

SOUTH WESTERN HIGHWAY (LOT 806) BYFORD – Proposed Showroom and Fast Food/Takeaway Development (21 Showroom and 5 Fast Food/Takeaway Tenancies)

Form 1 – Responsible Authority Report (Regulation 12)

DAP Name:	Metro Outer Development Assessment	
Local Government Area:	Shire of Serpentine Jarrahdale	
Applicant:	Planning Solutions	
Owner:	Wallmar Pty Ltd and Cecil & Esther Developments Pty Ltd	
Value of Development:	\$55 million <input checked="" type="checkbox"/> Mandatory (Regulation 5) <input type="checkbox"/> Opt In (Regulation 6)	
Responsible Authority:	Local Government and Western Australian Planning Commission	
Authorising Officer:	Andrew Trosic	
LG Reference:	PA22/918	
DAP File No:	DAP/22/02358	
Application Received Date:	4 April 2024	
Report Due Date:	20 June 2024	
Application Statutory Process Timeframe:	90 Days	
Attachment(s):	1. Plans for Determination 2. Initial DAP Determination 3. Additional Plans and Information 4. Summary of Submissions 5. Council Minutes	
Is the Responsible Authority Recommendation the same as the Officer Recommendation?	<input checked="" type="checkbox"/> Yes	Complete Responsible Authority Recommendation section
	<input type="checkbox"/> N/A	
	<input type="checkbox"/> No	Complete Responsible Authority and Officer Recommendation sections

Responsible Authority Recommendation

That the Metro Outer Joint Development Assessment Panel resolves to:

- Approve** DAP Application reference DAP/22/02358 and accompanying plans (dated November 2022) 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 Local Planning Scheme No. 3, subject to the following conditions:

Conditions

- That the Metro Outer Development Assessment Panel **APPROVES** the development application for 21 Showroom Tenancies and 5 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 November 2022, January 2023, April 2024 and May 2024. Revised Traffic Impact Assessment dated February 2024. 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. 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 Shire of Serpentine Jarrahdale. This must include the following:
 - i. 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.
- 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, on advice from Main Roads Western Australia.
- 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 and Safety Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The Lighting and Safety 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 and Safety Plan must demonstrate lighting not causing an adverse amenity impact on the surrounding area and demonstrate the overall safety and security of the site. 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.
- 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 percent for 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;
 - iii. Landscaping within verge areas of Wilaring Street;
 - iv. All trees being of a height satisfactory to the Shire of Serpentine Jarrahdale, 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 and disabled bays to the satisfaction of the Shire of Serpentine Jarrahdale.
- l. Prior to occupancy of individual tenancies, a Signage Strategy shall be prepared, submitted to and approved by the Shire of Serpentine Jarrahdale.
- m. 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.
- n. Prior to issue of an Occupancy 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.

- o. Prior to lodgement of a Building Permit, detailed plans being submitted to and approved by the Shire of Serpentine Jarrahdale on advice of Main Roads Western Australia, depicting the following:
 - i. The full realignment and construction of Wilaring Street and associated roundabout; and
 - ii. The internal roundabout at the development entrance and Wilaring Street being designed to accommodate a 19 metre vehicle for all movements (e.g. semi-trailer).

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

- p. Prior to issue of an Occupancy Permit, the applicant subdivides the subject site to excise the road reserve for the realigned Wilaring Street and associated infrastructure. The road reserve shall then be ceded to the Shire of Serpentine Jarrahdale, at no cost, with this completed through the standard subdivision of land process.
- q. 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.
- r. 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.
- s. No works are permitted within the South Western Highway Road Reservation without obtaining a Working on Roads permit from Main Roads.

Details: outline of development application

Region Scheme	Metropolitan Region Scheme
Region Scheme - Zone/Reserve	Urban
Local Planning Scheme	Shire of Serpentine Jarrahdale Local Planning Scheme No.3
Local Planning Scheme - Zone/Reserve	Urban Development
Structure Plan/Precinct Plan	Lot 806 South Western Highway, Byford Local Structure Plan
Structure Plan/Precinct Plan - Land Use Designation	Industry Light

Use Class and permissibility:	'Showroom' – 'Fast Food/Takeaway' –
Lot Size:	8.2466 ha
Existing Land Use:	Vacant land
State Heritage Register	No
Local Heritage	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Heritage List <input type="checkbox"/> Heritage Area
Design Review	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Local Design Review Panel <input type="checkbox"/> State Design Review Panel <input type="checkbox"/> Other
Bushfire Prone Area	Yes
Swan River Trust Area	No

Proposal:

Initial Development

The initial application sought approval for a 'Showroom' and 'Fast Food/Takeaway' development including the following components:

- 21 Showroom and five Fast Food/Takeaway tenancies;
- 699 car parking bays;
- Realignment and upgrading of Wilaring Street, and the installation of a roundabout to manage traffic;
- New access from the north via Dougall Street;
- Landscaping, the bulk of which would be along the southern boundary of the site; and
- Earthworks and retaining, accounting for the 12m fall from the east to the west of the site.

