



## Metro Outer Development Assessment Panel Minutes

**Meeting Date and Time:** Tuesday, 30 July 2024; 9:30am  
**Meeting Number:** MODAP/26  
**Meeting Venue:** 140 William Street, Perth  
**Public Observing:** Online

A recording of the meeting is available via the following link: [30 July 2024 – MODAP/26 – City of Joondalup – Shire of Serpentine Jarrahdale](#)

### PART A – INTRODUCTION

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

### PART B – CITY OF JOONDALUP

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
4. Form 2 DAP Applications
  - 4.1 Lot 12 (82) Marina Boulevard, Ocean Reef – Amendments to Commercial Development – DAP/22/02382
5. Section 31 SAT Reconsiderations

### PART C – SHIRE OF SERPENTINE JARRAHDALE

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
  - 3.1 Lot 10 (777) South Western Highway, Byford – Proposed Warehouse (Self Storage Facility) – DAP/24/02675
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

### PART D – OTHER BUSINESS

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

Clayton Higham  
Presiding Member, Metro Outer DAP



<b>Attendance</b>	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Clayton Higham (Presiding Member)	Claire Ortlepp
Eugene Koltasz (Deputy Presiding Member)	Laura Simmons
Lee O'Donohue	
<i>Part B – City of Joondalup</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Adrian Hill	Cathrine Temple
Cr Rebecca Pizzey	Adam Wood
	Ciara Slim
<i>Part C – Shire of Serpentine Jarrahdale</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Tricia Duggin	Andrew Trosic
Cr Shaye Mack	Marius Le Grange

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<b>Applicant and Submitters</b>
<i>Part B – City of Joondalup</i>
Rachel Tu (Urbis) Megan Gammon (Urbis) Murray Johns (Ocean Reef Properties)
<i>Part C – Shire of Serpentine Jarrahdale</i>
Marc Re (Planning Solutions) Reece Hendy (TAL GP Projects)

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

There were 2 members of the public in attendance.

### **Observers via livestream**

There were 3 persons observing the meeting via the livestream.

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## PART A – INTRODUCTION

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

The Presiding Member declared the meeting open at 9:30am on 30 July 2024 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2024 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

#### 1.1 Announcements by Presiding Member

The Presiding Member advised that panel members may refer to technical devices, such as phones and laptops, throughout the meeting to assist them in considering the information before them.

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

### 2. Apologies

President Robert Coales (Local Government DAP Member, Shire of Serpentine Jarrahdale)

### 3. Members on Leave of Absence

Nil.

### 4. Noting of Minutes

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

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## PART B – CITY OF JOONDALUP

### 1. Declaration of Due Consideration

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

### 2. Disclosure of Interests

Nil.

### 3. Form 1 DAP Applications

Nil.

### 4. Form 2 DAP Applications

#### 4.1 Lot 12 (82) Marina Boulevard, Ocean Reef – Amendments to Commercial Development – DAP/22/02382

##### Deputations and Presentations

Rachel Tu & Megan Gammon (Urbis) addressed the DAP in support of the recommendation for the application at Item 4.1 and responded to questions from the panel.

The City of Joondalup addressed the DAP in relation to the application at Item 4.1 and responded to questions from the panel.

## REPORT RECOMMENDATION

**Moved by:** Cr Adrian Hill

**Seconded by:** Eugene Koltasz

That the Metro Outer DAP resolves to:

1. **Accept** that the DAP Application reference DAP/22/02382 as detailed on the DAP Form 2 dated 19 April 2024 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** DAP Application reference DAP/22/02382 and accompanying plans (Issue Date 12/07/2024) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, and the provisions of the City of Joondalup Local Planning Scheme No. 3, for the proposed minor amendments to the approved Commercial Development at Lot 12 (82) Marina Boulevard, Ocean Reef, subject to the following amended condition:

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### New Condition

21. A reciprocal parking and access arrangement for the entirety of 82 Marina Boulevard (Lot 12 on Diagram 71234 Vol 1767 Folio 180) is to be submitted to and approved by the City of Joondalup. The reciprocal parking and access arrangement shall be implemented prior to the commencement of the use.

### Amended Conditions:

10. A Parking Management Plan shall be submitted and approved by the City prior to the commencement of development. The Parking Management Plan shall include details about:
  - Management of staff parking during peak periods (ie. Christmas/Easter etc).
  - Other mitigation measures to ensure parking will occur in an efficient manner (ie. numberplate recognition systems).
  - Operation of ride share services; and
  - Operation of the 'car wash' bays.

The development is to be undertaken in accordance with the approved Parking Management Plan and is to be thereafter implemented to the satisfaction of the City.

