from land uses and activities associated with Hillarys Boat Harbour".

Construction

- 8. (a) Prior to submission of the relevant building permit application(s), a Construction Management Plan is to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Joondalup and the Department of Transport and Major Infrastructure. The Plan is to address, but is not limited to:

- (i) hours of construction and works;
- (ii) temporary buildings, fencing, hoardings, gantries, and signage;
- (iii) site access and egress;
- (iv) construction traffic management;
- (v) parking arrangements for staff and contractors;
- (vi) pedestrian and cyclist management and any footpath obstructions;
- (vii) deliveries and storage of construction materials and machinery;
- (viii) management of construction noise and other site noise;
- (ix) management of vibration, dust and erosion;
- (x) management of any site dewatering and stormwater discharge;
- (xi) construction waste management, recycling, and removal;
- (xii) protection of street trees and public realm infrastructure; and
- (xiii) public communication and complaint handling procedures, including contact details of essential site personnel.

- (b) The approved Construction Management Plan is to be implemented and adhered to, to the satisfaction of the Western Australian Planning Commission.

Materials and Finishes

- 9. The development is to be constructed with high quality and durable external materials and finishes, consistent with the approved development plans, including elevations and perspectives (other than as amended by conditions of approval), to the satisfaction of the Western Australian Planning Commission.
- 10. Prior to submission of the relevant building permit application(s), the applicant is to submit final details of the materials, colours and finishes of the exterior of the building(s), to the satisfaction of the Western Australian Planning Commission.
- 11. Prior to the occupation of the development, all fencing and blank walls at ground level are to be treated with a non-sacrificial anti-graffiti coating to discourage potential graffiti. The anti-graffiti coating is to be reapplied in the event of any graffiti being removed.
- 12. Except for approved signage, any treatment to windows fronting Whitfords Avenue and Hepburn Avenue specific to ground floor commercial tenancies, including dark tinting, shutters, curtains, blinds or similar, must be located on the inside of the windows, must be a minimum 75% visually permeable, must only be used outside normal trading hours and must ensure the windows remain transparent at all times.

Transport, Access and Parking

- 13. (a) Prior to submission of the relevant building permit application(s), a detailed parking plan is to be prepared by a suitably qualified consultant which demonstrates the proposed car parking areas, vehicle access, universal access and bicycle bays have been designed to the specifications of the City of Joondalup, in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004), Off-street Parking for People with Disabilities (AS/NZS2890.6 2009), Off-street Commercial Vehicle Facilities (AS2890.2:2002) and Off-street Car Parking – Bicycles (AS2890.3), as applicable, and submitted to and approved by the Western Australian Planning Commission, on advice from the City of Joondalup.
- (b) Prior to occupation of the development, certification by a suitably qualified consultant is required demonstrating that all car parking spaces, access aisles, loading bays and bicycle bays have been designed, constructed and marked in

accordance with the approved parking plan to the specifications of the City of Joondalup and in accordance with the applicable Australian Standard (as above), to the satisfaction of the Western Australian Planning Commission, on advice from the City of Joondalup.

- (c) All parking bays, driveways and access points are to be maintained by the owners and/or managers of the development, to the satisfaction of the Western Australian Planning Commission.
14. (a) Prior to submission of the relevant building permit application(s), an updated Travel and Parking Management Plan is to be submitted to, and approved by, the Western Australian Planning Commission, on advice from the City of Joondalup and the Department of Transport and Major Infrastructure. The updated Travel and Parking Management Plan is to address the following matters:
- (i) Demonstrate that the bicycle parking located within the residential storerooms comply with Australian Standard AS 2890.3;
 - (ii) Provide End of Trip facilities in accordance with Bicycle Parking Facilities: Updating the Austroads Guide to Traffic Management, with at least one staff shower facility provided;
 - (iii) Provide visitor and customer bicycle parking undercover where possible, with 30% of bicycle parking spaces being provided at horizontal/ground level for heavier and larger bicycles; and
 - (iv) Provide signage for vehicles exiting the development onto Martinique Mews and Kos Link to clarify right of way arrangements, and to watch for turning vehicles.
- (b) The approved Travel and Parking Management Plan is to be implemented and adhered to, to the satisfaction of the Western Australian Planning Commission.
15. (a) Prior to submission of the relevant building permit application(s), a Wayfinding Strategy detailing signage and other measures to enhance identification of the location of the visitor car parking areas is to be submitted to, and approved by, the Western Australian Planning Commission, on advice from the City of Joondalup.
- (b) The recommendations of the Wayfinding Strategy are to be implemented and adhered to by the owners and/or managers of the development, to the satisfaction of the Western Australian Planning Commission.