The site plan and perspectives of the initial proposal are shown following.



Figure 1: Site plan



Figure 2: Perspective image with not existing mature vegetation added

The original application was supported by Officers, subject to a range of conditions that were considered necessary to address alignment to the planning framework. These conditions were considered to be incidental in nature, and addressed matters pertaining to:

- road design changes, to ensure alignment with the principles of the adopted Structure Plan;
- landscaping, to help moderate the physical works component of development, and also provide layering of textures that can help the development within its setting;
- colour and materiality conditions, pertaining to the physical works and having this reflect local character and context;
- traffic and access arrangements, noting the creation of new local road assets which interface with private road assets, which also connect through to existing public roads;
- intersection improvements with South Western Highway, based on input from Main Roads Western Australia (MRWA);
- stormwater management, bushfire management and noise management approaches;
- percent for art requirements.

As documented in the previous decisions of Council, this resulted in a recommendation for support. The MODAP decision was that of approval, subject to conditions, and is contained within **attachment 2**.

Revised Development

New information has been provided by the applicant through the SAT process seeking changes to the conditions. The additional information includes an amended Traffic Impact Assessment (TIA).

The additional information proposed by the applicant in relation to traffic, seeks to document that the current intersection of South Western Highway and Wiling Street is effective in managing the proposed development required. Refined traffic modelling has been submitted to this effect. The applicant also seeks minor modification to

conditions relating to building design, designing out crime principles, landscaping, signage and the timing of submission of several management documents or post development approval actions. For reference, the amended site plan can be viewed following, and the full suite of additional information can be viewed in **attachment 3**.



Figure 3: Amended site plan

Background:

Existing Development

The subject site is approximately 8.25ha and located within Byford, adjoining the light industrial area on the south side of Nettleton Road. The subject site is zoned 'Urban Development' under LPS3, as well as being designated 'Light Industrial' under the Byford District Structure Plan (DSP) and the Lot 806 South Western Highway, Byford - Local Structure Plan (LSP).

The site is bound by South Western Highway to the west, the Nettleton Road light industrial area to the north and the Byford by the Scarp residential development to the south. The site is undeveloped, though features existing vegetation primarily comprising of native Marri trees which have regrown since being cleared in the 1950s. The site features a 12m fall from the high point at the east end of the site, down to the low point of the site adjacent to South Western Highway. The subject site can be viewed following:



Figure 4: Aerial Image

Initial Community / Stakeholder Consultation Period

The application was initially advertised for a period of 28 days from 8 November 2022 to 6 December 2022 to surrounding landowners within a 500m radius of the subject site, in accordance with LPP1.4 - Consultation for Planning Matters. The application was also advertised on the Shire's website for the same period. In addition, a notice of the development proposal on a sign was placed on the site for the same period.

At the conclusion of the first consultation, 85 submissions were received, consisting of 73 submissions either objecting or raising concerns with aspects of the proposal. 12 submissions were received either in support of the proposal or did not object to it. As already discussed, the original application was approved, subject to conditions, to address a range of matters and also having regard for public submissions received.

Revised Community / Stakeholder Consultation Period

Following the Shire receiving notification of the reconsideration, advertising was undertaken for a period of 14 days from 8 April 2024 to 22 April 2024 to surrounding landowners within a 500m radius of the subject site. This specifically presented the additional information pertaining to the details now forming the reconsideration of the initial application. At the conclusion of the second consultation, 13 submissions were received, six of which either object to or raise concerns with the proposal, one neither objected nor supported the proposal, and six provided support. Though it is noted that several of the supporting submissions from community members still raised concerns regarding certain aspects of the proposal.