All other conditions and requirements detailed on the previous approval dated 18 April 2023 (**Attachment 2**) shall remain unless altered by this application.

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

**REASON:** The panel members were satisfied that the amendments are minor and appropriate in the context of the originally approved commercial development.

### 5. Section 31 SAT Reconsiderations

Nil.

*Cr Adrian Hill and Cr Rebecca Pizzey (Local Government DAP Members, City of Joondalup) left the panel at 9:59am.*

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## PART C – SHIRE OF SERPENTINE JARRAHDALÉ

*President Robert Coales and Cr Shaye Mack (Local Government DAP Members, Shire of Serpentine Jarrahdale) joined the panel at 10:00am.*

### 1. Declaration of Due Consideration

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

### 2. Disclosure of Interests

In accordance with section 2.4.9 of the DAP Code of Conduct 2024, 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 3.1. However, under section 2.1.2 of the DAP Code of Conduct 2024, 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 3.3 of the DAP Code of Conduct 2024, the Presiding Member determined that the members listed above, who have disclosed an impartiality interest, were permitted to participate in the discussion and voting on the item.

### 3. Form 1 DAP Applications

#### 3.1 Lot 10 (777) South Western Highway, Byford – Proposed Warehouse (Self Storage Facility) – DAP/24/02675

##### Deputations and Presentations

Marc Re (Planning Solutions) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

The Shire of Serpentine Jarrahdale addressed the DAP in relation to the application at Item 3.1 and responded to questions from the panel.

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## REPORT RECOMMENDATION

**Moved by:** Lee O'Donohue

**Seconded by:** Cr Shaye Mack

That the Metro Outer Development Assessment Panel resolves to:

1. That the Metro Outer Development Assessment Panel APPROVES the development application for the proposed Warehouse/Storage at Lot 10, 777 South Western Highway, Byford as contained within attachment 10 with the following conditions:

### 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 this consent.

Plans and Specification	Development Plans dated June 2024 Stormwater Management Plan dated June 2024 Transport Impact Statement dated June 2024 Environmental Noise Technical Note dated June 2024 Landscaping Plan dated June 2024
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- b. Prior to the lodgement of a Building Permit, a revised Stormwater Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan must demonstrate:
  - i. That offsite discharge rates of stormwater do not exceed predevelopment flow rates or the maximum levels set under the Byford DWMS;
  - ii. That the storage requirement for rainfall events can cater for a 1% AEP (annual exceedance probability) while ensuring that the ground floor units, car parking area and traffic circulation areas do not flood.

The revised Plan should be developed in accordance with Local Planning Policy 2.4: Water Sensitive Urban Design Guidelines to the satisfaction of the Shire, in consultation with the PTA. Once approved, development shall be in accordance with the approved revised Stormwater Management Plan.

- c. Prior to lodgement of a Building Permit, civil drawings are to be provided to the satisfaction of the Shire, detailing the vehicle parking areas, accessways, internal roads and crossovers which 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.

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The works are to be completed prior to operation of the development, and thereafter maintained.

- d. Prior to lodgement of a Building Permit, a revised Elevations Plan (including Lighting Plan) is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The revised plan must demonstrate the provision of an appropriate recycled brick/masonry material, applied as a suitable horizontal band along the Highway frontage of the development. This band is to be highlighted through suitable lighting, which provides a night time glow to that prominent building material aspect of the development, facing the Highway. The plan shall also demonstrate the provision of lighting to all access ways, car parking areas, exterior entrances to all buildings and the extent to which light from all external light sources is cast. The plan must demonstrate lighting not causing an adverse amenity impact on the surrounding area. Once approved, the development is to occur in accordance with the revised plan.
- e. Prior to lodgement of a Building Permit, percent for art shall be provided to the satisfaction of 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.
- f. Prior to the lodgement of a Building Permit, a Landscaping Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Landscaping Plan shall detail:
  - i. Provision of vegetative landscaping within the site and the adjoining verges of the site, and the full management of verges adjoining the site.
  - ii. Detailed planting regime and plans, identifying the number of plants, species, size of tubs.
  - iii. A schedule of planting including the how vegetation is planted, monitored for failure, and replaced where required.

Once approved, the Landscaping Plan shall be implemented prior to occupation and maintained thereafter.

- g. Prior to lodgement of a Building Permit, a Construction Management Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan should address the following matters:
  - i. Management of car parking, delivery vehicles and traffic associated with the construction of the development;
  - ii. Management of dust and noise.

Once approved, the Construction Management Plan shall be always adhered to.

