



Minutes of the Metro South-West Joint Development Assessment Panel

Meeting Date and Time: Tuesday 11 December 2012, 2pm
Meeting Number: 12
Meeting Venue: City of Kwinana, Council Lounge
Cnr Gilmore Avenue and Sulphur Road Kwinana

Attendance

DAP Members

Mr Neil Foley (Presiding Member)
Ms Rachel Chapman (Deputy Presiding Member) (left at 2.31 pm, returned at 3.24 pm)
Mr Rob Nicholson (Specialist Member)
Cr Richard Smith (Local Government Member, City of Rockingham) (until 2.28 pm)
Cr Joy Stewart (Local Government Member, City of Rockingham) (until 2.28 pm)
Mayor Logan Howlett (Local Government Member, City of Cockburn) (2.29 pm to 2.31 pm)
Deputy Mayor Kevin Allen (Local Government Member, City of Cockburn) (2.29 pm to 2.31 pm)
Mayor Carol Adams (Local Government Member, City of Kwinana) (from 2.32 pm)
Deputy Mayor Ruth Alexander (Local Government Member, City of Kwinana) (from 2.32 pm)

Officers in attendance

Mr Craig Shepherd (Department of Planning)
Mr Neil Fox (Department of Planning)
Ms Frances Page-Croft (Department of Planning)
Ms Anika Chhabra (Department of Planning)
Mr Mike Ross (City of Rockingham)
Mr Regan Travers (City of Rockingham)
Mr Bob Jeans (City of Rockingham)
Ms Sharon Peacock (City of Rockingham)
Mr Andrew Lefort (City of Cockburn)
Mr Greg Bowering (City of Cockburn)
Ms Felicitas Dhliwayo (City of Kwinana)
Mr Brenton Scambler (City of Kwinana)
Mr Paul Neilson (City of Kwinana)

Applicants, Submitters and Members of the Public

Ms Amanda Butterworth (Allerding & Associates)
Mr Daniel Stevens (Water Corporation)
Mr Andrew Baker (Water Corporation)
Mr Neil Teo (Dynamic Planning)
Ms Emma Jeans (Dynamic Planning)
Ms Julie-Anne Hatch (TBB Planning)
Ms Samantha Thompson (TBB Planning)
Mr Craig Graham (Peet Limited)
Mr David Burrows (Sims Metal)
Mr Brian Adcroft (ADC Projects)



Local Government Minute Secretary

Ms Alicia McKenzie (City of Kwinana)

1. Declaration of Opening

The Presiding Member, Mr Neil Foley declared the meeting open at 2:04pm on 11/12/12 and acknowledged the past and present traditional owners and custodians of the land on which the meeting was being held.

The Presiding Member announced the meeting would be run in accordance with the *Development Assessment Panel Standing Orders 2012* under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

The Presiding Member advised that the meeting is being audio recorded in accordance with Section 5.16 of the Standing Orders 2012; No Recording of Meeting, which states: 'A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.' The Presiding Member granted permission for the minute taker to record proceedings for the purpose of the minutes only.

2. Apologies

Nil

3. Members on Leave of Absence

Nil

4. Noting of Minutes

Minutes of the Metro South-West JDAP Meeting No.11 held on 22 October 2012 were noted by JDAP members.

5. Disclosure of Interests

- 5.1** Ms Rachel Chapman (Deputy Presiding Member) declared an Indirect Pecuniary Interest in Item 8.3.

In accordance with section 6.3.1 of the Standing Orders 2012, the Presiding Member agreed that the member listed above, who has disclosed a direct pecuniary interest, is not permitted to participate in the discussion or voting on the item.

- 5.2** Mayor Carol Adams declared an Impartiality Interest in Items 8.3 and 8.4.

In accordance with section 4.6.1 and 4.6.2 of the Standing Orders 2012, the Presiding Member agreed that the member listed above, who has disclosed impartiality interests, is permitted to participate in discussion and voting on the items.

- 5.3** The Presiding Member declared an Impartiality Interest in Items 8.4a and 8.4b.



In accordance with section 4.6.1 and 4.6.2 of the Standing Orders 2012, the Deputy Presiding Member, Ms Rachel Chapman agreed that the member listed above, who has disclosed an impartiality interest, is permitted to participate in discussion and voting on the items.

6. Declarations of Due Consideration

Nil

7. Deputations and Presentations

- 7.1 Ms Amanda Butterworth (Allerding and Associates) and Mr Andrew Baker (Water Corporation) addressed the JDAP presenting for the application at Item 8.1 and answered questions from JDAP members as requested.
- 7.2 Mr Craig Graham (Peet Limited) and Ms Samantha Thompson (Taylor Burrell Barnett) addressed the JDAP presenting for the application at Item 8.3 and answered questions from JDAP members as requested.

8. Form 1 - Responsible Authority Reports – DAP Applications

8.1a	Application Details:	Proposed Sewerage Main for Disposal of Treated Sewerage
	Property Location:	Lots 44, 1598, 1637 and 1638 Fisher Street Rockingham
	Applicant:	Allerding and Associates
	Owner:	Water Corporation
	Responsible authority:	City of Rockingham
	Report date:	16 November 2012
	DoP File No:	DP/12/01119

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Councillor Smith

Seconded by: Councillor Stewart

Recommendation:

That the Metro South-West Joint Development Assessment Panel resolves to:

Approve DAP Application reference 12/1119 received on the 3rd October 2012 in accordance with Clause 6.7.1(a) of the *City of Rockingham Town Planning Scheme No.2*, subject to the following conditions:

1. A Construction Environmental Management Plan (CEMP) must be prepared prior to commencement of works, and include the following Management Plans, to the satisfaction of the City:
 - Traffic Management Plan;
 - Dust and Noise Management Plan;
 - Dewatering Management Plan;
 - Safety Management Plan (i.e. fencing etc); and
 - Laydown and Storage Area Management Plan for works occurring outside the pipeline corridor.



The CEMP must be implemented for the duration of pipeline construction.

2. Footpaths, grass, trees and irrigation infrastructure removed by the Water Corporation must be reinstated at the Water Corporation's cost, to the satisfaction of the City.
3. Prior to works commencing, the Water Corporation must ensure there is advance public notice of the proposed works to nearby property owners and occupiers including a public enquiry line for information and for receiving construction works related complaints, for the duration of works.

AMENDING MOTION

Moved by: Cr Smith

Seconded by: Cr Stewart

That condition 3 is amended as follows:

3. Prior to works commencing, the Water Corporation must give advance public notice of the proposed works to nearby property owners and occupiers and provide a 24 hour mobile telephone enquiry service to a person that is able to provide information and receive construction works related complaints, for the duration of works. The telephone number of the enquiry line must be displayed in a prominent location on the site.

The motion was put and CARRIED UNANIMOUSLY.

REASON: Alteration to item three was to provide advance public notice of the proposed works and a telephone enquiry service.

AMENDING MOTION

Moved by: Mr Nicholson

Seconded by: Ms Chapman

That a new condition 4 is added as follows:

4. This approval is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the four year period, the approval shall lapse and be of no further effect.

The motion was put and CARRIED UNANIMOUSLY.

REASON: This condition was amended to allow for an increased time period for the planning approval to be substantially commenced being 4 years instead of the normal 2 years due to the complexity and strategic public importance of the proposed development.

PRIMARY MOTION (AS AMENDED)

Approve DAP Application reference 12/1119 received on the 3rd October 2012 in accordance with Clause 6.7.1(a) of the *City of Rockingham Town Planning Scheme No.2*, subject to the following conditions:



1. A Construction Environmental Management Plan (CEMP) must be prepared prior to commencement of works, and include the following Management Plans, to the satisfaction of the City:
 - Traffic Management Plan;
 - Dust and Noise Management Plan;
 - Dewatering Management Plan;
 - Safety Management Plan (i.e. fencing etc); and
 - Laydown and Storage Area Management Plan for works occurring outside the pipeline corridor.