The objections and concerns relate to the following issues which are discussed under the relevant headings of the report:

- Traffic safety and existing road infrastructure capacity;

- Visual amenity and character;
- Noise and light spill;
- Privacy;
- Tree removal and revegetation - impacting local fauna and rural character;
- Environmental impacts; and
- Lack of direct benefit to the local community.

The full submissions, the applicant's response and Officer comments for this advertising period are contained within **attachment 4**.

Main Roads Western Australia (MRWA)

In response to revised proposal, MRWA advised they had no objections subject to the following conditions being imposed:

1. Prior to lodgement of a Building Permit, detailed plans being submitted to and approved by the Shire of Serpentine Jarrahdale and Main Roads Western Australia, depicting the following:
 - i. The full realignment and construction of Wilaring Street and associated roundabout; and
 - ii. The internal roundabout at the development entrance and Wilaring Street is to be designed to accommodate a 19 metre semi-trailer for all movements.

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

2. No works are permitted within the South Western Highway Road Reservation without obtaining a Working on Roads permit from Main Roads.

The purpose of these conditions are to ensure that the road network can accommodate the service vehicles that will attend the site. Also, to ensure that the works maintain public safety and do not conflict with any other scheduled works on South Western Highway.

Officer Comment:

Officers support these conditions and have included them in the Officer recommendation section of this report. They form Conditions O and S of Option 1.

Water Corporation

The Water Corporation provided a submission not objecting to the development. The Water Corporation provided advice pertaining to water, wastewater, drainage and further approvals required for this development.

Officer Comment:

This advice has been provided to the applicant and no further action is required.

Statutory Environment:

Legislation

Planning and Development Act 2005

Planning and Development (Local Planning Schemes) Regulations 2015

Environmental Protection (Noise) Regulations 1997

Metropolitan Regional Scheme

State Government Policies

South Metropolitan Peel Sub-Regional Framework Towards Perth and Peel 3.5 Million
 State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP3.7)
 State Planning Policy 7.0 - Design of the Built Environment (SPP7.0)

Local Planning Framework

Shire of Serpentine Jarrahdale Local Planning Strategy (Strategy)
 Shire of Serpentine Jarrahdale Town Planning Scheme No.2 (TPS2)
 Draft Shire of Serpentine Jarrahdale Local Planning Scheme No.3 (LPS3)
 Byford District Structure Plan 2020 (DSP)
 Lot 806 South Western Highway, Byford - Local Structure Plan (LSP)
 Local Planning Policy 1.4 - Public Consultation for Planning Matters (LPP1.4)
 Local Planning Policy 1.6 - Public Art for Major Developments (LPP1.6)
 Local Planning Policy 2.4 - Water Sensitive Design (LPP2.4)
 Local Planning Policy 4.15 - Bicycle Facilities Policy (LPP 4.15)
 Local Planning Policy 4.16 - Landscape and Vegetation Policy (LPP4.16)
 Local Planning Policy No 24 - Designing Out Crime (LPP24)

Planning Assessment

The following planning assessment deals specifically with this additional information.

West elevation of fast food tenancies (Condition B.i)

This condition required an improved design of the west façade of the fast food tenancies to include elements reflecting the rural tone of the locality. The applicant provided an amended design including wooden style panelling as the main feature, with earthy coloured metal material to contrast.



Figure 5: Amended fast food tenancy designs

Officer Comment:

It is considered that the amended design improves the interface of the development with South Western Highway and is sympathetic of a rural theme. Officers support the removal of this portion of the condition deeming it satisfied.

West elevation of 'Development 02' (Condition B.ii)

This condition required improved elevations to the western façade of the 'Development 02' building, including architectural elements and a rural-toned design. These design changes were initially considered necessary given the wall was to be 9-10m tall and its prominent position in the South Western Highway streetscape. In response, the applicant has reduced the overall height of the wall to 8.75m. Furthermore, the western façade now comprises of the outdoor nursery area, which is approximately 6.5m in height. The applicant proposes that these changes and the 63.4m distance of the building to the western lot boundary results in this condition no longer being required.

