



Metro Outer Joint Development Assessment Panel Minutes

Meeting Date and Time: Tuesday, 27 July 2021; 9.30am
Meeting Number: MOJDAP/108
Meeting Venue: via electronic means

This DAP meeting was conducted by electronic means open to the public rather than requiring attendance in person

1 Table of Contents

1.	Opening of Meeting, Welcome and Acknowledgement.....	3
2.	Apologises.....	3
3.	Members on Leave of Absence.....	3
4.	Noting of Minutes.....	3
5.	Declaration of Due Consideration.....	3
6.	Disclosure of Interests.....	3
7.	Deputations and Presentations.....	4
8.	Form 1 – Responsible Authority Reports – DAP Applications.....	4
8.1	Lots 558 & 557 (11) Blundell Street, Dayton	4
8.2	Lots 108, 1304, 8003, and portion of road reserve Rockingham Beach Road, East Rockingham	13
8.3	Lot 1585 and Lot 4552 Rockingham Beach Road, East Rockingham	18
9.	Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval	20
	Nil.....	20
10.	State Administrative Tribunal Applications and Supreme Court Appeals ...	20
11.	General Business.....	20
12.	Meeting Closure	20



Attendance

DAP Members

Mr Ian Birch (Presiding Member)
Ms Sheryl Chaffer (Deputy Presiding Member)
Mr Jason Hick (Third Specialist Member)

Item 8.1

Cr Rod Henderson (Local Government Member, City of Swan)
Mayor Kevin Bailey (Local Government Member, City of Swan)

Item 8.2 & 8.3

Cr Deb Hamblin (Local Government Member, City of Rockingham)
Cr Mark Jones (Local Government Member, City of Rockingham)

Officers in attendance

Item 8.1

Ms Amanda Lees (Department of Finance (BMW))

Item 8.2

Mr David Banovic (City of Rockingham)
Mr Mike Ross (City of Rockingham)

Item 8.3

Mr Sam Lissiman (Western Australian Planning Commission)

Minute Secretary

Ms Ashlee Kelly (DAP Secretariat)

Applicants and Submitters

Item 8.1

Mr Matthew le Meur (Christou)
Mr Xavier Byrne (GHD)
Mr Dan Fisher (Department of Finance)

Item 8.2 & 8.3

Mr Ross Underwood (Planning Solutions)
Mr Peter Ranzenbacher (CBH)
Ms Alysia Woodward (360 Environmental)
Mr Mark Skinner

Members of the Public / Media

Ms Jesinta Burton from Business News was in attendance.



1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.33am on 27 July 2021 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 2020 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

1.1 Announcements by Presiding Member

The Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2020 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 meeting would not be recorded.

This meeting was convened via electronic means. Members were reminded to announce their name and title prior to speaking.

2. Apologies

Nil

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](#).

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of Interests

In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Members, Cr Mark Jones and Cr Deb Hamblin, declared that they participated in a prior Council meeting in relation to the application at item 8.2 & 8.3. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Mark Jones and Cr Deb Hamblin 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 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member determined that the members listed above, who had disclosed a Impartiality Interest, was permitted to participate in the discussion and voting on the items.



7. Deputations and Presentations

- 7.1 Mr Mark Skinner addressed the DAP against the recommendation for the application at Item 8.2 & 8.3 and responded to questions from the panel.
- 7.2 Mr Peter Ranzenbacher (CBH) addressed the DAP in support of the recommendation for the application at Item 8.2 & 8.3 and responded to questions from the panel.
- 7.3 Mr Ross Underwood (Planning Solutions) addressed the DAP in support of the recommendation for the application at Item 8.2 & 8.3 and responded to questions from the panel.
- 7.4 The City of Rockingham Officers addressed the DAP in relation to the application at Item 8.2 and responded to questions from the panel.
- 7.5 The Western Australian Planning Commission addressed the DAP in relation to the application at Item 8.3 and responded to questions from the panel.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lots 558 & 557 (11) Blundell Street, Dayton

Development Description:	New government primary school: Dayton Primary School
Applicant:	Department of Finance & Christou Design Group
Owner:	Department of Education
Responsible Authority:	Department of Finance
DAP File No:	DAP/21/01998

REPORT RECOMMENDATION

Moved by: Cr Kevin Bailey

Seconded by: Ms Sheryl Chaffer

That the Metro Outer Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/21/01998 is appropriate for consideration as a 'Public Primary School' land use and compatible with the objectives of the Metropolitan Region Scheme.