The CEMP must be implemented for the duration of pipeline construction.

2. Footpaths, grass, trees and irrigation infrastructure removed by the Water Corporation must be reinstated at the Water Corporation's cost, to the satisfaction of the City.
3. Prior to works commencing, the Water Corporation must give advance public notice of the proposed works to nearby property owners and occupiers and provide a 24 hour mobile telephone enquiry service to a person that is able to provide information and receive construction works related complaints, for the duration of works. The telephone number of the enquiry line must be displayed in a prominent location on the site.
4. This approval is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the four year period, the approval shall lapse and be of no further effect.

The motion was put and CARRIED UNANIMOUSLY.

8.1b Application Details:	Construction of a 3.8km Duplicate Sewerage Pipeline for the Sepia Depression Ocean Outlet Landline
Property Location:	Lots 1637 and 1638 Fisher Street, Lot 1530 Lake Street Rockingham. Lots 2732 and 2733 Peron Road Peron. (collectively Crown Reserve 42518)
Applicant:	Allerding and Associates
Owner:	Water Corporation Crown Land with Management Order to Water Corporation
Responsible authority:	Western Australian Planning Commission
Report date:	20 November 2012
DoP File No:	DP/12/01119

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Ms Chapman

Seconded by: Councillor Smith

Recommendation:

That the Metropolitan South-West Joint Development Assessment Panel resolves to:



Approve DAP Application reference DP12/01119 and accompanying plans in accordance with the provisions of the Metropolitan Region Scheme, subject to the following condition and advice note:

a) Condition

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

b) Advice note

A portion of the subject land is known to have 'high to moderate risk' of acid sulfate soils occurring within three metres of the natural soil surface. It is likely that an acid sulfate management plan will be required. The landowner/applicant is advised to liaise with the Department of Environment and Conservation in relation to this matter.

AMENDING MOTION

Moved by: Ms Chapman

Seconded by: Cr Stewart

That condition a) be amended as follows:

a) Condition

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 four year period, the approval shall lapse and be of no further effect.

The motion was put and CARRIED UNANIMOUSLY.

REASON: This condition was amended to allow for an increased time period for the planning approval to be substantially commenced being 4 years instead of the normal 2 years due to the complexity and strategic public importance of the proposed development

PRIMARY MOTION (AS AMENDED)

Approve DAP Application reference DP12/01119 and accompanying plans in accordance with the provisions of the Metropolitan Region Scheme, subject to the following condition and advice note:

a) Condition

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 four year period, the approval shall lapse and be of no further effect.

b) Advice note



A portion of the subject land is known to have 'high to moderate risk' of acid sulfate soils occurring within three metres of the natural soil surface. It is likely that an acid sulfate management plan will be required. The landowner/applicant is advised to liaise with the Department of Environment and Conservation in relation to this matter.

The motion was put and CARRIED UNANIMOUSLY

Cr Richard Smith and Cr Joy Stewart (City of Rockingham Local Government Members) left the meeting at 2.28 pm.

Mayor Logan Howlett and Deputy Mayor Kevin Allen (City of Cockburn Local Government Members) joined the meeting at 2.29 pm.

8.2	Application Details:	Proposed Warehouse/Distribution Centre
	Property Location:	Lot 691 (No.24) Selkis Road Bibra Lake
	Applicant:	Dynamic Planning and Development
	Owner:	Primewest No 168 Pty Ltd
	Responsible authority:	City of Cockburn
	Report date:	27 November 2012
	DoP File No:	DP/12/01164

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Deputy Mayor Allen

Seconded by: Mayor Howlett

Recommendation:

That the South West Metropolitan Joint Development Assessment Panel resolves to:

Approve DAP Application reference DAP12/007 and accompanying plans Dwg 2562529-DA-000 to DA-009 inclusive in accordance with Clause 10.3 of the City of Cockburn Town Planning Scheme No. 3 and Clause 29 of the Metropolitan Region Scheme, subject to the following conditions and footnotes:

Conditions

1. All stormwater being contained and disposed of on-site to the satisfaction of the City.
2. Prior to the initial occupation of the development hereby approved, the 103 parking bay/s, driveway/s, points of ingress and egress and hard stand areas shall be sealed, kerbed, drained to the City's specifications and line marked in accordance with the approved plans.
3. Prior to first occupation of the building hereby approved, the street number shall be clearly displayed on the façade of the building. The street number is to be displayed in perpetuity to the satisfaction of the City.
4. All waste and recycling materials must be contained within bins. These must be stored within the buildings or within an external enclosure located and constructed to the satisfaction of the Manager Statutory Planning. This



information should be submitted for approval at the Building Permit stage.

5. Prior to the development being occupied, at least 4 bicycle stands that comply with Australian Standard 2890.3 are to be provided in close proximity to the entrance of the building.
6. Crossovers are to be located and constructed to council specifications.
7. All proposed land clearing strategies, filling and dust suppression measures undertaken by the developer must be effective in controlling dust and sand drift from the site to ensure that adjacent properties are not adversely impacted upon.
8. Prior to the application for a building permit, and notwithstanding the details already provided, a landscaping plan shall be submitted to and approved in writing by the City. The plan shall include the following detail:
 - i. shade trees of a suitable species in the areas indicated on the approved plans;
 - ii. the proposed verge landscaping theme;
 - iii. Species number and size at the time of planting; and
 - iv. Installation, reticulation and management of landscaped areas.

The landscaping shall be implemented during the first available planting season post completion of development. Any species which fail to establish within a period of 12 months from planting shall be replaced to the satisfaction of the City.

Footnotes:

- a) This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or with any requirements of the City of Cockburn Town Planning Scheme No. 3. Prior to the commencement of any works associated with the development, a Building Permit will be required.
- b) With reference to condition 1, all stormwater drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff" 1987 (where amended) produced by the Institute of Engineers, Australia, and the design is to be certified by a suitably qualified practicing Engineer or the like, to the satisfaction of the City, and to be designed on the basis of a 1:100 year, 24 hour duration storm event.
- c) With reference to Condition 2, the 103 parking bay/s, driveway/s and points of ingress and egress are to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890) unless otherwise specified by this approval and are to be constructed, drained and marked in accordance with the design and specifications certified by a suitably qualified practicing Engineer and are to be completed prior to the development being occupied and thereafter maintained to the satisfaction of the City.
- d) With reference to Condition 4, the external bin enclosure must be of an adequate size to contain all waste bins, at least 1.8 m high, fitted with a gate and graded to a 100mm diameter industrial floor waste with a hose cock, all connected to sewer. The minimum provisions for internal bin storage is a concrete wash-down pad of at least 1m² graded to a 100mm diameter industrial floor waste with a hose cock, all connected to sewer.



- e) 'Warehouse' is defined under the City's Town Planning Scheme No.3 and means "*premises used to store or display goods and may include wholesale.*" The definition does not include: showroom, industry (general, light, service) or retail shop uses.
- f) You are advised that in the interests of visual amenity, all service related hardware including air-conditioning units, should be sited away from public view and/or appropriately screened.
- g) Any fencing is to be in accordance with the Phoenix Park Design Guidelines.
- h) Industrial liquid wastes, including washdown wastes, are not permitted to enter any storm water system. This disposal of industrial liquid waste is to comply with the City of Cockburn (health) Local laws 2000 be discharged to Water Corporation sewer.

AMENDING MOTION

Moved by: Mr Foley

Seconded by: Mayor Howlett

That Advice Note e) be amended as follows:

- e) This development has been approved as a 'Warehouse' as is defined under the City's Town Planning Scheme No.3 and means "*premises used to store or display goods and may include wholesale.*" The definition does not include: showroom, industry (general, light, service) or retail shop uses.

