



## Metro Outer Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Tuesday, 14 November 2023; 9:30am  
**Meeting Number:** MOJDAP/285  
**Meeting Venue:** Electronic Means

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

### 1 Table of Contents

1.	Opening of Meeting, Welcome and Acknowledgement.....	2
2.	Apologies.....	3
3.	Members on Leave of Absence.....	3
4.	Noting of Minutes.....	3
5.	Declaration of Due Consideration.....	3
6.	Disclosure of Interests.....	3
7.	Deputations and Presentations.....	4
8.	Form 1 – Responsible Authority Reports – DAP Applications.....	4
8.1a	Lot 806 South Western Highway, Byford .....	4
8.1b	Lot 806 South Western Highway, Byford .....	18
9.	Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval .....	19
	Nil .....	19
10.	State Administrative Tribunal Applications and Supreme Court Appeals ...	19
11.	General Business.....	19
12.	Meeting Closure .....	19

Eugene Koltasz  
Presiding Member, Metro Outer JDAP



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## Attendance

### DAP Members

Eugene Koltasz (Presiding Member)  
Lee O'Donohue (A/Deputy Presiding Member)  
Cr Tricia Duggin (Local Government Member, Shire of Serpentine Jarrahdale)  
Cr Shaye Mack (Local Government Member, Shire of Serpentine Jarrahdale)

### Officers in attendance

Andrew Trosic (Shire of Serpentine Jarrahdale)  
Ryan Fleming (Shire of Serpentine Jarrahdale)  
Jye Fagan (Western Australian Planning Commission)  
Andrea Lawson (Western Australian Planning Commission)

### Minute Secretary

Claire Ortlepp (DAP Secretariat)

### Applicants and Submitters

Nathan Maas (Planning Solutions)  
Josh Watson (Planning Solutions)  
Shane Highman (Porter Consulting Engineers)  
Mohammad Rasouli (Transcore)  
Behnam Bordbar (Transcore)  
Matthew Elliott (Accord Property)  
Ryan Kiernan

### Members of the Public / Media

There were 7 members of the public in attendance.

Nadia Budihardjo from Business News was in attendance.

## 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:31am on 14 November 2023 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2020 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

**Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



## 1.1 Announcements by Presiding Member

The Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2020 which states '*A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.*', the meeting would not be recorded.

This meeting was convened via electronic means (Zoom). Members were reminded to announce their name and title prior to speaking.

## 2. Apologies

Karen Hyde (Deputy Presiding Member)  
Jason Hick (Third Specialist Member)

## 3. Members on Leave of Absence

DAP Member, Karen Hyde, has been granted leave of absence by the Director General for the period of 6 November 2023 to 24 November 2023 inclusive.

## 4. Noting of Minutes

DAP members noted that signed minutes of previous meetings are available on the [DAP website](#).

## 5. Declaration of Due Consideration

The Presiding Member noted an addendum to the responsible authority report was published in relation to Item 8.1, received on 13 November 2023.

All members declared that they had duly considered the documents.

## 6. Disclosure of Interests

DAP Member, Eugene Koltasz, declared an impartiality interest in item 8.1. Eugene Koltasz is a member of the Western Australian Planning Commission, who are one of the Responsible Authorities for this item.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member, Francesca Lefante, determined that the members listed above, who had disclosed an impartiality interest, was permitted to participate in the discussion and voting on the item.

DAP Member, Jason Hick, declared an indirect pecuniary interest in item 8.1. Jason Hick is a shareholder, director and employee of Emerge Environmental Services Pty Ltd., an environmental consulting business that trades as Emerge Associates. Emerge Associates were engaged historically to provide advice regarding the current application.

Eugene Koltasz  
Presiding Member, Metro Outer JDAP



In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member determined that the member listed above, who had disclosed an indirect pecuniary interest, was not permitted to participate in the discussion and voting on the item.

In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Members, Cr Tricia Duggin and Cr Shaye Mack, declared that they had participated in a prior Council meeting in relation to the application at item 9.1. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Duggin and Cr Mack acknowledged that they are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member determined that the members listed above, who have disclosed an impartiality interest, are permitted to participate in the discussion and voting on the item.