Utilities and Facilities

16. (a) Prior to submission of the relevant building permit application(s), an updated Waste Management Plan (WMP) is to be submitted to, and approved by, the Western Australian Planning Commission, on advice from the City of Joondalup. The updated WMP is to address the following matters:
- (i) Confirmation that the nominated private contractor can provide two operators.
 - (ii) A contingency plan detailing servicing arrangements should the lift be unavailable or not operational.
 - (iii) Inclusion of waste management following the appointment of a commercial tenant(s) (including bin volumes, collection frequency and storage arrangements).

- (iv) Confirmation of internal bin store dimensions to demonstrate physical accommodation of the required number of bins and appropriate manoeuvring space.
 - (v) Provision of FOGO bins in accordance with the City's guidelines.
 - (vi) Providing further detail regarding the proposed waste chute system, including clear contingency measures should the chute become blocked or fail.
 - (b) The approved Waste Management Plan is to be implemented and adhered to by the owners and/or managers of the development, to the satisfaction of the Western Australian Planning Commission.
17. Prior to submission of the relevant building permit application(s), details of any proposed external facing air-conditioning condensers, external building plant, lift overruns, piping, ducting, transformers and fire control rooms being integrated into the design of the buildings and located or screened to minimise any visual and noise impact on neighbouring properties and the public realm being submitted to, and approved by, the Western Australian Planning Commission, on advice from the City of Joondalup.

Noise Management

18. (a) Prior to submission of the relevant building permit application(s), an updated Acoustic Report detailing effective management of noise ingress and egress for all land uses, traffic noise, service vehicles, and mechanical equipment, are to be submitted to, and approved by, the Western Australian Planning Commission, on advice from the City of Joondalup.
- (b) Prior to occupation of the development, certification is to be provided from a qualified consultant confirming that the recommendations of the approved final Acoustic Report have been implemented in the completed development, to the satisfaction of the Western Australian Planning Commission.
19. (a) Prior to the submission of the relevant building permit application(s), a Noise Management Plan, is to be submitted to, and approved by, the Western Australian Planning Commission, on advice from the City of Joondalup. The Noise Management Plan is to address the following:
- (i) Noise from deliveries associated with any commercial tenancies requiring refrigerated goods delivery, including the specification of operational procedures and/or mitigation measures to ensure compliance with the Assigned Levels of the Environmental Protection (Noise) Regulations 1997 (Regulations).
 - (ii) Property maintenance activities likely to generate noise emissions, which are to be scheduled and managed to comply with the Assigned Levels of the Regulations.
 - (iii) Noise from deliveries associated with any commercial tenancies requiring unrefrigerated goods delivery that may occur between 2200 hours and 0700 hours Monday to Saturday (excluding public holidays) or 2200 hours and 0900 hours on a Sunday or public holiday, including procedures or mitigation measures to achieve compliance with the Assigned Levels of the Regulations.
 - (iv) Emissions from mechanical plant infrastructure associated with the development, including mitigation measures and acoustic modelling

demonstrating that plant noise emissions will comply with the Assigned Levels of the Regulations at all relevant receivers.

- (b) The approved Noise Management Plan is to be implemented and adhered to by the owners and/or managers of the development, to the satisfaction of the Western Australian Planning Commission.

Landscaping

- 20. Prior to the submission of the relevant building permit application(s), detailed landscaping plans and specifications for both the site and adjoining road reserves are to be submitted to, and approved by, the Western Australian Planning Commission, on advice from the City of Joondalup.

Works within the public realm are to be undertaken at the applicant's expense in accordance with the approved plans and details and thereafter maintained to the satisfaction of the Western Australian Planning Commission.

- 21. (a) Prior to submission of the relevant building permit application(s), the landscaping plans are to be updated to provide all details relating to hard and soft landscaping and is to include:
 - (i) Provide plant species, plant spacing, pot size and quantities;
 - (ii) Provide details of planting on structure, including size and depth of soil areas;
 - (iii) Provide details of tree species, pot size and deep soil areas;
 - (iv) Provide an irrigation design prepared by a certified Irrigation Designer;
 - (v) Be based on water sensitive urban design and designing out crime principles;
 - (vi) Show spot levels and/or contours;
 - (vii) Be drawn at an appropriate scale of either 1:100, 1:200 or 1:500.