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- h. Prior to occupation of the development, a detailed Noise Management Plan must be submitted and approved by the Shire of Serpentine Jarrahdale. The Noise Management Plan must detail all measures to mitigate noise emissions to the satisfaction of the Shire of Serpentine Jarrahdale, including guidance to those visiting the site between the hours of 7pm to 7am. Once approved, the development shall be carried out in accordance with the Noise Management Plan.
- i. Prior to occupation of the development, a Waste Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Waste Management Plan must include the management of waste generated from the development. Once approved, development must be in accordance with the approval Waste Management Plan.
- j. All loading and unloading associated with the development must be undertaken within the subject property boundaries.
- k. Prior to lodgement of a Building Permit, a Signage Strategy shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, signage shall be displayed in accordance with the approved Strategy.

Main Road Conditions:

- l. No vehicular access to South West Highway is approved for the operation of the development. Gates and crossover must be deleted from the approved plans.
- m. No part of the development, other than approved landscaping is to be located within the proposed land requirement for South Western Highway as detailed in the attached Land Protection Plan 201232-0006 (extract). The Fire Pump & Tank, Bio Retention and any associated infrastructure services as depicted in the Stormwater Management Plan (23-11-135/400), dated February 2024 is to be removed from the future road reserve.
- n. Prior to the issue of a Building Permit, the redundant vehicle crossovers to South Western Highway are to be removed and kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction and specifications of the Shire.
- o. Stormwater shall not be discharged to the South Western Highway Road Reserve.

Perth Transport Authority Conditions:

- p. Prior to lodgement of Building Permit complete engineering drawings are to be provided to demonstrate integration of the crossovers into the MetConnx design for George Street.

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- q. Prior to lodgement of Building Permit the applicant/owner must obtain approval from the PTA for works in and around the operating railway reserve in accordance with the PTA 8810-450-003 - *Procedure - Working in and around the PTA Rail Corridor, Assets, and Infrastructure*. To the satisfaction of the Shire on the advice of the PTA.

### AMENDING MOTION

**Moved by:** Eugene Koltasz

**Seconded by:** Cr Tricia Duggin

*The following amendments were made en bloc;*

- i) That Condition e be amended to read as follows:

*Prior to lodgement of a Building Permit, percent for art shall be provided to the satisfaction of the Shire of Serpentine Jarrahdale, **or alternatively a monetary contribution made for public art of 1% of construction value**, in accordance with Local Planning Policy 1.6 - Public Art. Such art is to be established prior to occupation of the development.*

**REASON:** The amendment recognises the option for the applicant to make a monetary contribution in accordance with the Shire's public art policy.

- ii) That Condition q be moved to Advice Note No. 1 and be amended to read as follows:

*~~Prior to lodgement of Building Permit~~ The applicant/owner must obtain approval from the PTA for works in and around the operating railway reserve in accordance with the PTA 8810-450-003 - *Procedure - Working in and around the PTA Rail Corridor, Assets, and Infrastructure*. To the satisfaction of the Shire on the advice of the PTA.*

**REASON:** The amendment ensures certainty and eliminates the need for a third party to be involved in the determination.

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

### REPORT RECOMMENDATION (AS AMENDED)

That the Metro Outer Development Assessment Panel resolves to:

1. That the Metro Outer Development Assessment Panel APPROVES the development application for the proposed Warehouse/Storage at Lot 10, 777 South Western Highway, Byford as contained within attachment 10 with the following conditions:

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**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 this consent.

Plans and Specification	Development Plans dated June 2024 Stormwater Management Plan dated June 2024 Transport Impact Statement dated June 2024 Environmental Noise Technical Note dated June 2024 Landscaping Plan dated June 2024
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- b. Prior to the lodgement of a Building Permit, a revised Stormwater Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan must demonstrate:

- That offsite discharge rates of stormwater do not exceed predevelopment flow rates or the maximum levels set under the Byford DWMS;
- That the storage requirement for rainfall events can cater for a 1% AEP (annual exceedance probability) while ensuring that the ground floor units, car parking area and traffic circulation areas do not flood.

The revised Plan should be developed in accordance with Local Planning Policy 2.4: Water Sensitive Urban Design Guidelines to the satisfaction of the Shire, in consultation with the PTA. Once approved, development shall be in accordance with the approved revised Stormwater Management Plan.

- c. Prior to lodgement of a Building Permit, civil drawings are to be provided to the satisfaction of the Shire, detailing the vehicle parking areas, accessways, internal roads and crossovers which must:

- Be designed in accordance with the relevant Australian/New Zealand Standard;
- Include a suitable number of car parking spaces dedicated to people with disability designed in accordance with the relevant Australian/New Zealand Standard;
- Be constructed, sealed, kerbed, drained, marked and thereafter maintained.

The works are to be completed prior to operation of the development, and thereafter maintained.

