



## Metro Outer Development Assessment Panel Minutes

**Meeting Date and Time:** Wednesday, 3 April 2024; 9:30am  
**Meeting Number:** MODAP/7  
**Meeting Venue:** 140 William Street, Perth  
**Public Observing:** Online

*This DAP meeting was live streamed open to the public rather than requiring attendance in person.*

*A recording of the meeting is available via the following link: [MODAP/7 – 3 April 2024 – City of Armadale – 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 ARMADALE**

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
4. Form 2 DAP Applications
  - 4.1a Lot 11 (182) Brookton Highway, Kelmscott – Place of Worship – DAP/18/01500
  - 4.1b Lot 11 (182) Brookton Highway, Kelmscott – Place of Worship – DAP/18/01500
5. Section 31 SAT Reconsiderations

### **PART C – SHIRE OF SERPENTINE JARRAHDAL**

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations
  - 5.1 575 (Lot 218) Abernethy Road, Oakford – Proposed Educational Establishment – DAP/23/02545

**Ian Birch**  
Presiding Member, Metro Outer DAP



**PART D – OTHER BUSINESS**

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

A handwritten signature in cursive script, appearing to read 'Ian Birch'.

**Ian Birch**  
Presiding Member, Metro Outer DAP



<b>Attendance</b>	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Ian Birch (Presiding Member)	Claire Ortlepp
Jacky Jurmann (Deputy Presiding Member)	Ashlee Kelly
Neema Premji	
<i>Part B – City of Armadale</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Caroline Wielinga	Paul Rosser
Cr John Keogh	Glen Windass
	John Pride
<i>Part C – Shire of Serpentine Jarrahdale</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Shaye Mack	Andrew Trosic
Cr Tricia Duggin	Ryan Fleming

**Ian Birch**  
Presiding Member, Metro Outer DAP



<b>Applicant and Submitters</b>
<i>Part B – City of Armadale</i>
Mark Bruning (Alita Construction)
<i>Part C – Shire of Serpentine Jarrahdale</i>
David Read (element Advisory) Daniel Lewis (element Advisory) Derek Swarts (Free Reformed School Association) Connor Fisher (Glen McLeod Legal) Paul Speering Robyn Stampton Vanessa Reynolds

**Members of the Public / Media**

Nil.

**Observers via livestream**

There were 18 persons observing the meeting via the livestream.

**Ian Birch**  
Presiding Member, Metro Outer DAP



## PART A – INTRODUCTION

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

The Presiding Member declared the meeting open at 9:35am on 3 April 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 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

Cr Michael Hancock (Local Government Member, City of Armadale)  
Cr Shavano Peter (Local Government Member, City of Armadale)

### 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](#).

Ian Birch  
Presiding Member, Metro Outer DAP



## PART B – CITY OF ARMADALE

### 1. Declaration of Due Consideration

The Presiding Member noted that details of a DAP direction for further information and responsible authority response in relation to Item 4.1b, received on 2 April 2024 was published in Part B of the Additional Information.

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

### 2. Disclosure of Interests

Nil.

### 3. Form 1 DAP Applications

Nil.

### 4. Form 2 DAP Applications

#### 4.1a Lot 11 (182) Brookton Highway, Kelmscott – Place of Worship – DAP/18/01500

##### Deputations and Presentations

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

### REPORT RECOMMENDATION

**Moved by:** Cr Caroline Wielinga

**Seconded by:** Cr John Keogh

*With the agreement of the mover and seconder, the following amendment was made:*

That the preamble be amended to read as follows;

*Approve DAP Application reference DAP/18/01500 and accompanying plans 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 Armadale Town Planning Scheme No. 4, for the proposed minor amendment to the approved Place of Worship at Lot 11, No. 182 Brookton Highway Kelmscott for an additional ~~two~~ **four** year period, subject to the following amended conditions:*

**Ian Birch**  
Presiding Member, Metro Outer DAP



**REASON:** To keep the approval period consistent between both the City of Armadale and Western Australian Planning Commission recommendations.