## 7. Deputations and Presentations

- 7.1 Ryan Kiernan addressed the DAP against the recommendation for the application at Item 8.1.
- 7.2 Behnam Bordbar (Transcore) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.3 Josh Watson (Planning Solutions) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.4 The Shire of Serpentine Jarrahdale addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.
- 7.5 The Western Australian Planning Commission addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

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

### 8.1a Lot 806 South Western Highway, Byford

Development Description:	Proposed Showroom and Fast Food/Takeaway Development
Applicant:	Nathan Maas (Planning Solutions)
Owner:	Tania Coli & Warren Coli (Cecil & Esther Development Pty Ltd); Linda Coli & Warren Coli (Wallmar Pty Ltd)
Responsible Authority:	Shire of Serpentine Jarrahdale
DAP File No:	DAP/22/02358

**Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



## REPORT RECOMMENDATION

**Moved by:** Cr Tricia Duggin

**Seconded by:** Lee O'Donohue

*The following administrative changes were made to the preamble and Condition 1a:*

*Approve DAP Application reference DAP/22/02358 and accompanying plans (dated ~~November 2022~~ **January 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 Shire of Serpentine Jarrahdale Town Planning Scheme No. 2 **3**, subject to the following conditions:*

- a. *The development is to be carried out in compliance with plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of its consent.*

Plans and Specification	<i>Development Plans submitted dated <del>November 2022</del> <b>January 2023</b>; Revised Traffic Impact Assessment dated January 2023; Landscaping Plan dated January 2023; Environment Assessment dated March 2018; Stormwater Management Plan dated September 2022; Waste Management Plan dated September 2022; Environmental Noise Impact Assessment dated September 2022; and Bushfire Management Plan dated September 2022.</i>
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**REASON:** To refer to the correct Town Planning Scheme and development plans.

*With the agreement of the mover and seconder, Condition No. 1u was deleted.*

**REASON:** To remove a Condition which the panel was not able to impose.

That the Metro Outer Joint Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP/22/02358 and accompanying plans (dated January 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 Shire of Serpentine Jarrahdale Town Planning Scheme No. 3, subject to the following conditions:

**Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



## Conditions

1. That the Metro Outer Development Assessment Panel APPROVES the development application for 21 Showroom Tenancies and five Fast Food/Takeaway Tenancies at Lot 806 South Western Highway, Byford as contained within attachment 1, subject to the following conditions:
  - a. The development is to be carried out in compliance with plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of its consent.

Plans and Specification	Development Plans submitted dated January 2023; Revised Traffic Impact Assessment dated January 2023; Landscaping Plan dated January 2023; Environment Assessment dated March 2018; Stormwater Management Plan dated September 2022; Waste Management Plan dated September 2022; Environmental Noise Impact Assessment dated September 2022; and Bushfire Management Plan dated September 2022.
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- b. Prior to issue of a Building Permit, amended Development Plans must be submitted to and approved by the Council of the Shire of Serpentine Jarrahdale. This must include the following:
  - i. Amended elevations of the western facades of the 'Fast Food 01' and 'Fast Food 02' buildings to the west of site. This amended elevation should include amended design elements, materials and colours, that reflect the rural tones of the locality;
  - ii. Amended elevations of the western face of 'Development 02' building. This amended elevation should include amended design elements, materials and colours, that reflect the rural tones of the locality;
  - iii. Amended development plans shall be provided including staggering and rendering treatments to the retaining wall on the west boundary of the site, to the satisfaction of the Shire of Serpentine Jarrahdale;
  - iv. A screening fence on top of the retaining wall to the south of site. This screening fence shall provide a visual screen to the rear of the 'Development 04' and 'Development 05' buildings. The screening fence should include a mixture of wooden cladding, metal cladding and creeper vegetation, or other design to the satisfaction of the Shire of Serpentine Jarrahdale;

**Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



- v. Amended elevations of the southern facades of the 'Development 04' and 'Development 05' buildings. This shall include elements of wooden panelling, face brick and metal cladding to the top of the building, or other design to the satisfaction of the Shire of Serpentine Jarrahdale;
  - vi. Amended elevation plans of the showroom buildings shall be provided to include more windows on all showroom tenancies, in order to achieve passive visual surveillance within the site;
  - vii. Amended site plan showing the incorporation of a roundabout at the internal four-way intersection north of the existing proposed roundabout, to the satisfaction of the Shire of Serpentine Jarrahdale;
  - viii. Amended site plan should be provided to realign the existing footpath on the western lot boundary. The realigned footpath shall be located outside of the site, in the South Western Highway road reserve, to the satisfaction of Main Roads Western Australia and the Shire of Serpentine Jarrahdale.
- c. Prior to lodgement of a Building Permit, an amended Stormwater Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Stormwater Management Plan must be developed in accordance with Local Planning Policy 2.4: Water Sensitive Urban Design Guidelines. This must include the following:
- i. Details of suitable treatment and filtration of captured stormwater onsite prior to its release into the South Western Highway drainage system.
- d. The vehicle parking areas, accessways, internal roads and crossover must:
- i. Be designed in accordance with the relevant Australian/New Zealand Standard;
  - ii. Include a suitable number of car parking spaces dedicated to people with disability designed in accordance with the relevant Australian/New Zealand Standard;
  - iii. Be constructed, sealed, kerbed, drained, marked and thereafter maintained.

Plans depicting these works are to be submitted to and approved by the Shire prior to the issue of a Building Permit. The works are to be completed prior to operation of the development, and thereafter maintained.

- e. Prior to lodgement of a Building Permit, a Lighting Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The Lighting Plan shall demonstrate the provision of lighting to all access ways, car parking areas, the exterior entrances to all buildings and the extent to which light from all external light sources is cast. The Lighting Plan must demonstrate lighting not causing an adverse amenity impact on the surrounding area. Once approved, lighting is to be installed and maintained in accordance with the Plan.

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Presiding Member, Metro Outer JDAP



- f. Prior to occupancy, an updated Environmental Noise Assessment be submitted to include modelling of noise associated with specific details of mechanical plant, once these have been finalised. The acoustic assessment must include recommendations to further reduce noise from mechanical plant. Recommendations must be included within a Noise Management Plan and where associated with construction requirements, integrated into plans submitted for a building permit and implemented prior to occupancy.
- g. Prior to lodgement of Building Permit, an updated Waste Management Plan must be submitted demonstrating the design of the bin store area to the satisfaction of the Shire of Serpentine Jarrahdale. The design and specifications of the waste area must be designed in accordance with the Shire of Serpentine Jarrahdale Health Local Law and be appropriately screened from view.
- h. Prior to lodgement of a Building Permit, plans of public art shall be provided to and approved by the Shire of Serpentine Jarrahdale, in accordance with Local Planning Policy 1.6 - Public Art. Such art is to be established prior to occupation of the development.
- i. Prior to lodgement of a Building Permit, an amended Landscaping Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. This must include the following:
  - i. A planting regime and an increased density of vegetation shall be provided the Wilaring Street and South Western Highway boundaries to the satisfaction of the Shire of Serpentine Jarrahdale;
  - ii. A maintenance schedule of the proposed landscaping areas; and
  - iii. Landscaping within verge areas of Wilaring Street.
  - iv. All trees shall have a minimum height of two meters of the establishment in the area between Wilaring Street and the southern walls of the adjoining showrooms, and suitable to the location given proximity to the public road of Wilaring Street and associated verge area.
  - v. Where site conditions and earthworks permit, the retention of existing vegetation to be maximised and preferred.
- j. Prior to the issue of a Building Permit, a Bushfire Emergency Evacuation Plan shall be prepared and submitted to the Shire of Serpentine Jarrahdale for approval. This shall be prepared by a suitably qualified bushfire consultant.
- k. Prior to the issue of a Building Permit, a Parking Management Plan shall be provided detailing the proposed installation and location of directional signage, disabled bays and EV charging bays (minimum of four) to the satisfaction of the Shire of Serpentine Jarrahdale.

**Eugene Koltasz**  
Presiding Member, Metro Outer JDAP





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- I. Prior to the issue of a Building Permit, an amended Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. This must include the following:
- i. Details of how water will be treated for contaminants when within the proposed stormwater management system, including the addition of drainage swales internal to the site;
  - ii. A maintenance schedule to detail any recommended upgrades or maintenance necessary to the South Western Highway drainage system, to ensure the stormwater can be discharged effectively from site as proposed within the Stormwater Management Plan; and
  - iii. Details of how the capacity of the proposed stormwater management system will be suitable to account for repeated storm events and how it will be cleaned and drained.
- m. Prior to occupancy of individual tenancies, a Signage Strategy shall be prepared and submitted to the Shire of Serpentine Jarrahdale. The Signage Strategy shall comply with the requirements of Local Planning Policy 4.11 - Advertising to the satisfaction of the Shire of Serpentine Jarrahdale.
- n. Prior to lodgement of a Building Permit, a Construction Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Construction Management Plan shall demonstrate how traffic management measures will be employed during the construction of the roundabout at Wilaring Street, ensuring there are no impacts to the accessibility of the residential area to the south.
- o. Prior to issue of a Building Permit, the applicant shall prepare a Section 195 Easement in Gross covering:
- i. the through-road being available and accessible to the public at large without restriction and at all times; and
  - ii. the road at the front of the subject land connecting to the northern property, being available and accessible to the public at large for connectivity without restriction and at all times, to facilitate future development of that land consistent with the adopted structure plan.