2. **Approve** DAP Application reference DAP/21/01998 and accompanying plans (Dayton Primary School Development Application', being drawing numbers A0-1101 O, A0-1102 F, date stamped 9 July 2021, and DA0-0000 A, DA0-3000 A, DA0-3001 A, DA0-4000 A, DA1-2101 A, DA1-2103 A, DA1-3100 A, DA2-2101 A, DA2-2103 A, DA2-3100 A, DA3-2101 A, DA3-2103 A, DA3-3100 A, DA4-2101 A, DA4-2103 A, DA4-3100 A, DA5-2101 A, DA5-2103 A, DA5-3100 A, DA6-2101 A, DA6-2103 A, DA6-3100 A, date stamped 'SPAP RECEIVED 11 May 2021, prepared by Christou Architecture, landscape plans titled 'Dayton Primary School, being drawing numbers L01G, L03H stamped SPAP RECEIVED 9 July 2021 and L02C, date stamped SPAP RECEIVED 11 May 2021, all prepared by Four Landscape Studio, accompanying civil drawings titled 'Dayton Primary School' being drawing numbers DPSC10P7C, DPSC10S5B, DPSC40P7A, DPSC50P7C prepared by Stantec all date stamped 'SPAP RECEIVED 11 May 2021, earthworks and drainage plans titled 'Dayton Primary School' being drawing numbers C10, C11, C12, C13, C14, C15, C16, C17, C18, prepared by Stantec all date stamped SPAP RECEIVED 12 July 2021) in accordance with the provisions of Clause 24 of the Metropolitan Region Scheme, subject to the following conditions:

Conditions

1. This approval is valid for a period of two (2) years only, after which time the approval shall lapse and be of no further effect.
2. Prior to the occupation of the school, a total of six (6) accessible parking bays are to be provided on-site to the satisfaction of the Western Australian Planning Commission.
3. All on-site car parking and associated vehicle access areas shown on the approved plans shall be constructed, drained, sealed, marked and sign-posted prior to occupation of the proposed development and thereafter maintained to the satisfaction of the Western Australian Planning Commission.
4. Prior to occupation of the completed development, a minimum of 94 bicycle parking bays shall be provided within the bicycle parking areas shown on the approved plans.
5. Prior to occupation of the development, the school is to prepare and implement a Traffic and Parking Management Plan consistent with the findings of the Dayton Primary School Transport Impact Assessment prepared by Transcore (dated March 2021), in consultation with the City of Swan and to the satisfaction of the Western Australian Planning Commission. The Traffic and Parking Management Plan is to include a Kiss and Drive Operational Plan to ensure that the proposed Kiss and Drive facility is appropriately managed by staff or parent volunteers during peak drop-off and pick-up times.
6. The school is to become an active member in the Department of Transport's 'Your Move' program, which seeks to reduce car dependence and promote alternative modes of transport including walking, cycling and public transport, to the satisfaction of the Western Australian Planning Commission.
7. Landscaping, as specified in the approved landscaping plans, shall be installed prior to occupation of the proposed development and thereafter maintained to the satisfaction of the Western Australian Planning Commission.



8. All works shall be carried out in accordance with the Geotechnical Report prepared by Douglas Partners dated March 2021 to the satisfaction of the Western Australian Planning Commission.
9. Prior to occupation of the proposed primary school, the Dayton Primary School Bushfire Management Plan (prepared by Bushfire Prone Planning dated 2 March 2021) shall be updated in accordance with the advice from the Department of Fire and Emergency Services dated 21 June 2021, to the satisfaction of the Western Australian Planning Commission.
10. Prior to the commencement of development, a Bushfire Emergency Evacuation Plan is to be prepared in consultation with the Department of Fire and Emergency Services and to the satisfaction of the Western Australian Planning Commission.
11. The site is within a bushfire prone area as designated by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan. Prior to occupation of the development, a Notification is to be placed on the Certificate of Title advising of the bushfire prone status and the applicable Bushfire Management Plan.
12. The development is to be carried out in accordance with the requirements under the Department of Education Principal's Guide to Bushfire document and the applicable Bushfire Management Plan, to the satisfaction of the Western Australian Planning Commission.
13. Prior to the commencement of site works, a Construction Management Plan shall be prepared in consultation with the City of Swan and to the satisfaction of the Western Australian Planning Commission. The requirements of the Construction Management Plan shall be observed at all times during the construction process.
14. The applicant is to ensure there is minimal disruption to car parking areas by construction activities during the operational hours of the school.
15. The development shall either be connected to the reticulated sewerage system of the Water Corporation or a suitable alternative approved by the Western Australian Planning Commission before commencement of any use.
16. Any damage or removal of a City of Swan asset within the road reserve (roads, signage, verge etc.) shall be made good at the cost of the applicant to the specification of the City of Swan and the satisfaction of the Western Australian Planning Commission.
17. All stormwater produced is to be disposed of on-site to the specification of the City of Swan and the satisfaction of the Western Australian Planning Commission.
18. Prior to the installation of any signage, a signage plan indicating the location and design of any proposed signage (including traffic directional signage) shall be prepared to the specification of the City of Swan and the satisfaction of the Western Australian Planning Commission.