The landscaping plans are to be submitted to, and approved by, the Western Australian Planning Commission, on advice from the City of Joondalup.

- (b) Prior to occupation of the development, the applicant/landowner is to provide written confirmation from a suitably qualified professional confirming that all landscaping and reticulation has been established in accordance with the approved landscaping plans, Australian Standards and best trade practice.
 - (c) The landscaping and reticulation is to thereafter be maintained, in accordance with the approved landscaping plans, by the landowner/applicant or operators of the development, to the satisfaction of the Western Australian Planning Commission.
- 22. (a) Prior to submission of the relevant building permit application(s), a Tree Protection Plan, including Tree Preservation Zones and Structural Root Zones, prepared in accordance with AS4970:2009 for each existing street tree in the verge abutting the site and detailing protection and care of street trees during construction, is to be submitted to, and approved by, the Western Australian Planning Commission, on advice from the City of Joondalup.
 - (b) The approved Tree Protection Plan is to be implemented, to the satisfaction of the Western Australian Planning Commission.

Signage

23. (a) Prior to submission of the relevant building permit application(s), a Signage Strategy is to be submitted to, and approved by, the Western Australian Planning Commission, on advice from the City of Joondalup. The strategy is to include, but not limited to, details of the:
- (i) signage locations, characteristics, dimensions and clearances to pedestrian and vehicle spaces below; and
 - (ii) signage to promote and guide wayfinding.
- (b) The approved Signage Strategy is to be implemented and adhered to, to the satisfaction of the Western Australian Planning Commission.

Universal Access

24. (a) Prior to submission of the relevant building permit application(s), a Universal Access Statement, prepared by a suitably qualified person and detailing universal access within the public realm of the development site and for all building entries, is to be submitted to, and approved by, the Western Australian Planning Commission.
- (b) Prior to occupation of the development, the applicant is to demonstrate that universal access has been provided in accordance with the approved plans and Universal Access Statement, to the satisfaction of the Western Australian Planning Commission.

Water Management Plan

25. (a) Prior to submission of the relevant building permit application(s), a Water Management Plan demonstrating that all stormwater can be retained on site is to be submitted to, and approved by, the Western Australia Planning Commission, on advice from the City of Joondalup.
- (b) The approved Water Management Plan is to be implemented to the satisfaction of the Western Australian Planning Commission.

Lighting

26. (a) Prior to submission of the relevant building permit application(s), a Lighting Strategy detailing external illumination of the development in accordance with AS4282, AS1158.3.1 is to be submitted to, and approved by, the Western Australian Planning Commission, on advice from the City of Joondalup.
- (b) Prior to occupation of the development, the applicant is to provide certification from a suitably qualified person demonstrating the lighting has been installed in accordance with the approved Lighting Strategy, to the satisfaction of the Western Australian Planning Commission.

Sustainability

27. (a) Prior to the submission of the relevant building permit application, an updated Sustainability Report confirming the Environmentally Sustainable Design strategy that will guide construction stage and demonstrate the development will achieve a

minimum 4-star Green Star rating, or equivalent certification, is to be submitted to, and approved by, the Western Australian Planning Commission.

- (b) Prior to occupation of the development, certification is to be provided from a suitably qualified environmental consultant confirming implementation of the sustainability measures contained within the final approved Sustainability Report, and the ability of the development to be thereafter occupied and operated in accordance with the final approved Sustainability Report, to the satisfaction of the Western Australian Planning Commission.

Wind

- 28. (a) Prior to submission of the relevant building permit application(s), a revised Wind Impact Assessment that is consistent with the approved development, is to be submitted to, and approved by, the Western Australian Planning Commission, on the advice from the City of Joondalup.
- (b) Prior to occupation of the development, documentation from a suitably qualified professional is to be provided certifying that the wind mitigation measures identified within the approved Wind Impact Assessment have been implemented, to the satisfaction of the Western Australian Planning Commission.