This Easement in Gross is to be prepared by the Shire's Solicitors at the cost of the applicant, and provide for public access at all times along the driveway.

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Presiding Member, Metro Outer JDAP



- p. Prior to lodgement of a Building Permit, detailed plans being submitted to and approved by the Shire of Serpentine Jarrahdale and Main Road Western Australia, depicting the following:
- i. The full realignment and construction of Wilaring Street and associated roundabout; and
  - ii. A central island treatment and acceleration lane north bound at the of South Western Highway and Wilaring Street intersection.

Once approved, the works shall be undertaken prior to occupancy.

- q. Prior to issue of a Building Permit, the applicant undertaking a subdivision application of the subject site in order to construct and excise the road reserve requirements for the realigned Wilaring Street and associated infrastructure, to be available as a public road in perpetuity, to the satisfaction of the Shire. The road reserve shall then be ceded to the Shire of Serpentine Jarrahdale.
- r. Prior to the issue of a Building Permit, a Landscape Plan depicting the upgrade of the enlarged public open space on the southern side of realigned Wilaring Street and South Western Highway, is to be submitted to and approved by the Shire. Once approved, the applicant shall undertake all upgrade works to the satisfaction of the Shire prior to occupancy of the development.
- s. 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.
- t. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

#### AMENDING MOTION 1

**Moved by:** Lee O'Donohue

**Seconded by:** Gene Koltasz

That Condition No. 1t be amended to read as follows:

*This decision constitutes planning approval only and is valid for a period of ~~two~~ **four** years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.*

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

**REASON:** To allow the applicant extra time to commence the staged development.

**Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



## AMENDING MOTION 2

**Moved by:** Cr Tricia Duggin

**Seconded by:** Lee O'Donohue

That Condition No. 1b vii be amended to read as follows:

*~~Amended site plan showing the incorporation of a roundabout at the internal four-way intersection north of the existing proposed roundabout, to the satisfaction of the Shire of Serpentine Jarrahdale; Alternative treatment plan to a roundabout which supports the four-way intersection, ensuring safety and free flow of traffic, to the satisfaction of the Shire of Serpentine Jarrahdale.~~*

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

**REASON:** The Panel considered that a roundabout was not necessary given the significant impact it would have on the design of the development and pedestrian safety.

## AMENDING MOTION 3

**Moved by:** Eugene Koltasz

**Seconded by:** Lee O'Donohue

That Condition No. 1p ii be deleted.

- p. *Prior to lodgement of a Building Permit, detailed plans being submitted to and approved by the Shire of Serpentine Jarrahdale and Main Road Western Australia, depicting the following:*
- i. *The full realignment and construction of Wilaring Street and associated roundabout; and*
  - ii. *~~A central island treatment and acceleration lane north bound at the of South Western Highway and Wilaring Street intersection.~~*

*The mover withdrew support for the amending motion and accordingly the motion lapsed.*

## AMENDING MOTION 4

**Moved by:** Eugene Koltasz

**Seconded by:** Cr Shaye Mack

That Condition No. 1b viii be amended to read as follows:

*Amended site plan should be provided to realign the existing footpath on the western lot boundary. The realigned footpath shall be located outside of the site, in the South Western Highway road reserve, to the satisfaction of ~~Main Roads Western Australia~~ and the Shire of Serpentine Jarrahdale, **on advice from Main Roads Western Australia.***

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

Eugene Koltasz  
Presiding Member, Metro Outer JDAP



**REASON:** The panel reasoned that they did not have the power to allow a requirement for approval from a third party.

#### AMENDING MOTION 5

**Moved by:** Eugene Koltasz

**Seconded by:** Lee O'Donohue

That a new Advice Note No. 1 be added to read as follows:

*The applicant is advised to liaise with Main Roads for the approval of any proposed works on South Western Highway road reserve.*

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

**REASON:** To ensure that the Proponents are aware that works within the South Western Highway road reserve require the approval of Main Roads WA.