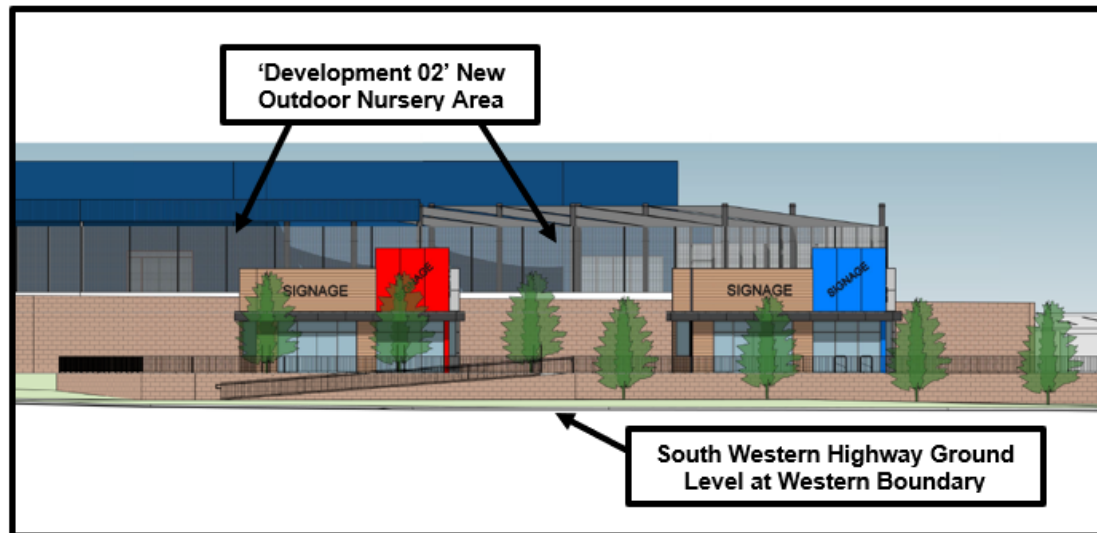


Figure 6: Amended western elevation of 'Development 02'

Officer Comment:

Officers consider that the design changes are suitable in meeting the intent of the condition. The inclusion of the outdoor nursery area provides articulation and open-framed feature to the west façade of the building. This is respectful of the sense of openness that characterises rural areas. Officers consider these changes satisfy the intent of the condition and so support its removal.

Retaining Wall to West Boundary, South Western Highway (Condition B.iii)

This condition required amendments to the retaining wall to South Western Highway on the west lot boundary of the development. This was to introduce staggering and rendered elements to the wall. The initial wall was considered impactful to the streetscape, given its proposed height of 2.5m and position directly on the lot boundary. In response, the applicant has amended the wall reducing its height by approximately 1m and proposing an open-framed fence atop the wall. The applicant has also identified the retaining walls facing South Western Highway, becoming an earth block tone to reflect rural character.

Officer Comment:

The inclusion of the earth rendering and the reduction in height satisfies Officers that the intent of the condition has been met. Officers support its removal.

South Facade Facing Wilaring Street (Condition B.iv and B.v)

These conditions required a screening fence to be located to the south side of the development and improvements to the south facades of the 'Development 04' and

'Development 05' buildings. This was to protect the visual amenity the locality, especially the immediate residences on Wilaring Street given the proximity to the 'back of house' of these buildings. These design changes were to include wood, metal or brick elements, to continue rural and natural themes across the site. Several submissions raised concerns that this modification would reduce the amenity of residences on Wilaring Street.

By way of addressing this, the applicant proposes a chain link mesh fencing atop the retaining wall. This style of fencing would ultimately encourage creeper vegetation to cover it, enabling screening to the southern façade of the development. The applicant also reiterated their commitment to providing a robust Landscaping Management Plan and to retain existing mature trees along the south lot boundary.



Figure 7: Chain link mesh fence atop retaining wall to south façade of the development

Officer Comment:

No design changes have been made to the building. The fence also includes no brick or wood elements. However, the inclusion of a fence that is to encourage creeper vegetation and the developer's commitment to landscaping in the south lot boundary satisfies Officers that the condition intent is met.

Further to this, Officers note that an applicable provision of the DAP for this area permits *"open, security fencing forward of the building line under special*

circumstances". Officers also consider that the fence itself would be mostly not visible due to the proposed landscaping measures.

Passive Surveillance (Condition B.vi)

The intent of the condition was to ensure passive surveillance is achieved between the individual tenancies and in the car parking areas. The applicant has not amended the development to address this requirement. Instead, the applicant recommends merging this condition with Condition E, to provide a 'Lighting and Safety Plan' which would ensure safety is addressed. It is argued that additional windows on tenancies does not automatically provide additional surveillance and that the additional windows may conflict with the practical needs of future tenancies (i.e. not all showroom tenants would want their product visible from the public realm).