19. All piped and wired services, plant, equipment and storage areas shall be screened from public view, and in the case of roof mounted plant, screened or located so as to minimise visual impact, to the satisfaction of the Western Australian Planning Commission.
20. Prior to the commencement of site works, a Dust Management Plan shall be prepared in consultation with the City of Swan and to the satisfaction of the Western Australian Planning Commission. Once approved, the Dust Management Plan is to be implemented in its entirety.
21. The school shall prepare and distribute a Parent Education Program to provide traffic management and car parking advice to parents, including:
 - a) Promoting, and identifying the procedures for the use of available parking facilities, including the on-site kiss and drive area;
 - b) Promoting the use of alternative modes of transport including walking, cycling and public transport; and
 - c) Reminding parents of the need to comply with all relevant parking restrictions and to be mindful of not obstructing access to adjoining residential properties.
22. The access points for the proposed development shall be designed to connect seamlessly with abutting roads and public footpath infrastructure, to the specification of the City of Swan and the satisfaction of the Western Australian Planning Commission.

Advice Notes

1. The playground shall comply with the requirements of AS4685 – Playground Equipment and Surfacing, and AS4422 – Playground Surfacing; Specifications, Requirements and Test Method. The applicant is encouraged to liaise with Kidsafe WA in this regard.
2. The applicant is specifically reminded of its obligation to comply with the *Aboriginal Heritage Act 1972*.
3. The proposed works fall within a site that has identified moderate to low Acid Sulfate soils risk. In line with standard self-assessment tools developed by the Department of Planning, Lands and Heritage all construction and development on site shall recognise the risk and monitor any potential exposure of soils.
4. The development is to be constructed in accordance with the corresponding construction standards for the relevant Bushfire Attack Level, as outlined in Australian Standard AS3959.
5. This approval does not include the works within the adjoining road reserves, as indicated on the approved plans. Separate approval is required from the City of Swan for all works within the road reserve. This includes the new vehicle crossovers for which separate approval is required under the Local Government (Uniform Local Provisions) Regulations 1996. ^(L.G.P.)
6. The applicant is specifically reminded of its obligation to comply with the *Environmental Protection (Noise) Regulations 1997*.



7. Lighting shall comply with Australian Standard 4282-1997 "Control of the obtrusive effects of outdoor lighting" or its equivalent and the City's Environment, Animals and Nuisance Local Laws.
8. The applicant is reminded of its obligations under the *Building Act 2011*.
9. All development must comply with the provisions of the Health Regulations, National Construction Code, Public Building Regulations and all other relevant Acts, Regulations and Local Laws. This includes the provision of access and facilities for people with disabilities in accordance with the National Construction Code.

AMENDING MOTION

Moved by: Mr Ian Birch

Seconded by: Cr Rod Henderson

The following amendments were made en bloc:

- (i) That condition no. 1 be deleted, and the remaining conditions be renumbered accordingly.

REASON: Regulation 16A of the Planning and Development (Development Assessment Panels) Regulations provides for an approval period of 4 years for substantial commencement. Accepting this default provision, the condition is not required.

