



## Metro Outer Development Assessment Panel Minutes

**Meeting Date and Time:** Thursday, 11 July 2024; 9:30am  
**Meeting Number:** MODAP/24  
**Meeting Venue:** 140 William Street, Perth  
**Public Observing:** Online

A recording of the meeting is available via the following link: [MODAP/24 – 11 July 2024 – Shire of Serpentine Jarrahdale – Shire of Waroona](#)

### PART A – INTRODUCTION

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

### PART B – SHIRE OF SERPENTINE JARRAHDAL

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
  - 3.1 Lot 631 (108) Lawrence Way, Byford – Proposed Child Care Premises – DAP/24/02678
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

### PART C – SHIRE OF WAROONA

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
  - 3.1 Lot 702 on Deposited Plan 59305, Wagerup – Proposed Battery Energy Storage System – DAP/23/02607
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

### PART D – OTHER BUSINESS

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

**Tony Arias**  
Presiding Member, Metro Outer DAP



<b>Attendance</b>	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Tony Arias (Presiding Member)	Claire Ortlepp
Francesca Lefante (Deputy Presiding Member)	Zoe Hendry
Ian Birch	
<i>Part B – Shire of Serpentine Jarrahdale</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Shaye Mack	Andrew Trosic
Cr Tricia Duggin	Marius Le Grange
<i>Part C – Shire of Waroona</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Mike Walmsley	Craig Zanotti
Cr Naomi Purcell	

**Tony Arias**  
Presiding Member, Metro Outer DAP



<b>Applicant and Submitters</b>
<i>Part B – Shire of Serpentine Jarrahdale</i>
Josh Watson (Planning Solutions) Connor Brown (Planning Solutions) Matt Davies (Accord Property)
<i>Part C – Shire of Waroona</i>
Lina Ramlee (Alinta Energy) Russell Slaughter (Alinta Energy)

**Members of the Public / Media**

Nil.

**Observers via livestream**

There were 3 persons observing the meeting via the livestream.

**Tony Arias**  
Presiding Member, Metro Outer DAP



## PART A – INTRODUCTION

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

The Presiding Member declared the meeting open at 9:32am on 11 July 2024 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

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

#### 1.1 Announcements by Presiding Member

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

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

### 2. Apologies

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

### 3. Members on Leave of Absence

Nil.

### 4. Noting of Minutes

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

**Tony Arias**  
Presiding Member, Metro Outer DAP



## PART B – SHIRE OF SERPENTINE JARRAHDALÉ

### 1. Declaration of Due Consideration

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

### 2. Disclosure of Interests

In accordance with section 2.4.9 of the DAP Code of Conduct 2024, DAP Members, Cr Shaye Mack and Cr Tricia Duggin, declared that they had participated in a prior Council meeting in relation to the application at item 3.1. However, under section 2.1.2 of the DAP Code of Conduct 2024, Cr 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, were permitted to participate in the discussion and voting on the item.

### 3. Form 1 DAP Applications

#### 3.1 Lot 631 (108) Lawrence Way, Byford – Proposed Child Care Premises – DAP/24/02678

##### Deputations and Presentations

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

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

### REPORT RECOMMENDATION

**Moved by:** Francesca Lefante

**Seconded by:** Cr Shaye Mack

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

*That Condition No. 2 be amended to read as follows:*

*This decision constitutes planning approval only and is valid for a period of 2 4 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.*

**Tony Arias**  
Presiding Member, Metro Outer DAP



**REASON:** To remain consistent with the usual substantial commencement timeframe for DAP applications.

That the Metro Outer Development Assessment Panel resolves to:

1. **APPROVE** DAP Application reference DAP/24/02678 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 Shire of Serpentine Jarrahdale Local Planning Scheme No. 3, subject to the following conditions:

**Conditions**

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of 4 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.
3. 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 were amended by other conditions of this consent.

Plans and Specification	Development Plans dated 22 February 2024 Transport Impact Statement dated March 2024 Environmental Acoustic Assessment dated 13 March 2024 Bushfire Management Plan dated 14 March 2024 Bushfire Emergency Evacuation Plan dated 14 March 2024 Landscaping Plan dated 29 February 2024
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4. Prior to the lodgement of a Building Permit, a Stormwater Management Plan must be submitted to and approved by the Shire of Serpentine Jarrahdale. The Stormwater Management Plan should be developed in accordance with Local Planning Policy 2.4: Water Sensitive Urban Design Guidelines. Once approved, stormwater must be managed in accordance with the approved plan.
5. Prior to the lodgement of a Building Permit, detailed civil drawings showing pedestrian infrastructure are to be submitted to and approved by the Shire of Serpentine Jarrahdale. The plans shall detail pedestrian infrastructure linking to the existing footpaths. The works associated with the pedestrian infrastructure are to be completed prior to occupation of the development.