Officer Comment:

Officers support the merging of this condition, so that the applicant can provide a single plan to address designing out crime principles. The provision of additional windows is acknowledged as only one such method of addressing such principles. Officers consider a robust Lighting and Safety Plan would ensure designing out crime principles can be maintained for the site.

Realigned Footpath (Condition B.viii)

This condition required an amended plan to show the footpath that currently runs partly through the site to be realigned fully into the South Western Highway road reserve.

Officer Comment:

This has been provided and Officers are satisfied to remove this condition.

Stormwater Management Plan (Conditions C and L)

Both conditions required a Stormwater Management Plan (SMP) to be provided. The applicant seeks for these conditions to be combined and simplified. This request includes the removal of the specific provisions seeking the SMP to comply with LPP2.4, the provision of water treatment details, a maintenance schedule and the provision of system capacity details.

Officer Comment:

Officers support the deletion of Condition L as it is a duplication. Furthermore, the removal of the specific requirements is supported because a detailed SMP prepared to the Shire's satisfaction will need to comply with these requirements regardless.

Landscaping Plan (Condition I)

The applicant supports the requirement of a detailed Landscaping Plan though seeks an amendment to the condition to remove the part requiring a minimum 2m height for trees planted along Wilaring Street to the south of the site. By way of justification, the applicant considers that the 2m minimum height is unreasonable and not necessary to achieve the required landscaping outcome.

Officer Comment:

The approved LSP for this site required a 15m vegetation area provided to the Wilaring Street boundary. The purpose of this was to be a landscaping buffer to protect the amenity of residents in the Byford by the Scarp residential estate to the south. Given the initial development extended into the vegetation area, it was considered reasonable to require advanced planting of 2m minimum height trees so that an immediate screening effect took place.



Figure 8: Perspective of intended landscaping extent along Wilaring Street

Subsequently, the applicant has provided further information demonstrating comprehensive landscaping measures proposed. This is to include the retention of some existing mature trees and additional multi-tiered landscaping providing holistic visual screening of the development from Wilaring Street. Officers consider that the removal of the part of the condition requiring a minimum two metre tree height can be supported, given the applicant's commitment to providing a suitable landscaping regime.

Parking Management Plan (Condition K)

This condition required the submission of a Parking Management Plan. The plan was to provide four EV charging bays. The applicant considers that this would more appropriately form an advice note.

Officer Comment:

Officers agree and are satisfied that this can be an advice note. The Parking Management Plan will be required to be to the satisfaction of the Shire and an assessment will be undertaken upon its submission.

Signage Strategy (Condition M)

The intent of this condition was to require new tenants to provide a signage strategy for their signage. The condition was worded so that each signage strategy would need to comply with the Shire's Local Planning Policy 4.11 - Advertising (LPP4.11). The applicant seeks to remove this reference to LPP4.11.

Officer Comment:

It is considered that regardless of the removal of this reference to LPP4.11, the condition is still worded to require the signage strategy to satisfy the Shire's requirements, albeit LPP4.11. Officers made the applicant that when a signage strategy is received an assessment will be undertaken against LPP4.11. Officers are therefore supportive of the amended wording.

Clarifying Timing of Easement Creation (Condition O)

The condition requires the creation of an easement for the through-road within the site prior to the issue of a 'building occupancy permit'. The applicant requests the wording of this to be changed from 'building occupancy permit' to 'occupancy permit'.

Officer Comment:

Officers support this minor amendment and consider it would not impact the intent of the condition.

Traffic and Intersection Upgrades (Condition P)

This condition required updated road layout plans, firstly to demonstrate the realignment of Wilaring Street and construction of the roundabout. Secondly, the plans were to detail an island and acceleration lane treatment to the intersection of Wilaring Street and South Western Highway. This condition was imposed to ensure safe and efficient right turn movements from Wilaring Street northbound onto South Western Highway.

Through the SAT process, additional technical traffic information was provided in the form of an amended TIA (**attachment 3**). Regarding Condition P.i, the amended TIA provided swept path plans identifying that the existing roundabout arrangement of Wilaring Street will be suitable to accommodate 19m semi-trailer vehicles. However, in their revised submission, MRWA required a condition similar to the existing Condition P.i to be imposed. Therefore, Officers recommend a revised Condition O be maintained and the applicant should submit their revised plans through the condition clearance process.