#### AMENDING MOTION 6

**Moved by:** Eugene Koltasz

**Seconded by:** Cr Shaye Mack

That Condition No. 1p be amended to read as follows:

*Prior to lodgement of a Building Permit, detailed plans being submitted to and approved by the Shire of Serpentine Jarrahdale and, on advice from Main Road Western Australia, depicting the following:*

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

**REASON:** The panel reasoned that they did not have the power to allow a requirement for approval from a third party.

#### REPORT RECOMMENDATION (AS AMENDED)

That the Metro Outer Joint Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP/22/02358 and accompanying plans (dated January 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 Shire of Serpentine Jarrahdale Town Planning Scheme No. 3, subject to the following conditions:

#### Conditions

1. That the Metro Outer Development Assessment Panel **APPROVES** the development application for 21 Showroom Tenancies and five Fast Food/Takeaway Tenancies at Lot 806 South Western Highway, Byford as contained within attachment 1, subject to the following conditions:

Eugene Koltasz  
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- a. The development is to be carried out in compliance with plans and documentation listed below and endorsed with the Shire of Serpentine Jarrahdale stamp, except where amended by other conditions of its consent.

Plans and Specification	Development Plans submitted dated January 2023; Revised Traffic Impact Assessment dated January 2023; Landscaping Plan dated January 2023; Environment Assessment dated March 2018; Stormwater Management Plan dated September 2022; Waste Management Plan dated September 2022; Environmental Noise Impact Assessment dated September 2022; and Bushfire Management Plan dated September 2022.
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- b. Prior to issue of a Building Permit, amended Development Plans must be submitted to and approved by the Council of the Shire of Serpentine Jarrahdale. This must include the following:
- Amended elevations of the western facades of the 'Fast Food 01' and 'Fast Food 02' buildings to the west of site. This amended elevation should include amended design elements, materials and colours, that reflect the rural tones of the locality;
  - Amended elevations of the western face of 'Development 02' building. This amended elevation should include amended design elements, materials and colours, that reflect the rural tones of the locality;
  - Amended development plans shall be provided including staggering and rendering treatments to the retaining wall on the west boundary of the site, to the satisfaction of the Shire of Serpentine Jarrahdale;
  - A screening fence on top of the retaining wall to the south of site. This screening fence shall provide a visual screen to the rear of the 'Development 04' and 'Development 05' buildings. The screening fence should include a mixture of wooden cladding, metal cladding and creeper vegetation, or other design to the satisfaction of the Shire of Serpentine Jarrahdale;
  - Amended elevations of the southern facades of the 'Development 04' and 'Development 05' buildings. This shall include elements of wooden panelling, face brick and metal cladding to the top of the building, or other design to the satisfaction of the Shire of Serpentine Jarrahdale;
  - Amended elevation plans of the showroom buildings shall be provided to include more windows on all showroom tenancies, in order to achieve passive visual surveillance within the site;

**Eugene Koltasz**  
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- vii. Alternative treatment plan to a roundabout which supports the four-way intersection, ensuring safety and free flow of traffic, to the satisfaction of the Shire of Serpentine Jarrahdale.
- viii. Amended site plan should be provided to realign the existing footpath on the western lot boundary. The realigned footpath shall be located outside of the site, in the South Western Highway road reserve, to the satisfaction of the Shire of Serpentine Jarrahdale, on advice from Main Roads Western Australia.
- c. Prior to lodgement of a Building Permit, an amended Stormwater Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Stormwater Management Plan must be developed in accordance with Local Planning Policy 2.4: Water Sensitive Urban Design Guidelines. This must include the following:
  - i. Details of suitable treatment and filtration of captured stormwater onsite prior to its release into the South Western Highway drainage system.
- d. The vehicle parking areas, accessways, internal roads and crossover must:
  - i. Be designed in accordance with the relevant Australian/New Zealand Standard;
  - ii. Include a suitable number of car parking spaces dedicated to people with disability designed in accordance with the relevant Australian/New Zealand Standard;
  - iii. Be constructed, sealed, kerbed, drained, marked and thereafter maintained.