That the Metro Outer Development Assessment Panel resolves to:

- **Accept** that the DAP Application reference DAP/18/01500 as detailed on the DAP Form 2 dated 06/11/2023 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
- **Approve** DAP Application reference DAP/18/01500 and accompanying plans 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 Armadale Town Planning Scheme No. 4, for the proposed minor amendment to the approved Place of Worship at Lot 11, No. 182 Brookton Highway Kelmscott for an **additional four year period**, subject to the following amended conditions:

#### Amended Conditions

1. Condition 1 to be amended as follows:

Prior to the submission of a Building Permit, revised plans shall be submitted to and approved by the City, in accordance with Schedule 2, Part 9, Clause 74(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015* that modify the proposal by;

- a) The as-constructed elevation of the eastern half of the proposed parking area being RL34.4m with a retaining wall provided as shown on the cross-section plan provided by the applicant on 06/03/2024.
- b) The central island proposed to be located within the parking area for landscaping purposes being not less than 2.5 metres wide, having a horizontal surface and supported by a retaining wall along its western edge.
- c) The proposed reversing bay for waste collection vehicles being relocated to the western end of the proposed Bernard Street carriageway and being configured and constructed to the satisfaction of the local government.
- d) The length of the proposed driveway parallel to Bernard Street being shortened, so that it connects with Bernard Street the same distance from Brookton Highway as the entry point approved on 15/04/2020.

**Ian Birch**  
Presiding Member, Metro Outer DAP



2. Condition 3 to be amended as follows:

A Final Acoustic Assessment must be prepared and provided to the City which demonstrates, to the Executive Director Development Services satisfaction, that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*. The Final Environmental Noise Assessment must be submitted in three parts and include the following information:

- a) Prior to confirming detailed design - confirming that the internal acoustic quality of the auditorium and design of the mechanical plant equipment have been reviewed at detailed design stage to comply with the Regulations
- b) Prior to the occupation of the development – confirmation of the implementation of noise attenuation measures;
- c) Within three months of occupation – noise sources compared with the assigned levels as stated in the *Environmental Protection (Noise) Regulations 1997*, when the noise is received at the nearest “noise sensitive premises” and surrounding residential areas.

Any further works must be carried out in accordance with the Final Environmental Noise Assessment upon approval to the satisfaction of the City of Armadale and implemented thereafter for the duration of the development.

3. Condition 8 to be amended as follows:

The Bushfire Management Plan submitted by Smith Bushfire Consultants Pty Ltd dated 02/03/2024, shall be implemented including site preparation and establishment of the Asset Protection Zone prior to commencement of the use on site. Information including a completed ‘Certification by Bushfire Consultant’, is to be provided to the City to demonstrate that the measures contained within the Bushfire Management Plan have been implemented during construction prior to the commencement of the use.

All other conditions and requirements detailed on the previous approval dated 15/04/2020 shall remain unless altered by this application.

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

**REASON:** As recommended in the Responsible Authority Report, the panel agreed that the amendments to the approved plans were acceptable as a Form 2 application and that they do not raise any concerns as to the approvability of the proposed development. Accordingly, by a unanimous decision, the panel adopted the recommendation in the RAR to approve the application, subject to relevant conditions, for an additional period of four years as outlined in the amendment outlined above.

Ian Birch  
Presiding Member, Metro Outer DAP





**4.1b Lot 11 (182) Brookton Highway, Kelmscott – Place of Worship –  
DAP/18/01500**

**Deputations and Presentations**

Nil.

