

Our Ref: 23-007

23 January 2024

Presiding Member of the Metro Outer Development Assessment Panel
Locked Bag 2506
PERTH WA 6001

Via Email: daps@dplh.wa.gov.au

Dear Sir / Madam

DR 193/2023 – FREE REFORMED SCHOOL ASSOCIATION V PRESIDING MEMBER OF THE METRO OUTER JOINT DEVELOPMENT ASSESSMENT PANEL LOT 128 (NO. 575) ABERNETHY ROAD, OAKFORD

element acts on behalf of the Free Reformed School Association (FRSA), the applicant in the matter DR193/2023.

This further information has been prepared following the mutually agreed orders by the State Administrative Tribunal (SAT) with the Presiding Member of the Regional Joint Development Assessment Panel (RJADAP) in matter DR193/2023 Free Reformed School Association V Presiding Member of the Metro Outer Joint Development Assessment Panel.

element hereby provides the following additional information for the panel's reconsideration:

- The Applicant's recommended conditions of approval to address the reasons for refusal.

No further changes are proposed to the layout or design of the proposed educational establishment.

Summary of Development Application

On the 9th August, **element** lodged a Development Application for a Proposed Educational Establishment with the Shire of Serpentine- Jarrahdale for Lot 218 (No. 575) Abernethy Road, Oakford as a mandatory DAP application.

The application proposed a private school campus in a staged manner, accommodating 1200 students. The new campus is designed to enable the relocation of the FRSA's Armadale Secondary Campus at 18 Robin Hood Avenue, Armadale (Yr7-12) and the FRSA Primary Campus (K-YR6) at 30 Soldiers Road, Byford to consolidate capital expenditure on a single campus and to accommodate future projected growth.

To support the application for Development Approval, the following reports were prepared and submitted along with the DA:

- Site Survey;
- Preliminary Servicing Report;
- Geotechnical Assessment;
- Acoustic Assessment;
- Traffic Impact Assessment;
- Bushfire Management Plan and Emergency Evacuation Plan;
- Preliminary Environmental Site Investigation Report;
- Water Management Strategy;
- Site and Soil Evaluation.

The Application was considered for determination by the Metro Outer Development Assessment Panel (MODAP) on the 5th of December 2023.

The Shire of Serpentine-Jarrahdale's Responsible Authority Report (RAR) recommended the DAP refuse the application on grounds of insufficient infrastructure relating to footpaths and a roundabout at the intersection of Kargotich and Abernethy Roads (reasons for refusal).

element provided a written and verbal deputation for the DAP's consideration and supported the officers alternative recommendation for approval, subject to various amendments to conditions proposed.

The application was ultimately refused by the DAP on the 5th of December 2023.

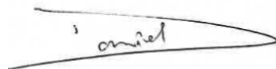
The applicant met with the Shire of Serpentine Jarrahdale on the 12th of December, and subsequently has prepared recommended conditions for reconsideration by the MODAP which aim to address the grounds for refusal.

This further information is submitted to the Presiding Member of the MODAP for reconsideration of its decision dated 05/12/2023.

Should you have any questions or require clarification on the above matter, please do not hesitate to contact the undersigned on 9289 8300.

Yours sincerely,

element

A handwritten signature in black ink, appearing to read 'Daniel Lewis', written over a horizontal line.

Daniel Lewis
Senior Consultant – Planning

element acknowledges the Whadjuk people of the Noongar nation as traditional owners of the land on which we live and work. We acknowledge and respect their enduring culture, their contribution to the life of this city, and Elders, past and present.

Appendix 1: Applicant's Recommended Conditions for Development Approval

Responsible Authority Recommendation Option 2: (As Amended)

1. That the Metro Outer Joint Development Assessment Panel **APPROVES** the development application for the proposed Educational Establishment at Lot 218, 575 Abernethy Road, Oakford, as contained within attachment 2, 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 2022; 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.
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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 must 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.
- 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 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 issuing of a Building Permit, a Signage Strategy must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Strategy shall 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. 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 and approved by the Shire. 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 in its entirety.
- 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;
 - ii. Detailed planting regime and plans, identifying the number of plants, species, size of tubs; and
 - 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, a Development Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Development Plans shall detail the following to the satisfaction of the Shire of Serpentine Jarrahdale:
 - i. Amended fencing in keeping with rural character and aesthetic;
 - ii. An amended layout of pedestrian infrastructure connecting the school site to car park areas, the bus stop locations and the required connection to upgraded pedestrian infrastructure the streetscape; and
 - iii. Provision of bicycle parking and end-of-trip facilities in accordance with the requirements of 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.
- n. Prior to the lodgement of a building permit, a detailed Noise Management Plan prepared by a suitably qualified acoustic consultant shall be 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 2,167.58m² 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. 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 of a roundabout at the intersection of Abernethy Road and Kargotich Road. The roundabout shall be fully constructed prior to the commencement of the School's operations.
- r. 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 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.

Advice Note:

- 1. With respect to condition (q), the Shire advises that: the design of the roundabout has already been completed as part of the hyper-growth road program; the land resumptions for road widening have already commenced; and the Shire will make its best endeavours to seek state or federal government funding to support the construction of the roundabout.