The motion was put and CARRIED UNANIMOUSLY.

REASON: This advice note was amended to provide clarity to the applicant over the use of the proposed development.

PRIMARY MOTION (AS AMENDED)

Approve DAP Application reference DAP12/007 and accompanying plans Dwg 2562529-DA-000 to DA-009 inclusive in accordance with Clause 10.3 of the City of Cockburn Town Planning Scheme No. 3 and Clause 29 of the Metropolitan Region Scheme, subject to the following conditions and footnotes:

Conditions

1. All stormwater being contained and disposed of on-site to the satisfaction of the City.
2. Prior to the initial occupation of the development hereby approved, the 103 parking bay/s, driveway/s, points of ingress and egress and hard stand areas shall be sealed, kerbed, drained to the City's specifications and line marked in accordance with the approved plans.
3. Prior to first occupation of the building hereby approved, the street number shall be clearly displayed on the façade of the building. The street number is to be displayed in perpetuity to the satisfaction of the City.



4. All waste and recycling materials must be contained within bins. These must be stored within the buildings or within an external enclosure located and constructed to the satisfaction of the Manager Statutory Planning. This information should be submitted for approval at the Building Permit stage.
5. Prior to the development being occupied, at least 4 bicycle stands that comply with Australian Standard 2890.3 are to be provided in close proximity to the entrance of the building.
6. Crossovers are to be located and constructed to council specifications.
7. All proposed land clearing strategies, filling and dust suppression measures undertaken by the developer must be effective in controlling dust and sand drift from the site to ensure that adjacent properties are not adversely impacted upon.
8. Prior to the application for a building permit, and notwithstanding the details already provided, a landscaping plan shall be submitted to and approved in writing by the City. The plan shall include the following detail:
 - i. shade trees of a suitable species in the areas indicated on the approved plans;
 - ii. the proposed verge landscaping theme;
 - iii. Species number and size at the time of planting; and
 - iv. Installation, reticulation and management of landscaped areas.

The landscaping shall be implemented during the first available planting season post completion of development. Any species which fail to establish within a period of 12 months from planting shall be replaced to the satisfaction of the City.

Footnotes:

- a) This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or with any requirements of the City of Cockburn Town Planning Scheme No. 3. Prior to the commencement of any works associated with the development, a Building Permit will be required.
- b) With reference to condition 1, all stormwater drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff" 1987 (where amended) produced by the Institute of Engineers, Australia, and the design is to be certified by a suitably qualified practicing Engineer or the like, to the satisfaction of the City, and to be designed on the basis of a 1:100 year, 24 hour duration storm event.
- c) With reference to Condition 2, the 103 parking bay/s, driveway/s and points of ingress and egress are to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890) unless otherwise specified by this approval and are to be constructed, drained and marked in accordance with the design and specifications certified by a suitably qualified practicing Engineer and are to be completed prior to the development being occupied and thereafter maintained to the satisfaction of the City.
- d) With reference to Condition 4, the external bin enclosure must be of an adequate size to contain all waste bins, at least 1.8 m high, fitted with a gate and graded to



a 100mm diameter industrial floor waste with a hose cock, all connected to sewer. The minimum provisions for internal bin storage is a concrete wash-down pad of at least 1m² graded to a 100mm diameter industrial floor waste with a hose cock, all connected to sewer.

- e) This development has been approved as a 'Warehouse' as is defined under the City's Town Planning Scheme No.3 and means "*premises used to store or display goods and may include wholesale.*" The definition does not include: showroom, industry (general, light, service) or retail shop uses.
- f) You are advised that in the interests of visual amenity, all service related hardware including air-conditioning units, should be sited away from public view and/or appropriately screened.
- g) Any fencing is to be in accordance with the Phoenix Park Design Guidelines.
- h) Industrial liquid wastes, including washdown wastes, are not permitted to enter any storm water system. This disposal of industrial liquid waste is to comply with the City of Cockburn (Health) Local laws 2000 be discharged to Water Corporation sewer.

The motion was put and CARRIED UNANIMOUSLY.

Mayor Logan Howlett and Deputy Mayor Kevin Allen (City of Cockburn Local Government Members) left the Meeting at 2.31 pm.

Ms Chapman left the Meeting at 2:31 pm.

Mayor Carol Adams and Cr Ruth Alexander (City of Kwinana Local Government Members) joined the Meeting at 2.32 pm.

8.3	Application Details:	Proposed Retail/Commercial Development
	Property Location:	Lots 211 and 535 The Strand Wellard
	Applicant:	Taylor Burrell Barnett
	Owner:	Department of Housing
	Responsible authority:	City of Kwinana
	Report date:	15 November 2012
	DoP File No:	DP/12/01197

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Mayor Adams

Seconded by: Deputy Mayor Alexander

Recommendation:

That the Metro South-West JDAP resolves to:

Approve DAP Application reference DP/12/01197 and accompanying plans DA-01 (Amended dated 13/11/12), DA-02, DA-03, DA-04, DA-05, DA-06 in accordance with Clause 6.1 of the City of Kwinana Town Planning Scheme No.2, subject to the following conditions and advice notes:



Conditions

- 1.1 The use, management and development of the land being in accordance with the terms and provisions of Town Planning Scheme No 2.
- 1.2 The premises being kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City of Kwinana.
- 1.3 A Drainage and Stormwater Management Plan being submitted and approved by the City of Kwinana prior to lodgement of a building permit.
- 1.4 The applicant shall implement dust control measures for the duration of the Site and Construction Works to the satisfaction of the City of Kwinana.
- 1.5 Construction shall not commence until the applicant has paid the appropriate fees, submitted the appropriate supporting documentation and has been issued with a Building Permit in accordance with the Building Act 2011 and the Building Regulations 2012.
- 1.6 A schedule of colours, materials and finishes for the building shall be submitted to the City of Kwinana prior to lodgement of a building permit.
- 1.7 Vehicle crossovers shall be constructed to the specifications and satisfaction of the City of Kwinana.
- 1.8 The provision of 318 car parking bays of the dimensions 5.5 x 2.5 metres, to be clearly marked on the ground and constructed of bitumen, brick or concrete and drained to the satisfaction of the City of Kwinana.
- 1.9 The existing 32 on street car parking bays being maintained to the satisfaction of the City of Kwinana.
- 1.10 All trafficable areas are to be sealed and drained to comply with City of Kwinana trafficable area specifications.
- 1.11 A Landscape Plan being submitted and approved by the City of Kwinana within 28 days of approval. The Landscape Plan must indicate the location and type of landscaped areas, the location and type of reticulation to be installed, the location and type of paving to be installed. The Landscape Plan must also include a plant schedule nominating each species, the spacings of each species, the number of plants to be used at the time of planting, together with the anticipated height of each plant at maturity. The Landscape Plan must identify and include any adjoining road verges to be included as part of the agreed landscaping area and general details regarding maintenance.
- 1.12 Landscaping and reticulation shall be established and maintained to a high standard thereafter in accordance with the approved Landscape Plan within 60 days of completion of the development to the satisfaction of the City of Kwinana.
- 1.13 1785 square metres (10%) of the subject site is to be landscaped and maintained to a high standard thereafter to the satisfaction of the City of Kwinana.
- 1.14 A landscaping bond or bank guarantee of \$16,975.50 (\$9.50 per square metre) shall be paid to the City of Kwinana prior to lodgement of a building permit.