- (ii) That condition no. 9 be amended to read as follows:

*Prior to occupation of the proposed primary school, the Dayton Primary School Bushfire Management Plan (prepared by Bushfire Prone Planning dated 2 March 2021) shall be updated in accordance with the advice from **finalised in consultation with** the Department of Fire and Emergency Services dated ~~21 June 2021~~, to the satisfaction of the Western Australian Planning Commission.*

REASON: Rewording of the condition provides more certainty on the procedure to finalise the Bushfire Management Plan as it was not clear from the RAR that the vegetation classification and resultant BAL for Plot 3 north of the site had been sufficiently evidenced or, alternatively, whether adjustment to the location of some of the buildings would be required.

The Amending Motion was put and CARRIED (4/1).

For: Mr Ian Birch
Ms Sheryl Chaffer
Mr Jason Hick
Cr Rod Henderson

Against: Cr Kevin Bailey



REPORT RECOMMENDATION (AS AMENDED)

That the Metro Outer Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/21/01998 is appropriate for consideration as a 'Public Primary School' land use and compatible with the objectives of the Metropolitan Region Scheme.
2. **Approve** DAP Application reference DAP/21/01998 and accompanying plans (Dayton Primary School Development Application', being drawing numbers A0-1101 O, A0-1102 F, date stamped 9 July 2021, and DA0-0000 A, DA0-3000 A, DA0-3001 A, DA0-4000 A, DA1-2101 A, DA1-2103 A, DA1-3100 A, DA2-2101 A, DA2-2103 A, DA2-3100 A, DA3-2101 A, DA3-2103 A, DA3-3100 A, DA4-2101 A, DA4-2103 A, DA4-3100 A, DA5-2101 A, DA5-2103 A, DA5-3100 A, DA6-2101 A, DA6-2103 A, DA6-3100 A, date stamped 'SPAP RECEIVED 11 May 2021, prepared by Christou Architecture, landscape plans titled 'Dayton Primary School, being drawing numbers L01G, L03H stamped SPAP RECEIVED 9 July 2021 and L02C, date stamped SPAP RECEIVED 11 May 2021, all prepared by Four Landscape Studio, accompanying civil drawings titled 'Dayton Primary School' being drawing numbers DPSC10P7C, DPSC10S5B, DPSC40P7A, DPSC50P7C prepared by Stantec all date stamped 'SPAP RECEIVED 11 May 2021, earthworks and drainage plans titled 'Dayton Primary School' being drawing numbers C10, C11, C12, C13, C14, C15, C16, C17, C18, prepared by Stantec all date stamped SPAP RECEIVED 12 July 2021) in accordance with the provisions of Clause 24 of the Metropolitan Region Scheme, subject to the following conditions:

Conditions

1. Prior to the occupation of the school, a total of six (6) accessible parking bays are to be provided on-site to the satisfaction of the Western Australian Planning Commission.
2. All on-site car parking and associated vehicle access areas shown on the approved plans shall be constructed, drained, sealed, marked and sign-posted prior to occupation of the proposed development and thereafter maintained to the satisfaction of the Western Australian Planning Commission.
3. Prior to occupation of the completed development, a minimum of 94 bicycle parking bays shall be provided within the bicycle parking areas shown on the approved plans.
4. Prior to occupation of the development, the school is to prepare and implement a Traffic and Parking Management Plan consistent with the findings of the Dayton Primary School Transport Impact Assessment prepared by Transcore (dated March 2021), in consultation with the City of Swan and to the satisfaction of the Western Australian Planning Commission. The Traffic and Parking Management Plan is to include a Kiss and Drive Operational Plan to ensure that the proposed Kiss and Drive facility is appropriately managed by staff or parent volunteers during peak drop-off and pick-up times.