**REPORT RECOMMENDATION**

**Moved by:** Cr Caroline Wielinga

**Seconded by:** Neema Premji

*With the agreement of the mover and seconder, the following amendments were made:*

- i) That Condition No. 23 be amended to read as follows;

*Prior to commencement of site works, a Traffic Management Plan is to be submitted ~~to and approved by Main Roads Western Australia (MRWA)~~, addressing management of all construction and non-construction traffic during the construction phase of the development ~~to the specifications of~~, **in consultation with Main Roads Western Australia (MRWA)** and **to the satisfaction of the Western Australian Planning Commission.***

- ii) That Condition No. 25 be amended to read as follows;

*All works are to be undertaken in accordance with a Sediment and Erosion Control Plan which is to be submitted ~~to and approved by~~ **in consultation with the Department of Biodiversity, Conservation and Attractions** prior to commencement of works.*

**REASON:** The responsible authority is the authority for clearing conditions. The condition as proposed lacks finality. "A condition must not leave open a requirement to obtain further future approval from a third party." *Newbury, WAPC v Temwood Holdings (2004) 221 CLR 30 @ (57).*

That the Metro Outer Development Assessment Panel resolves to:

- **Accept** that the DAP Application reference DAP/18/01500 as detailed on the DAP Form 2 dated 6 December 2023 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
- **Approve** DAP Application reference DAP/18/01500 and accompanying plans:
  - SK1 October 2023 rev A;
  - SK2 October 2023 rev 0;
  - SK3 October 2023 rev 0.

**Ian Birch**  
Presiding Member, Metro Outer DAP



### Amended Conditions

1. Deleted
2. Deleted.
3. Deleted.
12. Prior to occupation of the buildings, the proposed driveway within Bernard Street is to be constructed and sealed to the specifications of the Local Government and to the satisfaction of the Western Australian Planning Commission.

### New Conditions

17. The term of the development approval is extended to 15 April 2028.
18. The outbuildings and former tennis court in the areas adjacent to the dwelling being demolished and removed (as applicable) and the land rehabilitated to the specifications of the Local Government and the satisfaction of the Western Australian Planning Commission.
19. The as-constructed elevation of the eastern half of the proposed parking area being RL34.4m and including a retaining wall provided as shown on the cross-section plan provided by the applicant on 06 March 2024.
20. The central island proposed to be located within the parking area for landscaping purposes being not less than 2.5 metres wide, having a horizontal surface and supported by a retaining wall along its western edge.
21. The proposed reversing bay for waste collection vehicles being relocated to the western end of the proposed Bernard Street carriageway and being configured and constructed to the specifications of the local government and the satisfaction of the Western Australian Planning Commission.
22. The length of the proposed driveway parallel to Bernard Street being shortened, so that it connects with Bernard Street at the same distance from Brookton Highway as the entry point approved on 15 April 2020 (approximately 91 metres from the Primary Regional Road Reservation).
23. Prior to commencement of site works, a Traffic Management Plan is to be submitted, addressing management of all construction and non-construction traffic during the construction phase of the development, in consultation with Main Roads Western Australia (MRWA) and to the satisfaction of the Western Australian Planning Commission.

**Ian Birch**  
Presiding Member, Metro Outer DAP



24. Prior to the issue of a building licence, the updated Bushfire Management Plan (BMP) being amended as follows:
  - a) The classification of the drainage swale in Bernard Street being changed to Unmanaged Grassland on the Vegetation Classification Map, the classifications on the BAL Contour Map being amended accordingly and the BMP demonstrating compliance with *State Planning Policy 3.7 – Planning for Bushfire Prone Areas*.
  - b) Implementation Action 1 in Section 6 being amended to read, “The whole of the lot is to be managed in a low threat state, as outlined in [state the relevant AS3959 clause(s) here], or the Asset Protection Zone standards contained within the State Planning Policy 3.7 Guidelines.”
25. All works are to be undertaken in accordance with a Sediment and Erosion Control Plan which is to be submitted in consultation with the Department of Biodiversity, Conservation and Attractions prior to commencement of works.

#### **New Advice Notes**

5. The Sediment and Erosion Control Plan is to describe how the authorised works will be appropriately managed and implemented to minimise the risk of drainage, erosion and sedimentation on nearby waterbodies during the work and may include control measures such as:
  - a) daily recovery of sediment (including imported building sand) from outside the works area (e.g. end-of-day sweeping);
  - b) perimeter controls such as sediment control fences; and
  - c) sediment traps at stormwater drain inlets.