- 1.15 Landscaping areas, vehicle parking spaces, accessways, etc. are to be installed prior to occupying the proposed development and maintained thereafter by the owner / occupier to the satisfaction of the City of Kwinana.
- 1.16 Landscaping being provided within parking areas at a rate of 1 tree per 5 bays to provide shade for parked cars and to soften the impact of paved carparking viewed from adjacent sites and roads.
- 1.17 Permanent signage shall be professionally designed, constructed, finished, installed and maintained thereafter to the satisfaction of the City of Kwinana.
- 1.18 Signage to be securely fixed to the structure by which it is supported to the satisfaction of the City of Kwinana and maintained in a safe condition.
- 1.19 The sign being kept clean and free from unsightly matter including graffiti at all times by the owner/occupier to the satisfaction of the City of Kwinana.
- 1.20 The sign is not to be constructed of reflective materials.
- 1.21 Glass shall not be used in the sign.
- 1.22 Paper, cardboard, cloth or other readily combustible material shall not form part of, or be attached to the sign.
- 1.23 No other signage to be erected other than signs exempted from Council Planning Approval pursuant to Clause 6.17.3 of the Town Planning Scheme No 2.
- 1.24 Signs are to be located wholly within the confines of the lot boundary and not within road reserve.
- 1.25 An acoustic consultant's report being provided and approved by City of Kwinana's Manager Environmental Health prior to lodgement of a building permit. The report shall address the impact of cumulative noise, traffic movement, security alarms, air conditioning and re Fridgerative plant equipment of commercial properties on noise sensitive areas (residences). The report is to make recommendations on how identified noise impacts can be attenuated so as to comply with the provisions of the Environmental Protection Act and Regulations.
- 1.26 No audible security alarms shall be installed on the commercial premises.
- 1.27 The proponent shall submit a Waste Management Plan for the shopping centre for approval by the City of Kwinana prior to lodgement of a building permit. The plan must show bin and waste enclosures and whether they are provided with the purpose of being shared by centre tenancies. The plan shall also include details of street bin layout and the means by which recycling bins and storage areas can be installed in the centre and adjacent streetscapes.
- 1.28 Prior to occupation of the development, the proponent is to provide an updated parking strategy in accordance with the Wellard Village Design Guidelines and Wellard Village Local Structure Plan that satisfies the City of Kwinana and justifies the parking shortfall of this development and its impacts on the overall parking within the neighbourhood centre.
- 1.29 The retail component of this development shall be capped at 5000m² Net Leasable Area (NLA) in accordance with the Wellard Village Local Structure Plan.
- 1.30 Outdoor eating and alfresco dining areas will be required to be licensed with the City to comply with the requirements of the City of Kwinana Activities in Public Thoroughfares Local Laws.



- 1.31 The development being designed and constructed to allow easy access for people with disabilities to the satisfaction of the City of Kwinana.
- 1.32 All future activities or changes of use of the shopping centre development shall receive Council's planning approval prior to undertaking of works or occupancy.
- 1.33 The external finishes of the building being anti graffiti treated to the satisfaction of the City of Kwinana.
- 1.34 The proponent shall submit the energy rating assessment forms at lodgement of building permit to demonstrate compliance with the National Construction Code and the Wellard Village Design Guidelines.
- 1.35 A management plan for the control of light spillage from the carpark, street and security lighting is to be submitted for approval by the City of Kwinana prior to lodgement of a building permit. The plan shall show how light spillage impacts on residential development can be minimised.
- 1.36 All external lighting shall comply with Australian Standards AS1158 and AS2293 and all building entries and service areas shall be illuminated to facilitate use after hours to the satisfaction of the City of Kwinana.
- 1.37 This approval is valid for 36 months only. If development is not substantially commenced or completed within this period a fresh approval must be obtained before commencing or continuing with the development.

2. Note that the following advice will be provided to the applicant as footnotes on the approval.

- 2.1 The application has been determined by the JDAP on the basis of the plans and information provided to the City of Kwinana for assessment.
- 2.2 The applicant is advised that all future development must be submitted to the City of Kwinana prior to the commencement of works or alteration of land use.
- 2.3 Should the applicant be aggrieved by the decision or any condition imposed, then a right of review should be lodged with the State Administrative Tribunal within 28 days of the date of this decision.
- 2.4 The applicant is further advised that this conditional development approval is not a building permit giving authority to commence construction. Prior to any building work commencing on site a Building Permit must be issued and penalties apply for failing to adhere to this requirement. A certificate of design compliance is to be obtained from an independent private building surveyor prior to submission to Council.
- 2.5 The applicant should ensure that the proposed development complies with all other relevant legislation, including but not limited to, the Environmental Protection Act 1986 and Regulations, Health Act 1911 and Regulations, Contaminated Sites Act 2003 and the National Construction Code.

AMENDING MOTION

Moved by: Mr Foley

Seconded by: Mayor Adams

a) Amend the Condition 1.3 as follows:

Mr Neil Foley
Presiding Member, Metro South-West JDAP



- 1.3 A Drainage and Stormwater Management Plan being submitted, approved by the City of Kwinana prior to lodgement of a building permit, and implemented in the development.
- b) Delete Condition 1.5 and renumber subsequent conditions accordingly.
- c) Amend Condition 1.6 as follows:
- 1.6 A schedule of colours, materials and finishes for the building shall be submitted to the City of Kwinana for approval prior to lodgement of a building permit, and implemented in the development.
- d) Amend Condition 1.8 as follows:
- 1.8 The provision of 286 on-site car parking bays on Lots 211 and 535 of the dimensions 5.5 x 2.5 metres, to be clearly marked on the ground and constructed of bitumen, brick or concrete and drained to the satisfaction of the City of Kwinana.
- e) Amend Condition 1.9 as follows:
- 1.9 The use of the 286 on-site bays shall be allocated and managed as follows:
- 1.9.1 A minimum of two hundred and twenty (220) Shared Parking bays shall be available for use by all customers, clients, visitors and employees of the development on Lots 211 and 535 during the hours that any of the uses within the development are open for business. The Shared Parking bays shall be managed so that at least 50% of the bays are designated, limited and controlled for the use of vehicles staying less than 2 hours; and 90% of the bays are designated, limited and controlled for the use of vehicles staying less than 3 hours. Shared Parking bays may include a small proportion of bays reserved exclusively for the use of members of the public who are disabled, delivery and service vehicles, couriers, taxis, buses and coaches, subject to the approval of the City of Kwinana.
- 1.9.2 A maximum of sixty six (66) Long-Stay Exclusive Use Parking bays may be used for the exclusive occupation of employees, customers, clients and visitors of the uses approved. They are not subject to the time and vehicle turnover requirements that shall be applied to the parking bays approved for Shared Parking. The Long-Stay Exclusive Use Parking bays shall be distributed on the car parking allocation and management plan as follows:

Use class	Long-Stay Exclusive Use Bays (maximum)
Shops	50
Eating House	4
Bank	4
Office	2
Medical Clinic	6
Total	66