**Tony Arias**  
Presiding Member, Metro Outer DAP



6. The vehicle parking areas, accessways, internal roads and crossovers must:
  - a. Be designed in accordance with the relevant Australian/New Zealand Standard;
  - b. Include a suitable number of car parking spaces dedicated to people with disability designed in accordance with the relevant Australian/New Zealand Standard;
  - c. Be constructed, sealed, kerbed, drained, marked and thereafter maintained;
  - d. Sign and line marking plan to be submitted to ensure traffic does not enter via Orton Road/Cap Road;
  - e. Plans to be updated to show both crossovers not encroaching into neighbouring verge areas;
  - f. Signage to be provided showing onsite visitor bays to be Parking (5 minutes), applicable Monday to Friday between 6:30am to 9:30am and 3:00pm to 6:00pm to enable reasonable visitor car bay turnover.
7. 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.
8. 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, 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.
9. Prior to lodgement of a Building Permit, plans showing per cent for art shall be submitted to and approved by the Shire of Serpentine Jarrahdale, in accordance with Local Planning Policy 1.6 - Public Art. Once approved, art is to be established prior to occupation of the development.
10. Prior to lodgement of a Building Permit, a Construction Management Plan is to be submitted to and approved by the Shire of Serpentine Jarrahdale. The Plan should address the following matters:
  - a. Management of car parking, delivery vehicles and traffic associated with the construction of the development;
  - b. Management of dust and noise.
  - c. Once approved, the Construction Management Plan shall be adhered to at all times.

**Tony Arias**  
Presiding Member, Metro Outer DAP



11. Prior to the lodgement of a Building Permit, an updated Landscaping Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Landscaping Plan shall detail:
  - a. Provision of vegetative landscaping within the adjoining verges of the site, and the full management of verges adjoining the site;
  - b. Detailed planting regime and plans, identifying the number of plants, species, size of tubs;
  - c. 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.

12. Prior to the issue of a Building Permit, a revised Bushfire Management Plan is to be prepared and submitted in accordance with State Planning Policy 3.7 - Planning in Bushfire Prone Areas, AS3959:2018 and the Guidelines to the satisfaction of the Shire of Serpentine Jarrahdale. Once approved the Bushfire Management Plan and Bushfire Emergency Evacuation Plan are to be adhered to at all times.
13. Prior to occupation of the development, the measures contained within the Noise Management Plan must be implemented to mitigate noise emissions to the satisfaction of the Shire of Serpentine Jarrahdale.
14. Prior to occupation 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 approved Waste Management Plan.
15. Prior to occupation of the development, a Traffic and Parking Management Plan shall be submitted to and approved by the Shire of Serpentine Jarrahdale. The Traffic and Parking Management Plan shall include all recommendations of the Traffic Impact Statement and management measures for staff parking, with particular reference to prior to 7:00am. Once approved, the Traffic and Parking Management shall be adhered to at all times.
16. All loading and unloading associated with the development must be undertaken within the subject property boundaries.
17. Operating hours are to be restricted to a drop off time of no earlier than 6:30am and a pickup time of no later than 6:30pm Monday to Friday.
18. The maximum number of children placed on the premises at any one time shall not exceed 96.

**Tony Arias**  
Presiding Member, Metro Outer DAP





### Advice Notes

1. Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) or local government approval under regulation 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*.
2. Provision of food must comply with the Food Act 2008 and the Food Standards Code which includes a Food Safety Program for service of food to vulnerable persons.
3. An application for the fit-out of the premise must be submitted to the Shire's Environmental Health Team for preliminary assessment. Additionally, a Food Premises Notification Registration Form must be submitted to register the premise to provide food to vulnerable persons.
4. Plans should be submitted with the Notification Registration Form which indicate the type of fittings and details of floors, walls and ceiling finishes prior to internal fit out.

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

**REASON:** The Panel was of the opinion that the proposed childcare landuse and changes to the approval timeframe are consistent with the planning framework. It considered that the site was appropriate for childcare land use given its corner location, roads on three boundaries so as to minimise impacts on surrounding residential properties. It was also in close proximity to the Beenyup Primary School.