Other

- 29. Prior to submission of the relevant building permit application(s), a Crime Prevention Through Environmental Design report prepared by a suitably qualified person, is to be submitted to and approved by the Western Australian Planning Commission, with the recommendations of the approved report to be incorporated in the final working drawings of the development, to the satisfaction of the Western Australian Planning Commission.
- 30. Prior to the occupation of the supermarket, a Shopping Trolley Management Plan shall be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Joondalup, and thereafter implemented by the operators of the supermarket.
- 31. An Operational Management Plan shall be prepared to address matters such as (but not limited to) litter, servicing, truck deliveries, loading, waste management, traffic management, odour and noise management and measures to manage patron behaviour. The Plan shall be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Joondalup, prior to the occupation of the development and thereafter implemented by the centre managers.

Public Art

- 32. (a) Prior to submission of the relevant building permit application, a Public Art Strategy for the development is to be submitted to, and approved by, the Western Australian Planning Commission, on advice from the City of Joondalup. The Strategy is to be commensurate with the scale and intensity of the proposed development.
- (b) Prior to occupation of the development, the approved Public Art Strategy is to be implemented to the satisfaction of the Western Australian Planning Commission, on advice from the City of Joondalup.

- (c) The on-site public art is to be maintained in accordance with the approved Public Art Strategy to the satisfaction of the Western Australian Planning Commission.

Advice

- (a) This is a development approval only. The landowner/applicant is advised that it is their responsibility to ensure that the proposed development complies with all other applicable legislation, local laws and/or license/permit requirements that may relate to the development. Contact the City of Joondalup for further advice on building, health, engineering and road reserve requirements.
- (b) With regard to Condition 1, the term 'substantially commenced' has the meaning as set out in the Planning and Development (Local Planning Schemes) Regulations 2015 as amended from time to time. The substantial commencement date is calculated from the date the applicant receives the determination notice.
- (c) With regard to Conditions 2 and 4, a copy of the final working drawings prepared for the submission of an application for a building permit and all associated reports and information that address the conditions of approval are to be submitted to and cleared by the Western Australian Planning Commission (WAPC). The final working drawings and associated documents are to comply with all conditions of development approval, as confirmed by the WAPC, and any variations from the approved development plans are required to be clearly identified.

Following satisfactory assessment of the plans and documents, the WAPC will provide a clearance letter and copies of the document to the local government to assist with building permit assessment. Where works and/or building permit are proposed to be staged, the WAPC may agree to a staged clearance of working drawings and associated conditions of approval.

The final plans and documents submitted to the WAPC to satisfy the conditions of this approval will be verified by the Department of Planning, Lands and Heritage officers and any other local or State Government agency, where applicable. Approval for any substantive changes to the approved plans and/or documents will need to be obtained in writing from the WAPC, via an Amendment Application process (Form 11B-2).

- (d) With regard to Condition 9, the developer is encouraged to incorporate materials and colours to the external surface of the building and associated structures, including roofing, that have low reflective characteristics to minimise potential glare from the development impacting the amenity of the adjoining or nearby neighbours.
- (e) With regard to Condition 20, any proposed works outside the development lot boundaries will require consent from the City of Joondalup, prior to implementation.
- (f) With regard to Condition 26, the lighting plan and subsequent installed lighting should demonstrate that any light spill to adjoining properties is minimised to acceptable levels.
- (g) The City of Joondalup advises that the development is required to comply with the Health (Aquatic Facilities) Regulations 2007 and the Code of Practice for the design, construction, operation, management and maintenance of aquatic facilities. The applicant is advised to liaise with the City and/or Department of Health (WA) to ensure any separate legislative requirements are satisfied.

- (h) If the applicant/landowner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with Part 11B of the *Planning and Development Act 2005*.

Reasons for Decision

Extract from the Minutes of the Statutory Planning Committee meeting of 24 June 2026:

Members discussed their reasons for supporting the proposal and outlined the following:

- The existing structure plan provisions are not considered to be contemporary or fully aligned with the current State and local planning framework.*
- The proposal presents an opportunity to develop a long-vacant residential site in a mixed use precinct where multiple dwellings are a permissible use and will contribute to housing diversity.*
- The subject site is located by high-amenity public open space, at a district-level intersection and opposite Hillarys Boat Harbour, a designated district centre and strategic tourism site.*
- The proposal has been subject to a thorough State Design Review process, with outstanding design matters related to materials and finishes, wind impact assessment and public art to be addressed via conditions of approval.*
- Other technical matters related to traffic and vehicle access, carparking, solar access, and servicing have also been appropriately addressed.*
- The proposed development's integration within its context has been well considered, with tower separation, adequate setbacks and no adverse overshadowing impacts.*