- 1.9.3 The 286 Shared Parking and Long-Stay Exclusive Use Parking bays shall be identified in a car parking allocation and management plan for Lots 211 and 535 that is to be submitted to the City of Kwinana for approval prior to the occupation of the development, subsequent to which, parking shall be managed in accordance with the plan. The Shared Parking bays identified in the approved car parking allocation and management plan shall be the subject of easements registered on the Certificates of Title of Lots 211 and 535 which shall require the reciprocal use of all of the 220 Shared Parking bays situated on those lots. Such easements shall provide that they may not be surrendered or amended without the prior approval of the City of Kwinana and they shall be registered before the occupation of the development.
- 1.9.4 Should the development or any portion of the development be strata titled, then the Shared Parking bays shall form part of the common property of any strata scheme and no by-law shall be made pursuant to the *Strata Titles Act 1985* that assigns any exclusive use of the Shared Parking bays to any strata lot or that restricts its use to any particular user.
- f) Delete Condition 1.28 and renumber subsequent conditions accordingly.
- g) Add new advice notes as follows:
1. Construction cannot commence until the applicant has paid the appropriate fees, submitted the appropriate supporting documentation and has been issued with a Building Permit in accordance with the Building Act 2011 and the Building Regulations 2012.
 2. The car parking provision of 286 on-site bays, with an estimated shortfall of some 46 bays when calculated against the parking requirements of Town Planning Scheme No.2, has been accepted taking into account the parking efficiency increases due to the timing limits and sharing requirements imposed in Condition 1.8, the location of the development adjacent to a railway station, and the partial main street form of the development resulting in the availability of some public on-street parking bays in the adjacent streets for the general use of Wellard Village visitors. The 32 on-street public bays already constructed in the adjoining Chiswick Parade, The Strand and Runnymede Gate have not been credited towards the parking requirements of the development. This is because these on-street parking bays have not been provided for the exclusive use of any particular property within the Wellard Village, forming as they do, a portion of the usual infrastructure provided at subdivision stage within public road reserves as part of the creation of the public realm. In a Transit Oriented Development adjacent to a railway station such as Wellard Village, such on-street bays should be subject to parking time limitations, and it is recommended that the City of Kwinana consider imposing timed parking limitations prior to the occupation of the development.
 3. The proposed development of the subject lots is considered to be an under-development of the site, considering its location within a Transit Oriented Development some 50 metres from the Wellard station. For this reason, the Panel does not consider that any further subdivision or strata titling of the lots should occur which may hinder or inhibit further redevelopment or additions on the lots.

The motion was put and CARRIED UNANIMOUSLY.



REASON: Various amendments were made to ensure clarity and accuracy of the conditions. The amendment to Condition 1.9 was made so to provide explicit direction to the applicant regarding the JDAP's expectations for car parking allocation and management within this Transit Oriented Development area.

AMENDING MOTION

Moved by: Mr Nicholson

Seconded by: Mayor Adams

Delete Condition 1.14 of the Officer's original report and renumber subsequent conditions accordingly.

The motion was put and CARRIED UNANIMOUSLY.

REASON: The condition was deleted as the Landscaping Bond was not considered to be required as the landscaping is included in the Management Plan.

AMENDING MOTION

Moved by: Mr Nicholson

Seconded by: Deputy Mayor Alexander

Delete Condition 1.32 of the Officer's original report and renumber subsequent conditions accordingly.

The motion was put and CARRIED UNANIMOUSLY.

REASON: The condition was deleted as it was considered to be advice and was not necessary.

AMENDING MOTION

Moved by: Mr Nicholson

Seconded by: Mayor Adams

Delete Advice Note 2.2 of the Officer's original report and renumber subsequent advice notes accordingly.

The motion was put and CARRIED UNANIMOUSLY.

REASON: The Advice Note was not considered necessary.

AMENDING MOTION

Moved by: Mr Nicholson

Seconded by: Deputy Mayor Alexander

Amend Condition 1.13 of the Officer's original report as follows:



1.13 The subject site is to be landscaped and maintained to a high standard thereafter to the satisfaction of the City of Kwinana.

The motion was put and CARRIED UNANIMOUSLY.

REASON: The reference to “1785 square metres (10%)” was considered unnecessary.

PRIMARY MOTION (AS AMENDED)

Approve DAP Application reference DP/12/01197 and accompanying plans DA-01 (Amended dated 13/11/12), DA-02, DA-03, DA-04, DA-05, DA-06 in accordance with Clause 6.1 of the City of Kwinana Town Planning Scheme No.2, subject to the following conditions and advice notes:

Conditions

- 1.1 The use, management and development of the land being in accordance with the terms and provisions of Town Planning Scheme No 2.
- 1.2 The premises being kept in a neat and tidy condition at all times by the owner/occupier to the satisfaction of the City of Kwinana.
- 1.3 A Drainage and Stormwater Management Plan being submitted, approved by the City of Kwinana prior to lodgement of a building permit, and implemented in the development.
- 1.4 The applicant shall implement dust control measures for the duration of the Site and Construction Works to the satisfaction of the City of Kwinana.
- 1.5 A schedule of colours, materials and finishes for the building shall be submitted to the City of Kwinana for approval prior to lodgement of a building permit, and implemented in the development.
- 1.6 Vehicle crossovers shall be constructed to the specifications and satisfaction of the City of Kwinana.
- 1.7 The provision of 286 on-site car parking bays on Lots 211 and 535 of the dimensions 5.5 x 2.5 metres, to be clearly marked on the ground and constructed of bitumen, brick or concrete and drained to the satisfaction of the City of Kwinana.
- 1.8 The use of the 286 on-site bays shall be allocated and managed as follows:
 - 1.8.1 A minimum of two hundred and twenty (220) Shared Parking bays shall be available for use by all customers, clients, visitors and employees of the development on Lots 211 and 535 during the hours that any of the uses within the development are open for business. The Shared Parking bays shall be managed so that at least 50% of the bays are designated, limited and controlled for the use of vehicles staying less than 2 hours; and 90% of the bays are designated, limited and controlled for the use of vehicles staying less than 3 hours. Shared Parking bays may include a small proportion of bays reserved exclusively for the use of members of the public who are disabled, delivery and service vehicles, couriers, taxis, buses and coaches, subject to the approval of the City of Kwinana.



- 1.8.2 A maximum of sixty six (66) Long-Stay Exclusive Use Parking bays may be used for the exclusive occupation of employees, customers, clients and visitors of the uses approved. They are not subject to the time and vehicle turnover requirements that shall be applied to the parking bays approved for Shared Parking. The Long-Stay Exclusive Use Parking bays shall be distributed on the car parking allocation and management plan as follows:

Use class	Long-Stay Exclusive Use Bays (maximum)
Shops	50
Eating House	4
Bank	4
Office	2
Medical Clinic	6
Total	66

- 1.8.3 The 286 Shared Parking and Long-Stay Exclusive Use Parking bays shall be identified in a car parking allocation and management plan for Lots 211 and 535 that is to be submitted to the City of Kwinana for approval prior to the occupation of the development, subsequent to which, parking shall be managed in accordance with the plan. The Shared Parking bays identified in the approved car parking allocation and management plan shall be the subject of easements registered on the Certificates of Title of Lots 211 and 535 which shall require the reciprocal use of all of the 220 Shared Parking bays situated on those lots. Such easements shall provide that they may not be surrendered or amended without the prior approval of the City of Kwinana and they shall be registered before the occupation of the development.
- 1.8.4 Should the development or any portion of the development be strata titled, then the Shared Parking bays shall form part of the common property of any strata scheme and no by-law shall be made pursuant to the Strata Titles Act 1985 that assigns any exclusive use of the Shared Parking bays to any strata lot or that restricts its use to any particular user.
- 1.9 All trafficable areas are to be sealed and drained to comply with City of Kwinana trafficable area specifications.
- 1.10 A Landscape Plan being submitted and approved by the City of Kwinana within 28 days of approval. The Landscape Plan must indicate the location and type of landscaped areas, the location and type of reticulation to be installed, the location and type of paving to be installed. The Landscape Plan must also include a plant schedule nominating each species, the spacings of each species, the number of plants to be used at the time of planting, together with the anticipated height of each plant at maturity. The Landscape Plan must identify and include any adjoining road verges to be included as part of the agreed landscaping area and general details regarding maintenance.
- 1.11 Landscaping and reticulation shall be established and maintained to a high standard thereafter in accordance with the approved Landscape Plan within