For further guidance on best management practices for sediment and erosion control, refer to the Erosion and Sediment Control information sheets found at: <https://www.perthnrm.com/resource/sediment-management/>.

All other conditions and requirements detailed on the previous approval dated 15 April 2020 shall remain unless altered by this application.

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

**REASON:** As recommended in the Responsible Authority Report, the panel agreed that the amendments to the approved plans were acceptable as a Form 2 application and that they do not raise any concerns as to the approvability of the proposed development. Accordingly, by a unanimous decision, the panel adopted the recommendation in the RAR to approve the application, subject to relevant conditions, as amended, for an additional period of four years.

**Ian Birch**  
Presiding Member, Metro Outer DAP



**5. Section 31 SAT Reconsiderations**

Nil.

*Cr Caroline Wielinga & Cr John Keogh (Local Government DAP Member, City of Armadale) left the panel at 9:54am.*

A handwritten signature in cursive script, appearing to read 'Ian Birch'.

**Ian Birch**  
Presiding Member, Metro Outer DAP



## PART C – SHIRE OF SERPENTINE JARRAHDALÉ

*Cr Shaye Mack and Cr Tricia Duggin (Local Government DAP Member, Shire of Serpentine Jarrahdale) joined the panel at 9:54am.*

### 1. Declaration of Due Consideration

The Presiding Member noted that an addendum to the agenda was published to include details of a DAP direction for further information and responsible authority response in relation to Item 5.1, received on 2 April 2024.

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

### 2. Disclosure of Interests

In accordance with section 2.4.9 of the DAP Code of Conduct 2024, DAP Member, Cr Shaye Mack and Cr Tricia Duggin, declared that they had participated in a prior Council meeting in relation to the application at item 5.1. However, under section 2.1.2 of the DAP Code of Conduct 2024, Cr Mack and Cr Duggin 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 DAP executive director determined that the members listed above, who have disclosed an impartiality interest, are permitted to participate in the discussion and voting on the item.

### 3. Form 1 DAP Applications

Nil.

### 4. Form 2 DAP Applications

Nil.

**Ian Birch**  
Presiding Member, Metro Outer DAP



## 5. Section 31 SAT Reconsiderations

### 5.1 575 (Lot 218) Abernethy Road, Oakford – Proposed Educational Establishment – DAP/23/02545

#### Deputations and Presentations

Paul Speering addressed the DAP against the recommendation for the application at Item 5.1 and responded to questions from the panel.

Vanessa Reynolds, on behalf of Robyn Stampton, addressed the DAP against the recommendation for the application at Item 5.1.

Connor Fisher (Glen McLeod Legal) addressed the DAP against the recommendation for the application at Item 5.1 and responded to questions from the panel.

Vanessa Reynolds addressed the DAP against the recommendation for the application at Item 5.1.

David Read (element Advisory) addressed the DAP in support of the recommendation for the application at Item 5.1 and responded to questions from the panel.

The Shire of Serpentine Jarrahdale addressed the DAP in relation to the application at Item 5.1 and responded to questions from the panel.

David Read (Free Reformed School Association) addressed the DAP in support of the recommendation for the application at Item 5.1 and responded to questions from the panel.

#### REPORT RECOMMENDATION

**Moved by:** Cr Tricia Duggin

**Seconded by:** Cr Shaye Mack

*With the agreement of the mover and seconder, the following amendments were made:*

- i) That Condition t be amended to read as follows;

*Prior to commencement of the school operations, the school shall establish and maintain a Community Reference Group, based on terms of reference to be submitted to and approved by the Shire. The CRG's purpose is to act as an open and transparent forum for nearby landowners to discuss any issues or exchange any suggested solutions, to issues that may be impacting the amenity of the locality. **The CRG is to be in place from the commencement of construction, until 24 months after the first student intake.***

**REASON:** It was a great that the CRG should be in place during construction and for a period of at least 24 months of the operation of the school.