5. The school is to become an active member in the Department of Transport's 'Your Move' program, which seeks to reduce car dependence and promote alternative modes of transport including walking, cycling and public transport, to the satisfaction of the Western Australian Planning Commission.
6. Landscaping, as specified in the approved landscaping plans, shall be installed prior to occupation of the proposed development and thereafter maintained to the satisfaction of the Western Australian Planning Commission.
7. All works shall be carried out in accordance with the Geotechnical Report prepared by Douglas Partners dated March 2021 to the satisfaction of the Western Australian Planning Commission.
8. Prior to occupation of the proposed primary school, the Dayton Primary School Bushfire Management Plan (prepared by Bushfire Prone Planning dated 2 March 2021) shall be finalised in consultation with the Department of Fire and Emergency Services to the satisfaction of the Western Australian Planning Commission.
9. Prior to the commencement of development, a Bushfire Emergency Evacuation Plan is to be prepared in consultation with the Department of Fire and Emergency Services and to the satisfaction of the Western Australian Planning Commission.
10. The site is within a bushfire prone area as designated by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan. Prior to occupation of the development, a Notification is to be placed on the Certificate of Title advising of the bushfire prone status and the applicable Bushfire Management Plan.
11. The development is to be carried out in accordance with the requirements under the Department of Education Principal's Guide to Bushfire document and the applicable Bushfire Management Plan, to the satisfaction of the Western Australian Planning Commission.
12. Prior to the commencement of site works, a Construction Management Plan shall be prepared in consultation with the City of Swan and to the satisfaction of the Western Australian Planning Commission. The requirements of the Construction Management Plan shall be observed at all times during the construction process.
13. The applicant is to ensure there is minimal disruption to car parking areas by construction activities during the operational hours of the school.
14. The development shall either be connected to the reticulated sewerage system of the Water Corporation or a suitable alternative approved by the Western Australian Planning Commission before commencement of any use.
15. Any damage or removal of a City of Swan asset within the road reserve (roads, signage, verge etc.) shall be made good at the cost of the applicant to the specification of the City of Swan and the satisfaction of the Western Australian Planning Commission.
16. All stormwater produced is to be disposed of on-site to the specification of the City of Swan and the satisfaction of the Western Australian Planning Commission.



17. Prior to the installation of any signage, a signage plan indicating the location and design of any proposed signage (including traffic directional signage) shall be prepared to the specification of the City of Swan and the satisfaction of the Western Australian Planning Commission.
18. All piped and wired services, plant, equipment and storage areas shall be screened from public view, and in the case of roof mounted plant, screened or located so as to minimise visual impact, to the satisfaction of the Western Australian Planning Commission.
19. Prior to the commencement of site works, a Dust Management Plan shall be prepared in consultation with the City of Swan and to the satisfaction of the Western Australian Planning Commission. Once approved, the Dust Management Plan is to be implemented in its entirety.
20. The school shall prepare and distribute a Parent Education Program to provide traffic management and car parking advice to parents, including:
 - a) Promoting, and identifying the procedures for the use of available parking facilities, including the on-site kiss and drive area;
 - b) Promoting the use of alternative modes of transport including walking, cycling and public transport; and
 - c) Reminding parents of the need to comply with all relevant parking restrictions and to be mindful of not obstructing access to adjoining residential properties.
21. The access points for the proposed development shall be designed to connect seamlessly with abutting roads and public footpath infrastructure, to the specification of the City of Swan and the satisfaction of the Western Australian Planning Commission.

Advice Notes

1. The playground shall comply with the requirements of AS4685 – Playground Equipment and Surfacing, and AS4422 – Playground Surfacing; Specifications, Requirements and Test Method. The applicant is encouraged to liaise with Kidsafe WA in this regard.
2. The applicant is specifically reminded of its obligation to comply with the *Aboriginal Heritage Act 1972*.
3. The proposed works fall within a site that has identified moderate to low Acid Sulfate soils risk. In line with standard self-assessment tools developed by the Department of Planning, Lands and Heritage all construction and development on site shall recognise the risk and monitor any potential exposure of soils.
4. The development is to be constructed in accordance with the corresponding construction standards for the relevant Bushfire Attack Level, as outlined in Australian Standard AS3959.



5. This approval does not include the works within the adjoining road reserves, as indicated on the approved plans. Separate approval is required from the City of Swan for all works within the road reserve. This includes the new vehicle crossovers for which separate approval is required under the Local Government (Uniform Local Provisions) Regulations 1996.
6. The applicant is specifically reminded of its obligation to comply with the *Environmental Protection (Noise) Regulations 1997*.
7. Lighting shall comply with Australian Standard 4282-1997 "Control of the obtrusive effects of outdoor lighting" or its equivalent and the City's Environment, Animals and Nuisance Local Laws.
8. The applicant is reminded of its obligations under the *Building Act 2011*.
9. All development must comply with the provisions of the Health Regulations, National Construction Code, Public Building Regulations and all other relevant Acts, Regulations and Local Laws. This includes the provision of access and facilities for people with disabilities in accordance with the National Construction Code.