- 60 days of completion of the development to the satisfaction of the City of Kwinana.
- 1.12 The subject site is to be landscaped and maintained to a high standard thereafter to the satisfaction of the City of Kwinana.
 - 1.13 Landscaping areas, vehicle parking spaces, accessways, etc. are to be installed prior to occupying the proposed development and maintained thereafter by the owner / occupier to the satisfaction of the City of Kwinana.
 - 1.14 Landscaping being provided within parking areas at a rate of 1 tree per 5 bays to provide shade for parked cars and to soften the impact of paved carparking viewed from adjacent sites and roads.
 - 1.15 Permanent signage shall be professionally designed, constructed, finished, installed and maintained thereafter to the satisfaction of the City of Kwinana.
 - 1.16 Signage to be securely fixed to the structure by which it is supported to the satisfaction of the City of Kwinana and maintained in a safe condition.
 - 1.17 The sign being kept clean and free from unsightly matter including graffiti at all times by the owner/occupier to the satisfaction of the City of Kwinana.
 - 1.18 The sign is not to be constructed of reflective materials.
 - 1.19 Glass shall not be used in the sign.
 - 1.20 Paper, cardboard, cloth or other readily combustible material shall not form part of, or be attached to the sign.
 - 1.21 No other signage to be erected other than signs exempted from Council Planning Approval pursuant to Clause 6.17.3 of the Town Planning Scheme No 2.
 - 1.22 Signs are to be located wholly within the confines of the lot boundary and not within road reserve.
 - 1.23 An acoustic consultant's report being provided and approved by City of Kwinana's Manager Environmental Health prior to lodgement of a building permit. The report shall address the impact of cumulative noise, traffic movement, security alarms, air conditioning and refrigerative plant equipment of commercial properties on noise sensitive areas (residences). The report is to make recommendations on how identified noise impacts can be attenuated so as to comply with the provisions of the Environmental Protection Act and Regulations.
 - 1.24 No audible security alarms shall be installed on the commercial premises.
 - 1.25 The proponent shall submit a Waste Management Plan for the shopping centre for approval by the City of Kwinana prior to lodgement of a building permit. The plan must show bin and waste enclosures and whether they are provided with the purpose of being shared by centre tenancies. The plan shall also include details of street bin layout and the means by which recycling bins and storage areas can be installed in the centre and adjacent streetscapes.
 - 1.26 The retail component of this development shall be capped at 5000m² Net Leasable Area (NLA) in accordance with the Wellard Village Local Structure Plan.
 - 1.27 Outdoor eating and alfresco dining areas will be required to be licensed with the City to comply with the requirements of the City of Kwinana Activities in Public Thoroughfares Local Laws.



- 1.28 The development being designed and constructed to allow easy access for people with disabilities to the satisfaction of the City of Kwinana.
- 1.29 All future activities or changes of use of the shopping centre development shall receive Council's planning approval prior to undertaking of works or occupancy.
- 1.30 The external finishes of the building being anti graffiti treated to the satisfaction of the City of Kwinana.
- 1.31 The proponent shall submit the energy rating assessment forms at lodgement of building permit to demonstrate compliance with the National Construction Code and the Wellard Village Design Guidelines.
- 1.32 A management plan for the control of light spillage from the carpark, street and security lighting is to be submitted for approval by the City of Kwinana prior to lodgement of a building permit. The plan shall show how light spillage impacts on residential development can be minimised.
- 1.33 All external lighting shall comply with Australian Standards AS1158 and AS2293 and all building entries and service areas shall be illuminated to facilitate use after hours to the satisfaction of the City of Kwinana.
- 1.34 This approval is valid for 36 months only. If development is not substantially commenced or completed within this period a fresh approval must be obtained before commencing or continuing with the development.

2. Note that the following advice will be provided to the applicant as footnotes on the approval.

- 2.1 The application has been determined by the JDAP on the basis of the plans and information provided to the City of Kwinana for assessment.
- 2.2 Should the applicant be aggrieved by the decision or any condition imposed, then a right of review should be lodged with the State Administrative Tribunal within 28 days of the date of this decision.
- 2.3 The applicant is further advised that this conditional development approval is not a building permit giving authority to commence construction. Prior to any building work commencing on site a Building Permit must be issued and penalties apply for failing to adhere to this requirement. A certificate of design compliance is to be obtained from an independent private building surveyor prior to submission to Council.
- 2.4 The applicant should ensure that the proposed development complies with all other relevant legislation, including but not limited to, the Environmental Protection Act 1986 and Regulations, Health Act 1911 and Regulations, Contaminated Sites Act 2003 and the National Construction Code.
- 2.5 Construction cannot commence until the applicant has paid the appropriate fees, submitted the appropriate supporting documentation and has been issued with a Building Permit in accordance with the Building Act 2011 and the Building Regulations 2012.
- 2.6 The car parking provision of 286 on-site bays, with an estimated shortfall of some 46 bays when calculated against the parking requirements of Town Planning Scheme No.2, has been accepted taking into account the parking efficiency increases due to the timing limits and sharing requirements imposed in Condition 1.8, the location of the development adjacent to a



railway station, and the partial main street form of the development resulting in the availability of some public on-street parking bays in the adjacent streets for the general use of Wellard Village visitors. The 32 on-street public bays already constructed in the adjoining Chiswick Parade, The Strand and Runnymede Gate have not been credited towards the parking requirements of the development. This is because these on-street parking bays have not been provided for the exclusive use of any particular property within the Wellard Village, forming as they do, a portion of the usual infrastructure provided at subdivision stage within public road reserves as part of the creation of the public realm. In a Transit Oriented Development adjacent to a railway station such as Wellard Village, such on-street bays should be subject to parking time limitations, and it is recommended that the City of Kwinana consider imposing timed parking limitations prior to the occupation of the development.

- 2.7 The proposed development of the subject lots is considered to be an under-development of the site, considering its location within a Transit Oriented Development some 50 metres from the Wellard station. For this reason, the Panel does not consider that any further subdivision or strata titling of the lots should occur which may hinder or inhibit further redevelopment or additions on the lots.

The motion was put and CARRIED UNANIMOUSLY.

Ms Chapman re-joined the Meeting at 3:24 pm.

8.4a	Application Details:	Proposed General Industry – Metal Recycling Facility and Associated Office / Administration Building
	Property Location:	Lot 14 Mason Road (Proposed Lot 100 Donaldson Road), Kwinana Beach
	Applicant:	ADC Projects
	Owner:	WA Land Authority - Landcorp
	Responsible authority:	City of Kwinana
	Report date:	30 November 2012
	DoP File No:	DP/12/00921

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Mayor Adams **Seconded by:** Deputy Mayor Alexander

Recommendation:

That the Metro South-West JDAP resolves to:

- 1. **Approve** DAP Application reference DP/12/00921 and accompanying plans DD01 REV 5, DD02 REV 6, DD03, DD04, DD05, DD06, DD07, DD08, DD09, DD10, LS01, LS02, LS03, LS04 & PD01A in accordance with Clause 6.1 of the City of Kwinana City Planning Scheme No.2, subject to the following conditions and advice notes:

Conditions

Mr Neil Foley
Presiding Member, Metro South-West JDAP



- 1.1 The use, management and development of the land being in accordance with the terms and provisions of City Planning Scheme No 2
- 1.2 The premises being kept in a neat and tidy condition at all times by the owner/ occupier to the satisfaction of the City of Kwinana.
- 1.3 Stormwater drainage from roofed and paved areas being disposed of on-site or as may otherwise be approved under Environmental Protection Authority (EPA) Licence conditions or approved Stormwater Management Plan.
- 1.4 The applicant shall implement dust control measures for the duration of the Site and Construction Works and for the ongoing operation of site to the satisfaction of the City of Kwinana.
- 1.5 A schedule of colours, materials and finishes for the building shall be submitted at the building licence stage.
- 1.6 Vehicle crossovers shall be constructed to the specifications and satisfaction of the City of Kwinana.
- 1.7 The provision of 80 car parking bays of the dimensions 5.5 X 2.5 metres, to be clearly marked on the ground and constructed of bitumen, brick or concrete and drained to the satisfaction of the City of Kwinana.
- 1.8 All vehicle parking to be accommodated within the boundaries of the subject lot.
- 1.9 All trafficable areas are to be sealed and drained as per the City of Kwinana 'Trafficable Areas' Specifications to the satisfaction of the City of Kwinana.
- 1.10 All non-trafficable and lay-down areas within the subject lot being sealed and drained to comply with the City of Kwinana non-trafficable and lay-down area specifications.
- 1.11 5000 square metres (5%) of the subject site is to be landscaped and maintained to a high standard thereafter to the satisfaction of the City of Kwinana
- 1.12 Landscaping areas, vehicle parking spaces, accessways, etc. are to be installed prior to occupying the proposed development and maintained thereafter by the owner / occupier to the satisfaction of the City of Kwinana.
- 1.13 All vegetation cleared as part of the development shall be mulched, not burnt, and re-used throughout the landscaped areas of the development to the satisfaction of the City of Kwinana.
- 1.14 The provision of an adequate water supply for fire fighting purposes to the satisfaction of the City of Kwinana.
- 1.15 On-site effluent disposal systems shall be nutrient retentive. Use of conventional septic systems is not permitted.
- 1.16 All plant and vehicle wash down facilities shall be connected to an appropriate wastewater treatment system to the satisfaction of the City of Kwinana.
- 1.17 The development shall be connected to an adequate potable water supply in accordance with the standards required by the National Health and Medical Research Council Australian Drinking Water Guidelines, 2004.
- 1.18 The development shall comply with the requirements of the current Western Australian Government Sewerage Policy.



- 1.19 The development shall comply with the ventilation requirements of the Australian standard 1668 & Health (Sewerage & ventilation) Regulation requirements for the classifications of building use.
- 1.20 Storage of chemicals and liquids shall be within bunded impervious areas capable of containing any spillages and be connected to an appropriate disposal system.
- 1.21 A notification pursuant to Section 165 of the Planning and Development Act being placed on the Certificate of Title of the proposed Lot advising of a hazard or other factor. Notice of this notification is to be included on any new Deposited Plans. The notification is to state as follows: :

“This lot is adjacent or in relatively close proximity to the Dampier to Bunbury Natural Gas Pipeline (DPNGP) corridor established under the Dampier to Bunbury Pipeline Act 1997. Approval from the DPNGP Land Access Minister (LAM) through the Department for Regional Development and Lands may be required for any registration of new interests that may affect the LAM rights, construction work, access or fencing within the DPNGP corridor. As such some development restrictions consistent with the advice contained in Planning Bulletin 87 should be strictly adhered to”.

- 1.22 The proponent shall contact the APA Group regarding activities that may impact the lateral gas pipeline for an AS2885 Risk Assessment.
- 1.23 The applicant shall provide an updated acoustic report and implement any recommendations which demonstrates compliance with the EPA Noise regulations at the nearest noise sensitive premises without the use of ‘Material Stockpiles’ to the satisfaction of the City of Kwinana.
- 1.24 No groundwater may be abstracted from the site without carrying out analysis in accordance with Department of Health guidelines to determine its suitability for use.
- 1.25 The proponent shall provide an updated traffic management report detailing the following:
- The proportion of estimated traffic volumes of heavy vehicles and passenger vehicles;
 - The report shall also update the intersection assessment to include the Mason Road / Rockingham Road intersection vehicular traffic movements proposed by the development;
 - The report is to assess the adequacy of the turn pocket and slip lane capacities and lengths at the Beard Street and Mason Road / Rockingham Road intersections, including stacking distance to the Brown Avenue / Beard Street intersection.
 - The traffic report shall be referred to Main Roads for comment and recommendations on the impacts to signalised intersections and Rockingham Road.

The updated traffic report shall be submitted to the City of Kwinana and Main Roads for comments and recommendations, to ensure that any potential modifications to intersections are completed prior to occupation of the development.



- 1.26 This approval is valid for 24 months only. If development is not substantially commenced or completed within this period a fresh approval must be obtained before commencing or continuing with the development.
- 2. Note that the following advice will be provided to the applicant as footnotes on the approval.**
- 2.1 The applicant is advised that all future development must be submitted to the City of Kwinana prior to the commencement of works or alteration of land use.
- 2.2 Should the applicant be aggrieved by the decision or any condition imposed, then a right of review should be lodged with the State Administrative Tribunal within 28 days of the date of this decision.
- 2.3 The applicant is further advised that this is not a building licence to enable construction to commence. A building licence is a separate City of Kwinana requirement and construction cannot be commenced until a building licence is obtained.
- 2.4 The applicant should ensure that the proposed development complies with all other relevant legislation, including but not limited to, the Environmental Protection Act 1986 and Regulations, Dangerous Goods Safety Act 2004 and Regulations and Contaminated Sites Act 2003.
- 2.5 Any development proposals outside the DBNGP Corridor should take into account the restrictions relating to setback distances under Planning Bulletin 87 and proponents should seek comments from pipeline operators at the earliest opportunity
- 2.6 The applicant is advised that prior to any ground disturbing works being carried out in or near the vicinity of the Dampier-Bunbury Natural Gas Pipeline to contact "1100 Dial Before You Dig" and a Section 41 application should be submitted and approval obtained from the Department of Regional Development and Lands.
- 2.7 The proponent is advised to liaise with the Kwinana Industries Council (KIC) to include the noise emissions from the development into the KIC cumulative noise model.
- 2.8 With regards to condition 24 the proponent is advised to contact the Department of Environment and Conservation (Contaminated Sites Branch) for further information.

AMENDING MOTION

Moved by: Ms Chapman

Seconded by: Mayor Adams

Condition 1.22 be deleted and moved as an advice note as follows:

- 2.9 The proponent is advised to contact the APA Group regarding activities that may impact the lateral gas pipeline for an AS2885 Risk Assessment.

The motion was put and CARRIED UNANIMOUSLY.



REASON: The condition was considered to be more appropriately referenced as an advice note.

PRIMARY MOTION (AS AMENDED)

Approve DAP Application reference DP/12/00921 and accompanying plans DD01 REV 5, DD02 REV 6, DD03, DD04, DD05, DD06, DD07, DD08, DD09, DD10, LS01, LS02, LS03, LS04 & PD01A in accordance with Clause 6.1 of the City of Kwinana City Planning Scheme No.2, subject to the following conditions and advice notes:

Conditions

- 1.1 The use, management and development of the land being in accordance with the terms and provisions of City Planning Scheme No 2
- 1.2 The premises being kept in a neat and tidy condition at all times by the owner/ occupier to the satisfaction of the City of Kwinana.
- 1.3 Stormwater drainage from roofed and paved areas being disposed of on-site or as may otherwise be approved under Environmental Protection Authority (EPA) Licence conditions or approved Stormwater Management Plan.
- 1.4 The applicant shall implement dust control measures for the duration of the Site and Construction Works and for the ongoing operation of site to the satisfaction of the City of Kwinana.
- 1.5 A schedule of colours, materials and finishes for the building shall be submitted at the building licence stage.
- 1.6 Vehicle crossovers shall be constructed to the specifications and satisfaction of the City of Kwinana.
- 1.7 The provision of 80 car parking bays of the dimensions 5.5 X 2.5 metres, to be clearly marked on the ground and constructed of bitumen, brick or concrete and drained to the satisfaction of the City of Kwinana.
- 1.8 All vehicle parking to be accommodated within the boundaries of the subject lot.
- 1.9 All trafficable areas are to be sealed and drained as per the City of Kwinana 'Trafficable Areas' Specifications to the satisfaction of the City of Kwinana.
- 1.10 All non-trafficable and lay-down areas within the subject lot being sealed and drained to comply with the City of Kwinana non-trafficable and lay-down area specifications.
- 1.11 5000 square metres (5%) of the subject site is to be landscaped and maintained to a high standard thereafter to the satisfaction of the City of Kwinana
- 1.12 Landscaping areas, vehicle parking spaces, accessways, etc. are to be installed prior to occupying the proposed development and maintained thereafter by the owner / occupier to the satisfaction of the City of Kwinana.
- 1.13 All vegetation cleared as part of the development shall be mulched, not burnt, and re-used throughout the landscaped areas of the development to the satisfaction of the City of Kwinana.
- 1.14 The provision of an adequate water supply for fire fighting purposes to the satisfaction of the City of Kwinana.