- d. Prior to lodgement of a Building Permit, a revised Elevations Plan (including Lighting Plan) is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The revised plan must demonstrate the provision of an appropriate recycled brick/masonry material, applied as a suitable horizontal band along the Highway frontage of the development. This band is to be highlighted through suitable lighting, which provides a night time glow to that prominent building material aspect of the development, facing the Highway. The plan shall also

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demonstrate the provision of lighting to all access ways, car parking areas, exterior entrances to all buildings and the extent to which light from all external light sources is cast. The plan must demonstrate lighting not causing an adverse amenity impact on the surrounding area. Once approved, the development is to occur in accordance with the revised plan.

- e. Prior to lodgement of a Building Permit, percent for art shall be provided to the satisfaction of the Shire of Serpentine Jarrahdale, or alternatively a monetary contribution made for public art of 1% of construction value, in accordance with Local Planning Policy 1.6 - Public Art. Such art is to be established prior to occupation of the development.
- f. Prior to the lodgement of a Building Permit, a Landscaping Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Landscaping Plan shall detail:
  - i. Provision of vegetative landscaping within the site and the adjoining verges of the site, and the full management of verges adjoining the site.
  - ii. Detailed planting regime and plans, identifying the number of plants, species, size of tubs.
  - iii. A schedule of planting including the how vegetation is planted, monitored for failure, and replaced where required.

Once approved, the Landscaping Plan shall be implemented prior to occupation and maintained thereafter.

- g. Prior to lodgement of a Building Permit, a Construction Management Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan should address the following matters:
  - i. Management of car parking, delivery vehicles and traffic associated with the construction of the development;
  - ii. Management of dust and noise.

Once approved, the Construction Management Plan shall be always adhered to.

- h. Prior to occupation of the development, a detailed Noise Management Plan must be submitted and approved by the Shire of Serpentine Jarrahdale. The Noise Management Plan must detail all measures to mitigate noise emissions to the satisfaction of the Shire of Serpentine Jarrahdale, including guidance to those visiting the site between the hours of 7pm to 7am. Once approved, the development shall be carried out in accordance with the Noise Management Plan.
- i. Prior to occupation of the development, a Waste Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Waste Management Plan must include the management of waste generated from the development. Once approved, development must be in accordance with the approval Waste Management Plan.

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- j. All loading and unloading associated with the development must be undertaken within the subject property boundaries.
- k. Prior to lodgement of a Building Permit, a Signage Strategy shall be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, signage shall be displayed in accordance with the approved Strategy.

Main Road Conditions:

- l. No vehicular access to South West Highway is approved for the operation of the development. Gates and crossover must be deleted from the approved plans.
- m. No part of the development, other than approved landscaping is to be located within the proposed land requirement for South Western Highway as detailed in the attached Land Protection Plan 201232-0006 (extract). The Fire Pump & Tank, Bio Retention and any associated infrastructure services as depicted in the Stormwater Management Plan (23-11-135/400), dated February 2024 is to be removed from the future road reserve.
- n. Prior to the issue of a Building Permit, the redundant vehicle crossovers to South Western Highway are to be removed and kerbing, verge, and footpath (where relevant) reinstated with grass or landscaping to the satisfaction and specifications of the Shire.
- o. Stormwater shall not be discharged to the South Western Highway Road Reserve.

Perth Transport Authority Conditions:

- p. Prior to lodgement of Building Permit complete engineering drawings are to be provided to demonstrate integration of the crossovers into the MetConnx design for George Street.

**Advice Note**

- 1. The applicant/owner must obtain approval from the PTA for works in and around the operating railway reserve in accordance with the PTA 8810-450-003 - *Procedure - Working in and around the PTA Rail Corridor, Assets, and Infrastructure*. To the satisfaction of the Shire on the advice of the PTA.

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

**REASON:** The panel members were satisfied that the proposed development is consistent with the Shire's planning framework and is sufficiently well designed, and supported by appropriate conditions, to be supported.

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**4. Form 2 DAP Applications**

Nil.

**5. Section 31 SAT Reconsiderations**

Nil.

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## PART D – OTHER BUSINESS

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

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

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

Finalised SAT Applications*				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DR179/2023 DAP/22/02358	Shire of Serpentine Jarrahdale	Lot 806 South Western Highway, Byford	Proposed Showroom and Fast Food/Takeaway Development	4/12/2023

The Presiding Member noted the following Supreme Court Appeal -

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

\* Matters finalised during the last meeting cycle.

### 2. General Business

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

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### **3. Meeting Closure**

There being no further business, the Presiding Member declared the meeting closed at 10:16am.

**Clayton Higham**  
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