Plans depicting these works are to be submitted to and approved by the Shire prior to the issue of a Building Permit. The works are to be completed prior to operation of the development, and thereafter maintained.

- e. Prior to lodgement of a Building Permit, a Lighting Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The Lighting Plan shall demonstrate the provision of lighting to all access ways, car parking areas, the exterior entrances to all buildings and the extent to which light from all external light sources is cast. The Lighting Plan must demonstrate lighting not causing an adverse amenity impact on the surrounding area. Once approved, lighting is to be installed and maintained in accordance with the Plan.
- f. Prior to occupancy, an updated Environmental Noise Assessment be submitted to include modelling of noise associated with specific details of mechanical plant, once these have been finalised. The acoustic assessment must include recommendations to further reduce noise from mechanical plant. Recommendations must be included within a Noise Management Plan and where associated with construction requirements, integrated into plans submitted for a building permit and implemented prior to occupancy.

**Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



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- g. Prior to lodgement of Building Permit, an updated Waste Management Plan must be submitted demonstrating the design of the bin store area to the satisfaction of the Shire of Serpentine Jarrahdale. The design and specifications of the waste area must be designed in accordance with the Shire of Serpentine Jarrahdale Health Local Law and be appropriately screened from view.
- h. Prior to lodgement of a Building Permit, plans of public art shall be provided to and approved by the Shire of Serpentine Jarrahdale, in accordance with Local Planning Policy 1.6 - Public Art. Such art is to be established prior to occupation of the development.
- i. Prior to lodgement of a Building Permit, an amended Landscaping Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. This must include the following:
- i. A planting regime and an increased density of vegetation shall be provided the Wilaring Street and South Western Highway boundaries to the satisfaction of the Shire of Serpentine Jarrahdale;
  - ii. A maintenance schedule of the proposed landscaping areas; and
  - iii. Landscaping within verge areas of Wilaring Street.
  - iv. All trees shall have a minimum height of two meters of the establishment in the area between Wilaring Street and the southern walls of the adjoining showrooms, and suitable to the location given proximity to the public road of Wilaring Street and associated verge area.
  - v. Where site conditions and earthworks permit, the retention of existing vegetation to be maximised and preferred.
- j. Prior to the issue of a Building Permit, a Bushfire Emergency Evacuation Plan shall be prepared and submitted to the Shire of Serpentine Jarrahdale for approval. This shall be prepared by a suitably qualified bushfire consultant.
- k. Prior to the issue of a Building Permit, a Parking Management Plan shall be provided detailing the proposed installation and location of directional signage, disabled bays and EV charging bays (minimum of four) to the satisfaction of the Shire of Serpentine Jarrahdale.
- l. Prior to the issue of a Building Permit, an amended Stormwater Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. This must include the following:
- i. Details of how water will be treated for contaminants when within the proposed stormwater management system, including the addition of drainage swales internal to the site;

**Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



- ii. A maintenance schedule to detail any recommended upgrades or maintenance necessary to the South Western Highway drainage system, to ensure the stormwater can be discharged effectively from site as proposed within the Stormwater Management Plan; and
  - iii. Details of how the capacity of the proposed stormwater management system will be suitable to account for repeated storm events and how it will be cleaned and drained.
- m. Prior to occupancy of individual tenancies, a Signage Strategy shall be prepared and submitted to the Shire of Serpentine Jarrahdale. The Signage Strategy shall comply with the requirements of Local Planning Policy 4.11 - Advertising to the satisfaction of the Shire of Serpentine Jarrahdale.
- n. Prior to lodgement of a Building Permit, a Construction Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Construction Management Plan shall demonstrate how traffic management measures will be employed during the construction of the roundabout at Wilaring Street, ensuring there are no impacts to the accessibility of the residential area to the south.
- o. Prior to issue of a Building Permit, the applicant shall prepare a Section 195 Easement in Gross covering:
- i. the through-road being available and accessible to the public at large without restriction and at all times; and
  - ii. the road at the front of the subject land connecting to the northern property, being available and accessible to the public at large for connectivity without restriction and at all times, to facilitate future development of that land consistent with the adopted structure plan.
- This Easement in Gross is to be prepared by the Shire's Solicitors at the cost of the applicant, and provide for public access at all times along the driveway.
- p. Prior to lodgement of a Building Permit, detailed plans being submitted to and approved by the Shire of Serpentine Jarrahdale, on advice from Main Roads Western Australia, depicting the following:
- i. The full realignment and construction of Wilaring Street and associated roundabout; and
  - ii. A central island treatment and acceleration lane north bound at the of South Western Highway and Wilaring Street intersection.