- 1.15 On-site effluent disposal systems shall be nutrient retentive. Use of conventional septic systems is not permitted.
- 1.16 All plant and vehicle wash down facilities shall be connected to an appropriate wastewater treatment system to the satisfaction of the City of Kwinana.
- 1.17 The development shall be connected to an adequate potable water supply in accordance with the standards required by the National Health and Medical Research Council Australian Drinking Water Guidelines, 2004.
- 1.18 The development shall comply with the requirements of the current Western Australian Government Sewerage Policy.
- 1.19 The development shall comply with the ventilation requirements of the Australian standard 1668 & Health (Sewerage & ventilation) Regulation requirements for the classifications of building use.
- 1.20 Storage of chemicals and liquids shall be within bunded impervious areas capable of containing any spillages and be connected to an appropriate disposal system.
- 1.21 A notification pursuant to Section 165 of the Planning and Development Act being placed on the Certificate of Title of the proposed Lot advising of a hazard or other factor. Notice of this notification is to be included on any new Deposited Plans. The notification is to state as follows: :

"This lot is adjacent or in relatively close proximity to the Dampier to Bunbury Natural Gas Pipeline (DPNGP) corridor established under the Dampier to Bunbury Pipeline Act 1997. Approval from the DPNGP Land Access Minister (LAM) through the Department for Regional Development and Lands may be required for any registration of new interests that may affect the LAM rights, construction work, access or fencing within the DPNGP corridor. As such some development restrictions consistent with the advice contained in Planning Bulletin 87 should be strictly adhered to".
- 1.22 The applicant shall provide an updated acoustic report and implement any recommendations which demonstrates compliance with the EPA Noise regulations at the nearest noise sensitive premises without the use of 'Material Stockpiles' to the satisfaction of the City of Kwinana.
- 1.23 No groundwater may be abstracted from the site without carrying out analysis in accordance with Department of Health guidelines to determine its suitability for use.
- 1.24 The proponent shall provide an updated traffic management report detailing the following:
 - The proportion of estimated traffic volumes of heavy vehicles and passenger vehicles;
 - The report shall also update the intersection assessment to include the Mason Road / Rockingham Road intersection vehicular traffic movements proposed by the development;
 - The report is to assess the adequacy of the turn pocket and slip lane capacities and lengths at the Beard Street and Mason Road / Rockingham Road intersections, including stacking distance to the Brown Avenue / Beard Street intersection.



- The traffic report shall be referred to Main Roads for comment and recommendations on the impacts to signalised intersections and Rockingham Road.

The updated traffic report shall be submitted to the City of Kwinana and Main Roads for comments and recommendations, to ensure that any potential modifications to intersections are completed prior to occupation of the development.

- 1.25 This approval is valid for 24 months only. If development is not substantially commenced or completed within this period a fresh approval must be obtained before commencing or continuing with the development.

2. Note that the following advice will be provided to the applicant as footnotes on the approval.

- 2.1 The applicant is advised that all future development must be submitted to the City of Kwinana prior to the commencement of works or alteration of land use.
- 2.2 Should the applicant be aggrieved by the decision or any condition imposed, then a right of review should be lodged with the State Administrative Tribunal within 28 days of the date of this decision.
- 2.3 The applicant is further advised that this is not a building licence to enable construction to commence. A building licence is a separate City of Kwinana requirement and construction cannot be commenced until a building licence is obtained.
- 2.4 The applicant should ensure that the proposed development complies with all other relevant legislation, including but not limited to, the Environmental Protection Act 1986 and Regulations, Dangerous Goods Safety Act 2004 and Regulations and Contaminated Sites Act 2003.
- 2.5 Any development proposals outside the DBNGP Corridor should take into account the restrictions relating to setback distances under Planning Bulletin 87 and proponents should seek comments from pipeline operators at the earliest opportunity
- 2.6 The applicant is advised that prior to any ground disturbing works being carried out in or near the vicinity of the Dampier-Bunbury Natural Gas Pipeline to contact “1100 Dial Before You Dig” and a Section 41 application should be submitted and approval obtained from the Department of Regional Development and Lands.
- 2.7 The proponent is advised to liaise with the Kwinana Industries Council (KIC) to include the noise emissions from the development into the KIC cumulative noise model.
- 2.8 With regards to condition 24 the proponent is advised to contact the Department of Environment and Conservation (Contaminated Sites Branch) for further information.
- 2.9 The proponent is advised to contact the APA Group regarding activities that may impact the lateral gas pipeline for an AS2885 Risk Assessment.

The motion was put and CARRIED UNANIMOUSLY.



8.4b Application Details:	Proposed General Industry – Metal Recycling Facility and Associated Office / Administration Building
Property Location:	Lot 14 Mason Road (Proposed Lot 100 Donaldson Road), Kwinana Beach
Applicant:	ADC Projects
Owner:	WA Land Authority - Landcorp
Responsible authority:	City of Kwinana
Report date:	28 November 2012
DoP File No:	DP/12/00921

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Deputy Mayor Alexander

Seconded by: Mayor Adams

Recommendation:

That the Metropolitan South-West Joint Development Assessment Panel resolves to:

Approve DAP Application reference DP/12/00921 and accompanying plans date stamped 5 September 2012 by the Department of Planning in accordance with the provisions of the Metropolitan Region Scheme (MRS), subject to the following conditions and advice notes:

Conditions

1. Fencing to a height of 1.8 metres is to be installed on the site perimeter prior to commencement of development to the satisfaction of the Western Australian Planning Commission on advice of the Public Transport Authority.
2. Drainage systems are to be designed and constructed consistent with the Stormwater Management Manual for Western Australia.

Advice notes

- a) The Public Transport Authority advises the applicant/developer of the following:
 - i) No access is permitted into the rail reserve;
 - ii) Drainage/water run-off is to be directed away from the rail reserve and/or contained within the subject site;
 - iii) No debris is to be thrown/blown onto the rail corridor as it may be a safety hazard; and
 - iv) The developer needs to be aware of safe working procedures near the railway.
- b) Please refer to the Department of Water's Water Quality Protection Note (WQPN) 52, 'Stormwater management at industrial sites' for further advice regarding drainage system designs within industrial areas. An electronic version can be found at www.water.wa.gov.au.



- c) The applicant/developer is advised that pursuant to Section 41 of the *Dampier to Bunbury Pipeline Act 1997*, restrictions will apply to the area of land contained within the Dampier to Bunbury Natural Gas Pipeline (DBNGP) corridor. The proponent will be required to apply for a Section 41 approval specifically for:
- i) Any possible encroachment by construction personnel, equipment, excess building materials and spoils during construction.
 - ii) Access road construction and movements of heavy machinery across the DBNGP corridor.
 - iii) Registration of any new interest within the DBNGP corridor that may affect the Land Access Ministers ability to retain ultimate authority over the corridor so that he or she is instrumental in this aspect of energy policy for the State.

The motion was put and CARRIED UNANIMOUSLY.

9. Form 2 – Responsible Authority Reports - Amending or cancelling DAP development approval

Nil

10. Appeals to the State Administrative Tribunal

Nil

11. Meeting Closure

There being no further business, the presiding member declared the meeting closed at 3:30pm.

A handwritten signature in blue ink that reads "Neil Foley".