**Ian Birch**  
Presiding Member, Metro Outer DAP



1. That the Metro Outer Development Assessment Panel APPROVES the development application for the proposed Educational Establishment at Lot 218, 575 Abernethy Road, Oakford, 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 dated June 2023 Traffic Impact Assessment dated July 2023 Supplemental Traffic Impact Assessment dated October 2023 Water Management Strategy dated July 2023 Acoustic Report dated October 2023 Bushfire Management Plan and Bushfire Emergency Plan dated July 2023 Additional information pertaining to the provision of roundabout and footpath infrastructure dated 23 January 2024
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- b. Prior to lodgement of a Building Permit, a detailed Stormwater Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale, on advice of the Department of Water and Environmental Regulation. The Stormwater Management Plan should be developed in accordance with Local Planning Policy 2.4: Water Sensitive Urban Design Guidelines.
- c. 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.

- d. 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.

**Ian Birch**  
Presiding Member, Metro Outer DAP



- e. 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.
- f. Prior to issue of a Building Permit, an application to construct or install an apparatus for the treatment of sewage and the disposal of effluent and liquid wastes must be submitted to and approved by the Shire of Serpentine Jarrahdale, in accordance with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.
- g. Prior to issue of a Building Permit, a Signage Strategy must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Strategy should demonstrate compliance with Local Planning Policy 4.11 - Advertising Signs. Once approved, signage shall be displayed and maintained in accordance with the Strategy.
- h. Prior to the commencement of the development, a Waste Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, development must be in accordance with the approval Waste Management Plan.
- i. Prior to the commencement of the development, a Construction Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Construction Management Plan must be prepared to address dust and noise from construction and traffic management during the peak periods. Once approved, the Construction Management Plan shall be adhered to at all times.
- j. Prior to the lodgement of a Building Permit, an amended Bushfire Attack Level Assessment shall be provided to the Shire of Serpentine Jarrahdale. An updated vegetation and topography map and table shall be provided identifying separation distance measurements from buildings to the classified vegetation, to the satisfaction of the Shire of Serpentine Jarrahdale.
- k. 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 the following, to the satisfaction of the Shire of Serpentine Jarrahdale:
  - i. Provision of vegetative landscaping within 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.

**Ian Birch**  
Presiding Member, Metro Outer DAP





- I. Prior to the lodgement of a Building Permit, updated plans and information shall be submitted to and approved by the Shire of Serpentine Jarrahdale, detailing the following:
  - i. Amended perimeter fencing which incorporates rammed earth and/or earth block column supports, with infill garrison type fencing;
  - ii. An amended layout of pedestrian infrastructure connecting the school site to car parking areas, bus stop locations and the required connection to upgraded pedestrian infrastructure connecting into the site;
  - iii. Provision of bicycle parking in accordance with Local Planning Scheme No. 3; and
  - iv. A school bus turnaround onsite.
  
- m. Prior to the commencement of the development, a Mosquito Management Plan must be submitted to and approved by the Shire. The Mosquito Management Plan shall demonstrate appropriate management of artificial water bodies or drainage basins created as part of the development, to avoid conditions that may generate mosquito breeding.
  
- n. Prior to the lodgement of a Building Permit, a detailed Noise Management Plan must be prepared by a suitably qualified acoustic consultant, and submitted to and approved by the Shire of Serpentine Jarrahdale. The Noise Management Plan shall address the following to the satisfaction of the Shire of Serpentine Jarrahdale:
  - i. Adoption of recommendations of the stamped Acoustic Report;
  - ii. Where necessary, the provision of additional design measures to mitigate amenity impacts to nearby sensitive receptors to ensure compliance with the Environmental Protection (Noise) Regulations 1997; and
  - iii. Appropriate restrictions and measures to manage noise generated from afterschool activities or events that occur outside of normal school hours;

Once approved, the Noise Management Plan shall be implemented prior to occupation and maintained thereafter.
  