Members supported the building layout and site configuration, which incorporates solar passive design principles, building orientation, and location of children play areas. The functionality of the onsite vehicle movements is considered to be enhanced by vehicle access and egress points, which facilitate through traffic movement. The layout, boundary wall treatment, car parking bay restrictions, and location of children play area to the street frontage minimise adverse amenity and noise impacts on the adjoining residential sites. The use of visually permeable fencing materials along the streetscape creates a suitable interface given the locational context, and the solar passive design.

The Panel was satisfied that the concerns raised by DFES can be suitably managed by an updated Bushfire Management Plan. On balance, the Panel was satisfied that the proposal is appropriate within the residential area and accordingly was supported.

**Tony Arias**  
Presiding Member, Metro Outer DAP



**4. Form 2 DAP Applications**

Nil.

**5. Section 31 SAT Reconsiderations**

Nil.

*Cr Shaye Mack & Cr Tricia Duggin (Local Government DAP Members, Shire of Serpentine Jarrahdale) left the panel at 10:07am.*

A handwritten signature in black ink that reads "Tony Arias".

**Tony Arias**  
Presiding Member, Metro Outer DAP



## PART C – SHIRE OF WAROONA

*Cr Mike Walmsley & Cr Naomi Purcell (Local Government DAP Members, Shire of Waroona) joined the panel at 10:08am.*

### 1. Declaration of Due Consideration

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

### 2. Disclosure of Interests

Nil.

### 3. Form 1 DAP Applications

#### 3.1 Lot 702 on Deposited Plan 59305, Wagerup – Proposed Battery Energy Storage System – DAP/23/02607

##### Deputations and Presentations

Lina Ramlee & Russell Slaughter (Alinta Energy) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

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

## REPORT RECOMMENDATION

**Moved by:** Francesca Lefante

**Seconded by:** Ian Birch

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

*That Condition No. 2 be amended to read as follows:*

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

**REASON:** *To remain consistent with the usual substantial commencement timeframe for DAP applications.*

**Tony Arias**  
Presiding Member, Metro Outer DAP



That the Metro Outer DAP resolves to:

1. **Approve** DAP Application reference DAP/23/02607 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 Shire of Waroona Local Planning Scheme No. 7, subject to the following conditions:

### Conditions

1. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. Development shall be in accordance with the development plans contained in **Attachment 1**.
3. This approval relates only to the proposed “development”, as indicated on the approved plans and any minor modification approved in writing by the Shire. It does not relate to any other development on this lot.
4. Prior to the commencement of works, a stormwater management plan shall be submitted to the specification of the Shire and approved. The approved stormwater management plan shall be implemented and maintained thereafter, to the satisfaction of the Shire.
5. Prior to the commencement of works, an Arboricultural Management Plan shall be submitted to the specification of the Shire and approved. The management plan shall detail measures to protect and enhance the ‘Wagerup Scar Tree’ – 1x Eucalyptus marginata (Jarrah), identified in the Visual Tree Assessment, prepared by the arbor centre, revision 1, dated March 2024, contained in **Attachment 3**. The approved management plan shall be implemented and maintained thereafter, to the satisfaction of the Shire.
6. Clearing of vegetation shall be limited to that identified in the ‘Wagerup Battery Energy Storage System – CIL Contribution Proposal, dated May 2024’, contained in **Attachment 4**. Prior to the commencement of works, the applicant shall make a Cash-In-Lieu contribution to offset the clearing, consistent with Local Planning Policy 17 – Vegetation.
7. Prior to the commencement of works, a revised Bushfire Management Plan shall be submitted to the specification of the Shire and approved. The approved management plan shall be implemented and maintained thereafter, to the satisfaction of the Shire.
8. Prior to the commencement of works, a civil works plan shall be submitted to the specification of the Shire and approved. The approved civil works plan shall be implemented and maintained thereafter, to the satisfaction of the Shire.

**Tony Arias**  
Presiding Member, Metro Outer DAP



9. Prior to the commencement of works, a construction management plan shall be submitted to the specification of the Shire and approved. The approved management plan shall be implemented and maintained thereafter, to the satisfaction of the Shire.