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

REASON: The Panel agreed with the conclusion of the RAR that the application for the primary school is consistent with the West Swan East District Structure Plan and Dayton Local Structure Plan, compliance with the local planning scheme provisions had been adequately demonstrated and the development is generally consistent with the relevant Local and State Government planning policies. Conditions of approval are applied governing traffic, access and parking, bushfire risk management, storm water control and provision of services to the site.

*Cr Rod Henderson and Mayor Kevin Bailey (City of Swan) left the panel at 10.30am.
Cr Deb Hamblin and Cr Mark Jones (City of Rockingham) joined the panel at 10.30am.*



8.2 Lots 108, 1304, 8003, and portion of road reserve Rockingham Beach Road, East Rockingham

Development Description: Liquid Urea Ammonium Nitrate Fertiliser and Solid Fertiliser Storage and Blending Facility
Applicant: Planning Solutions
Owner: Western Australian Land Authority trading as Development WA, Co-operative Bulk Handling Pty Ltd, Main Roads Western Australia & Water Corporation
Responsible Authority: City of Rockingham
DAP File No: DAP/20/01878

REPORT RECOMMENDATION

Moved by: Cr Mark Jones

Seconded by: Cr Deb Hamblin

That the Metro Outer Joint Development Assessment Panel (MOJDAP) resolves to:

Approve DAP Application reference DAP/20/01878 and accompanying plans:

- Overall Facility Piping, DRG No. 0001, Rev C;
- Site Plan, DRG No. 0002, Rev H;
- Storage Warehouse Site Elevations, DRG No. 004, Rev D;
- Storage Warehouse Elevations, DRG No. 0013, Rev D;
- Storage Warehouse Plan, DRG No. 0009; Rev D;
- Storage Warehouse Plan Part A, DRG No. 0010; Rev C;
- Storage Warehouse Plan Part B, DRG No. 0011; Rev D;
- Storage Warehouse Sections, DRG No. 0014; Rev C;
- Maintenance Store Plan, Elevations and Sections, DRG No. 0012, Rev A;
- Administration Building Elevations, DRG No. 0007, Rev B;
- Site Plan Administration, DRG No. 0005, Rev B;
- Floor Plan Administration, DRG No. 0006, Rev B;
- Drainage Design, DRG No. 0002, Rev B;
- Landscaping Plan, DRG No. 0003, Rev G;
- Turning Movements, DRG No. 0001_E; Rev F; and
- Fence Section, Rev A;

in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, and the provisions of Clause 68(2)(b) of the City of Rockingham Town Planning Scheme No. 2, subject to the following conditions:

Conditions

1. This decision constitutes development approval only and is valid for a period of four years from the date of approval (this is inclusive of the additional two years available under 'Clause 78H Notice of Exemption from planning requirements during State of Emergency' issued by the Minister for Planning on 8 April 2020). If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.



2. Development is to be removed, modified or protected at the lessees/landowners cost when the most landward part of the Horizontal Shoreline Datum is within 17 metres of the proposed development to the satisfaction of the City of Rockingham, on advice from Western Australian Planning Commission.
3. Prior to commencement of development, detailed civil engineering construction plans for the auxiliary left turn treatment within the Rockingham Beach Road road reserve shall be submitted by a suitably qualified person to the City of Rockingham and Main Roads WA for approval. These works must be constructed, in accordance with the approved plans, prior to the occupation of the development.
4. Prior to commencement of development, an updated Stormwater Management Plan must be submitted showing how stormwater will be contained on-site and those plans must be submitted to the City of Rockingham for its approval. All stormwater generated by the development must be managed in accordance with Planning Policy 3.4.3 - Urban Water Management to the satisfaction of the City of Rockingham. The approved plans must be implemented and all works must be maintained for the duration of the development.
5. Stormwater discharge (if any) shall not exceed pre-development discharge to the Rockingham Beach Road reserve.
6. Prior to commencement of development, an updated Fauna Relocation Plan for the native fauna species within the site is to be prepared, approved and implemented to the satisfaction of the City of Rockingham, to ensure the protection and management of the site's environmental assets.
7. Prior to commencement of development, a Dust Management Plan for the development must be prepared and approved by the City of Rockingham and all measures identified in the plan shall be implemented to the satisfaction of the City of Rockingham for duration of the development.
8. Prior to commencement of development, an Asbestos Management Plan shall be developed and implemented to address the potential risks to site workers to the satisfaction of the City of Rockingham and Department of Water and Environmental Regulations.
9. Prior to commencement of development, a revised Landscaping Plan must be prepared and must include the following:
 - (i) The location, number and type of existing and proposed trees (including any shade trees), swales and shrubs, indicating calculations for the landscaping area;
 - (ii) Any lawns to be established;
 - (iii) Those areas to be reticulated or irrigated for plant establishment;
 - (iv) All plants to be native; and
 - (v) The swale south of the administrating building is to include a combination of mulch and plantings or alternatively is to be grassed.