- o. Prior to the commencement of the development, a revised Bushfire Emergency Plan shall be submitted to and approved by the Shire. The Bushfire Emergency Plan shall demonstrate appropriate emergency management measures in accordance with State Planning Policy 3.7 - Planning in Bushfire Prone Areas and Clause 5.5.4 of the Guidelines for Planning in Bushfire Prone Areas.
  
- p. Satisfactory arrangements being made with the Shire of Serpentine Jarrahdale, to cede 2,167.58m<sup>2</sup> of land from Lot 218 on Deposited Plan 202681, free of cost, as required by the Hypergrowth Road Project to enable the construction of the Abernethy Road roundabout.

**Ian Birch**  
Presiding Member, Metro Outer DAP



- q. Prior to the lodgement of a Building Permit, plans are to be submitted to and approved by the Shire of Serpentine Jarrahdale demonstrating the provision by the applicant of a roundabout at the intersection of Abernethy Road and Kargotich Road. This roundabout must be fully constructed by the applicant, at its cost, in accordance with the approved plans prior to the commencement of the development's operations. Should the Shire receive a grant for the roundabout prior to the applicant commencing works on the roundabout, the applicant shall instead provide a monetary contribution to the Shire to cover any residual amount not covered by the grant, to fully deliver the roundabout.
- r. Prior to the issue of a Building Permit, plans are to be submitted to and approved by the Shire of Serpentine Jarrahdale demonstrating the provision of a suitable footpath along Abernethy Road, which links the development to the principal shared path designed along the Tonkin Highway extension. The footpath shall be fully constructed by the applicant and must be completed prior to the commencement of the school's operations.
- s. Prior to commencement of school operations, the school entering into a shared use agreement with the Shire of Serpentine Jarrahdale. This is to secure broader community use of the school oval and associated parking and change room facilities, for both active and passive community recreation use outside of school hours. The agreement is to be prepared to the satisfaction of the Shire at the cost of the school.
- t. Prior to commencement of the school operations, the school shall establish and maintain a Community Reference Group, based on terms of reference to be submitted to and approved by the Shire. The CRG's purpose is to act as an open and transparent forum for nearby landowners to discuss any issues or exchange any suggested solutions, to issues that may be impacting the amenity of the locality. The CRG is to be in place from the commencement of construction, until 24 months after the first student intake.

### AMENDING MOTION 1

**Moved by:** Ian Birch

**Seconded by:** Jacky Jurmann

*The following amendments were made en bloc;*

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

*Prior to the lodgement of a Building Permit, updated plans and information shall be submitted to and approved by the Shire of Serpentine Jarrahdale, detailing the following:*

- i. ~~*Amended perimeter fencing which incorporates rammed earth and/or earth block column supports, with infill garrison type fencing;*~~ ***Perimeter fencing to the satisfaction of the Shire of Serpentine Jarrahdale;***

**Ian Birch**  
Presiding Member, Metro Outer DAP



- ii. *An amended layout of pedestrian infrastructure connecting the school site to car parking areas, bus stop locations and the required connection to upgraded pedestrian infrastructure connecting into the site;*
  - iii. *Provision of bicycle parking in accordance with Local Planning Scheme No. 3; and*
  - iv. *A school bus turnaround onsite.*
- ii) That a new Advice Note a be added to read as follows:

***In relation to Condition I (i), the Shire would be seeking high quality fencing, in keeping with the rural aesthetic of the locality.***

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

**REASON:** It was considered that they condition was unduly prescriptive in terms of the planning provisions for perimeter fencing. The advice note provides direction for the applicant to clear the amended condition.