### **Advice Notes**

1. This is a development approval issued under the Shire of Waroona Local Planning Scheme No. 7 only. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals and to commence and carry out development in accordance with all other laws.
2. A stormwater management plan should detail measures to detain and dispose of stormwater, prevent erosion, sedimentation, turbidity, contamination and ensure that pre and post stormwater flows remain unchanged.
3. The site contains Aboriginal Cultural Heritage, known as the 'Wagerup Scarred Tree' (Place 23432). Works in proximity to this tree will require reporting to the Department of Planning, Lands and Heritage for AchKnowledge lodgement. Further, this tree cannot be impacted or harmed in any way without a Section 18 approval under the Aboriginal Heritage Act 1972 and Traditional Owner's approval.
4. The applicant has elected to make a Cash-In-Lieu contribution as per the details contained within the 'Wagerup Battery Energy Storage System – CIL Contribution Proposal, dated May 2024'. Should the scale or nature of the proposed clearing change (e.g. number or type of vegetation amended), the Shire will adjust accordingly. Further, note that costs for the Shire to undertake the works may increase over time including supplier costs for plants, soil improver, mulch, tree protection and watering.
5. The revised bushfire management plan should address the advice from the Department of Fire and Emergency Services, dated 17 June 2024 and any changes required by the Shire. Where acceptable solutions cannot be met, the intent of SPP 3.7 and the Bushfire Guidelines will need to be met through performance principles.
6. The civil works plan should include details pertaining to earthworks, retaining, access, surface treatments and other ancillary or incidental works. This should seek to ensure that neighbouring properties are not impacted by construction or ongoing operations.

**Tony Arias**  
Presiding Member, Metro Outer DAP



7. A construction management plan should address the following matters:
  - a. How materials and equipment will be delivered and removed from the site;
  - b. How materials and equipment will be stored on the site;
  - c. Parking arrangements for contractors;
  - d. Construction waste disposal strategy and location of waste disposal bins;
  - e. Details of cranes, large trucks or similar equipment which may block thoroughfares during construction;
  - f. How risks of wind and/or water borne erosion and sedimentation will be mitigated during and after the works; and
  - g. Other matters likely to impact on the surrounding properties.

### AMENDING MOTION

**Moved by:** Francesca Lefante

**Seconded by:** Tony Arias

*The following amendments were made en bloc:*

- (i) That Condition No. 4 be amended to read as follows:

*Prior to the commencement of **civil** works, a stormwater management plan shall be submitted to the specification of the Shire and approved. The approved stormwater management plan shall be implemented and maintained thereafter, to the satisfaction of the Shire.*

- (ii) That Condition No. 8 be amended to read as follows:

*Prior to the commencement of **civil** works, a ~~civil works~~ plan shall be submitted to the specification of the Shire and approved. The approved civil works plan shall be implemented and maintained thereafter, to the satisfaction of the Shire.*

### The Amending Motion was put and LOST (2/3).

For: Tony Arias  
Francesca Lefante

Against: Ian Birch  
Cr Mike Walmsley  
Cr Naomi Purcell

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

**REASON:** The Panel was of the opinion that the proposal inclusive of a four-year timeframe is consistent with the planning framework. The Panel supported the locational context of the development with particular reference to the benefits of improving the electricity network. The Panel considered the siting of the proposed Battery Energy Storage facility appropriate given its location close to the Wagerup refinery, Alinta Energy's gas power station, and other electricity Infrastructure, including high voltage power transmission lines, substations, and transformers.

**Tony Arias**  
Presiding Member, Metro Outer DAP



The Panel was satisfied that the concerns raised by DFES can be suitably managed by an updated Bushfire Management Plan, noting that the applicant needs to consider these provisions during design detail stage, and where significantly different to the current application may require amendments. On balance, the Panel supported the proposal consistent with the reasons contained in the RAR.

**4. Form 2 DAP Applications**

Nil.

**5. Section 31 SAT Reconsiderations**

Nil.

A handwritten signature in black ink that reads "Tony Arias".

**Tony Arias**  
Presiding Member, Metro Outer DAP



## 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
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
DR193/2023 DAP/23/02545	Shire of Serpentine Jarrahdale	Lot 218 (No.575) Abernethy Road, Oakford	Proposed Educational Establishment	19/12/2023
DR94/2024 DAP/23/02623	City of Cockburn	Lot 9501 Gaebler Road, Hammond Park	Mixed Use Commercial Development	27/06/2024

The Presiding Member noted the following Supreme Court Appeal -

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

### 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.

Tony Arias  
Presiding Member, Metro Outer DAP