Regarding Condition P.ii, the revised modelling in the TIA demonstrated that the traffic generation during peak hours does not warrant the island and acceleration lane upgrade as originally required. It indicates that the intersection would operate within capacity during a modelled scenario accounting for 2025 existing traffic volumes and traffic generated by the development.

Additional justification addressing the intersection in the amended TIA includes:

- Although the provision of an acceleration lane could slightly enhance the traffic operations of the second stage movement (being traffic joining South Western Highway from the median), it would not affect the traffic operations of the first stage movement (being traffic turning right from Wilaring Street to the South Western Highway median).
- The TIA states in its conclusion: *“Based on the SIDRA analysis results and site observations, the SWH/Wilaring Street intersection currently operates satisfactorily, with good levels of service and relatively low queues and delays during weekday peak hours and Saturday midday peak hour.”*
- Under the MRWA policy, an acceleration lane is not required, given South Western Highway has a maximum speed limit of 60km/hr at the intersection.
- MRWA’s submission supports the applicant’s SIDRA analysis findings.

The applicant therefore requests the removal of this condition.

Officer Comment:

- The busiest peak hour period at this intersection would be Saturday midday. During this period, it is anticipated that there would be 314 vehicle movements making the critical right turn movement from Wilaring Street northbound on South Western Highway.
- During this period, an average delay of 16.3 seconds would be experienced by vehicles making the movement, resulting in a Level of Service C (LOS C). LOS C represents constrained constant flows below speed limits, with additional attention required by the drivers to maintain safe operations. Comfort and convenience levels of the driver decline. Officers therefore consider it important to ensure issues of queuing capacity and future increases to traffic that may decrease driver safety can be addressed.

- Vehicle queuing in the peak period would be approximately 37.4m (an approximate 5 car que). This is within the capacity of the intersection, as there is a 60m distance from the intersection prior to the roundabout to the east. Officers are satisfied queuing would not impact on the roundabout during peak periods, thereby not causing wider congestion issues to the local road network.
- The applicant's modelling demonstrates that there is a negligible difference in time delays, LOS and queuing in scenarios with and without the intersection upgrades. Therefore, the applicant substantiates that the upgrades are not required.
- Further, the Tonkin Highway construction will remove a significant amount of through traffic on South Western Highway.

The justification above is considered to address the key concerns that the condition sought to resolve. Specifically, it provides MRWA and the Shire assurance that the proposed development would not adversely impact the local traffic network during peak periods. Officers therefore support the removal of Condition P based on support received by MRWA. As mentioned, MRWA has recommended an alternative Condition which is captured in Condition O of Option 1.

Timing of Subdivision Application to Create Road Reserve (Condition Q)

This condition required the applicant to undertake a subdivision application to excise a portion of the site dedicated to the realignment of Wilaring Street. The applicant seeks to change the timing of when this condition is to be delivered from prior to the issue of a 'building permit' to prior to the issue of an 'occupancy permit'. The applicant also proposed wording amendments, most of which are to assist with interpreting the condition.

Officer Comment:

Officers consider that the flexibility in terms of timing of this condition is reasonable given the time that would be required to construct the road. The amended timing and wording would still require the applicant to deliver the Wilaring Street realignment in a timely manner, ensuring minimal disturbance to all the residences that rely on Wilaring Street as a key access road.

Approval Under MRS (Condition S)

This condition approved the development under Clause 24(1) of the Metropolitan Regional Scheme (MRS). The applicant claims this is no longer necessary given that the Department of Planning Lands and Heritage has separately provided a Responsible Authority Report.

Officer Comment:

Officers support the removal of this condition given the above justification.

Conclusion:

The application provides additional information, seeking removal of or amendments to several conditions of the initial approval. It is considered that the additional information provided, supported by MRWA, adequately addresses the reasons the conditions were imposed. These were in relation to traffic, building design, designing out crime principles, landscaping, signage and the timing of submission of several management documents or post development approval actions. It is therefore recommended that DAP approves the proposed changes to the conditions.

Alternatives

In accordance with clause 17(4) of the Regulations, the MODAP may determine an application by either approving the application (with or without conditions) or refusing the application.

Should the MODAP resolve to refuse the application, this determination needs to be made based on valid planning considerations as outlined under clause 67 of the Planning and Development (Local Planning Schemes) Regulations 2015 and as set out in the Development Assessment Panel Practice Notes: Making Good Planning Decisions.

However, as outlined in the report sections above, the Shire consider that the proposal is suitable in its current form subject to those matters recommended as conditions of approval.