## **AMENDING MOTION 2**

**Moved by:** Ian Birch

**Seconded by:** NIL

That Condition q be amended to read as follows:

~~*Prior to the lodgement of a Building Permit, plans are to be submitted to and approved by the Shire of Serpentine Jarrahdale, prior to the issue of a building permit, demonstrating the provision by the applicant of a roundabout at the intersection of Abernethy Road and Kargotich Road. This roundabout must be fully constructed by the applicant, at its cost, in accordance with the approved plans prior to the commencement of the development's operations. Should the Shire receive a grant for the roundabout prior to the applicant commencing works on the roundabout, the applicant shall instead provide a monetary contribution to the Shire to cover any residual amount not covered by the grant, to fully deliver the roundabout.*~~

**The Amending Motion LAPSED for want of a mover and a seconder.**

## **REPORT RECOMMENDATION (AS AMENDED)**

1. That the Metro Outer Development Assessment Panel APPROVES the development application for the proposed Educational Establishment at Lot 218, 575 Abernethy Road, Oakford, subject to the following conditions:

**Ian Birch**  
Presiding Member, Metro Outer DAP



- 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	<p>Development Plans dated June 2023</p> <p>Traffic Impact Assessment dated July 2023</p> <p>Supplemental Traffic Impact Assessment dated October 2023</p> <p>Water Management Strategy dated July 2023</p> <p>Acoustic Report dated October 2023</p> <p>Bushfire Management Plan and Bushfire Emergency Plan dated July 2023</p> <p>Additional information pertaining to the provision of roundabout and footpath infrastructure dated 23 January 2024</p>
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- b. Prior to lodgement of a Building Permit, a detailed Stormwater Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale, on advice of the Department of Water and Environmental Regulation. The Stormwater Management Plan should be developed in accordance with Local Planning Policy 2.4: Water Sensitive Urban Design Guidelines.
- c. 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.

- d. 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.
- e. 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.

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- f. Prior to issue of a Building Permit, an application to construct or install an apparatus for the treatment of sewage and the disposal of effluent and liquid wastes must be submitted to and approved by the Shire of Serpentine Jarrahdale, in accordance with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.
- g. Prior to issue of a Building Permit, a Signage Strategy must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Strategy should demonstrate compliance with Local Planning Policy 4.11 - Advertising Signs. Once approved, signage shall be displayed and maintained in accordance with the Strategy.
- h. Prior to the commencement of the development, a Waste Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. Once approved, development must be in accordance with the approval Waste Management Plan.
- i. Prior to the commencement of the development, a Construction Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Construction Management Plan must be prepared to address dust and noise from construction and traffic management during the peak periods. Once approved, the Construction Management Plan shall be adhered to at all times.
- j. Prior to the lodgement of a Building Permit, an amended Bushfire Attack Level Assessment shall be provided to the Shire of Serpentine Jarrahdale. An updated vegetation and topography map and table shall be provided identifying separation distance measurements from buildings to the classified vegetation, to the satisfaction of the Shire of Serpentine Jarrahdale.
- k. 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 the following, to the satisfaction of the Shire of Serpentine Jarrahdale:
  - i. Provision of vegetative landscaping within 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.

- l. Prior to the lodgement of a Building Permit, updated plans and information shall be submitted to and approved by the Shire of Serpentine Jarrahdale, detailing the following:
  - i. Perimeter fencing to the satisfaction of the Shire of Serpentine Jarrahdale;
  - ii. An amended layout of pedestrian infrastructure connecting the school site to car parking areas, bus stop locations and the required connection to upgraded pedestrian infrastructure connecting into the site;

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- iii. Provision of bicycle parking in accordance with Local Planning Scheme No. 3; and
  - iv. A school bus turnaround onsite.
- m. Prior to the commencement of the development, a Mosquito Management Plan must be submitted to and approved by the Shire. The Mosquito Management Plan shall demonstrate appropriate management of artificial water bodies or drainage basins created as part of the development, to avoid conditions that may generate mosquito breeding.
- n. Prior to the lodgement of a Building Permit, a detailed Noise Management Plan must be prepared by a suitably qualified acoustic consultant, and submitted to and approved by the Shire of Serpentine Jarrahdale. The Noise Management Plan shall address the following to the satisfaction of the Shire of Serpentine Jarrahdale:
- i. Adoption of recommendations of the stamped Acoustic Report;
  - ii. Where necessary, the provision of additional design measures to mitigate amenity impacts to nearby sensitive receptors to ensure compliance with the Environmental Protection (Noise) Regulations 1997; and
  - iii. Appropriate restrictions and measures to manage noise generated from afterschool activities or events that occur outside of normal school hours;