Once approved, the works shall be undertaken prior to occupancy.

**Eugene Koltasz**  
Presiding Member, Metro Outer JDAP





- q. Prior to issue of a Building Permit, the applicant undertaking a subdivision application of the subject site in order to construct and excise the road reserve requirements for the realigned Wilaring Street and associated infrastructure, to be available as a public road in perpetuity, to the satisfaction of the Shire. The road reserve shall then be ceded to the Shire of Serpentine Jarrahdale.
- r. Prior to the issue of a Building Permit, a Landscape Plan depicting the upgrade of the enlarged public open space on the southern side of realigned Wilaring Street and South Western Highway, is to be submitted to and approved by the Shire. Once approved, the applicant shall undertake all upgrade works to the satisfaction of the Shire prior to occupancy of the development.
- s. 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.
- t. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

**Advice Note:**

- 1. The applicant is advised to liaise with Main Roads for the approval of any proposed works on South Western Highway road reserve.

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

**REASON:** The Panel considered that the proposed development was generally consistent with the Planning Framework for the locality and the site under the provisions of Shire of Serpentine Jarrahdale Town Planning Scheme No. 3, Byford District Structure Plan 2020 and the Local Structure Plan adopted for Lot 806.

The development application has been through a thorough assessment with the Council and Western Australian Planning Commission and appropriate conditions have been imposed to reflect concerns expressed regarding noise, traffic access, landscaping, and the design of the development in a sensitive area near residential properties.

Overall, the Panel was confident the design of the development and conditions imposed will result in an appropriate form of development on an important high-profile site.

**Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



## 8.1b Lot 806 South Western Highway, Byford

Development Description: Proposed Showroom and Fast Food/Takeaway Development  
Applicant: Nathan Maas (Planning Solutions)  
Owner: Tania Coli & Warren Coli (Cecil & Esther Development Pty Ltd); Linda Coli & Warren Coli (Wallmar Pty Ltd)  
Responsible Authority: Western Australian Planning Commission  
DAP File No: DAP/22/02358

### REPORT RECOMMENDATION

**Moved by:** Lee O'Donohue

**Seconded by:** Cr Tricia Duggin

*With the agreement of the mover and seconder, Condition No. 1 was amended as follows:*

*This decision constitutes planning approval only and is valid for a period of ~~two~~ four years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.*

**REASON:** To allow the applicant extra time to commence the staged development.

That the Metro Outer JDAP resolves to:

1. **Approve** DAP Application reference DAP/2202358 and accompanying plans (**Attachment 1**) in accordance with the provisions of Clause 29 of the *Metropolitan Region Scheme*, subject to the following conditions:

### Conditions

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

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

**REASON:** The Panel considered that the proposed development was consistent with the Planning Framework Urban Zoning under the provisions of Clause 30 of the Perth Metropolitan Region Scheme.

Furthermore, the Panel considered that approval was appropriate under the MRS as conditions of development imposed on the approval under the Shire of Serpentine Jarrahdale Scheme will guide the development and address any amenity concerns raised.

Eugene Koltasz  
Presiding Member, Metro Outer JDAP



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

Nil.

**10. State Administrative Tribunal Applications and Supreme Court Appeals**

The Presiding Member noted the following SAT Applications -

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DR75/2022 DAP/18/01543	City of Joondalup	Portion of 9040 (34) Kallatina Drive, Iluka	Mixed Commercial Centre (Iluka Plaza)	02/05/2022
DR135/2023 DAP/23/02447	City of Rockingham	Lot 622 (No.2) Aurea Boulevard, Golden Bay	Proposed mixed commercial development (Golden Bay Neighbourhood Centre)	11/08/2023
DR98/2023 DAP/22/02379	City of Swan	Lot 31 (No.1487) Neaves Road, Bullsbrook	Proposed roadhouse	16/06/2023

**11. General Business**

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2020 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

**12. Meeting Closure**

There being no further business, the Presiding Member declared the meeting closed at 10:42am.

**Eugene Koltasz**  
Presiding Member, Metro Outer JDAP