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

- o. Prior to the commencement of the development, a revised Bushfire Emergency Plan shall be submitted to and approved by the Shire. The Bushfire Emergency Plan shall demonstrate appropriate emergency management measures in accordance with State Planning Policy 3.7 - Planning in Bushfire Prone Areas and Clause 5.5.4 of the Guidelines for Planning in Bushfire Prone Areas.
- p. Satisfactory arrangements being made with the Shire of Serpentine Jarrahdale, to cede 2,167.58m<sup>2</sup> of land from Lot 218 on Deposited Plan 202681, free of cost, as required by the Hypergrowth Road Project to enable the construction of the Abernethy Road roundabout.
- q. Prior to the lodgement of a Building Permit, plans are to be submitted to and approved by the Shire of Serpentine Jarrahdale demonstrating the provision by the applicant of a roundabout at the intersection of Abernethy Road and Kargotich Road. This roundabout must be fully constructed by the applicant, at its cost, in accordance with the approved plans prior to the commencement of the development's operations. Should the Shire receive a grant for the roundabout prior to the applicant commencing works on the roundabout, the applicant shall instead provide a monetary contribution to the Shire to cover any residual amount not covered by the grant, to fully deliver the roundabout.

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- r. Prior to the issue of a Building Permit, plans are to be submitted to and approved by the Shire of Serpentine Jarrahdale demonstrating the provision of a suitable footpath along Abernethy Road, which links the development to the principal shared path designed along the Tonkin Highway extension. The footpath shall be fully constructed by the applicant and must be completed prior to the commencement of the school's operations.
- s. Prior to commencement of school operations, the school entering into a shared use agreement with the Shire of Serpentine Jarrahdale. This is to secure broader community use of the school oval and associated parking and change room facilities, for both active and passive community recreation use outside of school hours. The agreement is to be prepared to the satisfaction of the Shire at the cost *of the school*.
- t. Prior to commencement of the school operations, the school shall establish and maintain a Community Reference Group, based on terms of reference to be submitted to and approved by the Shire. The CRG's purpose is to act as an open and transparent forum for nearby landowners to discuss any issues or exchange any suggested solutions, to issues that may be impacting the amenity of the locality. The CRG is to be in place from the commencement of construction, until 24 months after the first student intake.

**Advice Note:**

- a. In relation to Condition I (i), the Shire would be seeking high quality fencing, in keeping with the rural aesthetic of the locality.

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

**REASON:** In considering the application, the panel gave due regard to the objections raised by surrounding residents. However, as outlined in the Responsible Authority Report, the panel was satisfied that amenity issues raised have been adequately addressed, supported by condition t requiring establishment of a community reference group. Vehicle and pedestrian access was recognised as a key issue and in this regard, the panel placed great importance on the installation of a roundabout at the intersection of Kargotich and Abernathy Roads before the school use could commence (condition q). In conclusion, the panel considered that the application satisfied the planning framework for the Rural Zone and the recommendation in the RAR for approval, subject to suitable conditions, could be supported.

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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
DR75/2022 DAP/18/01543	City of Joondalup	Portion of 9040 (34) Kallatina Drive, Iluka	Mixed Commercial Centre (Iluka Plaza)	02/05/2022
DR169/2023 DAP/23/02486	City of Swan	Lot 1 (No.9) Waterhall Road, South Guildford	Child Care Premises	13/11/2023
DR175/2023 DAP/22/02166	City of Joondalup	1 Lyell Grove (Lot 2), Woodvale	Child Care Premises	30/11/2023
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

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

### 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.

### 3. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 11:21am.

Ian Birch  
Presiding Member, Metro Outer DAP