The landscaping, paving and reticulation must be completed prior to the occupation of the development, and the approved Landscaping Plan must be maintained at all times to the satisfaction of the City of Rockingham for the duration of the development.

10. Prior to occupation of development, as this land is not connected to the reticulated sewerage infrastructure, development on Lot 108 must adhere to the Government Sewage Policy 2019 including the requirement for a secondary treatment system with nutrient removal as well as setbacks required to the satisfaction of the City of Rockingham and Department of Water and Environmental Regulation.
11. Prior to occupation of the development, the Asset Protection Zone on Lot 108, as depicted in the Bushfire Management Plan prepared by Linfire Consultancy, dated 31 July 2020 must be implemented in accordance with the WAPC Guidelines for Planning in Bushfire Prone Areas. The Asset Protection Zone must be maintained for duration of the development.
12. No earthworks shall encroach to the Rockingham Beach road reserve.
13. Earthworks over the site associated with the development must be stabilised to prevent sand or dust blowing off the site, and appropriate measures shall be implemented within the time and in the manner directed by the City of Rockingham in the event that sand or dust is blown from the site.
14. All vegetation outside the approved development area on Lot 108 must be retained, unless otherwise required for bushfire mitigation pursuant to the Offsite Vegetation Management Zone which is identified within the Linfire Consultancy Report, dated 31 July 2020 for duration of the development.
15. Grass tree plants (XANTHORRHOEACEAE family) must be retained (unless specifically identified for removal on the approved Landscaping Plan) and, during the construction period, measures for their retention must be taken in accordance with Australian Standard AS 4970—2009, Protection of trees on development sites. Arrangements must be made to the satisfaction of the City for all grass tree plants requiring removal to be relocated, prior to applying for a Building Permit.
16. In accordance with City of Rockingham *Planning Policy 3.3.14 - Bicycle parking and End of Trip Facilities*, 3 long-term bicycle parking spaces must be provided for the development. The bicycle parking spaces must be designed in accordance with AS2890.3— 1993, Parking facilities, Part 3: Bicycle parking facilities and must be approved by the City of Rockingham prior to applying for a Building Permit and constructed prior to occupancy of the development.
17. The Carpark must:
 - (i) provide 11 car parking spaces;
 - (ii) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval prior to commencement of development;



- (iii) minimum one (1) car parking space dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
 - (iv) Be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
 - (v) Have lighting installed, prior to the occupation of development; and
 - (vi) Confine all illumination to the land in accordance with the requirements of Australian Standard AS 4282-1997, Control of the obtrusive effects of outdoor lighting, at all times.
18. Materials, sea containers, goods or bins must not be stored within the carpark at any time.
19. No waste collection is permitted from the Rockingham Beach Road reserve.

Advice Notes

1. Prior to construction of the below ground liquid fertiliser pipeline, a Deed of Agreement regarding the pipeline crossing the Rockingham Beach Road reserve shall be entered into and executed between CBH Group and Main Roads Western Australia. The Deed shall be prepared by and be at the cost of the lessee/landowner.
2. The proponent is advised of the requirement under the Environmental Protection Act 1986 to obtain a clearing permit for the clearing of native vegetation from the Department of Water and Environmental Regulation.
3. The proponent is advised that this approval is not a building permit, which constitutes a separate legislative requirement. Prior to any building work commencing on site, a building permit may need to be obtained.
4. The proponent is to ensure Health (Asbestos) Regulations 1992 and National Code of Practice for the Safe Removal of Asbestos practices and procedures are in place and followed during the removal of any asbestos containing material.
5. Any spills on-site exceeding in-ground containment, are to be reported to the City of Rockingham and Department of Water and Environmental Regulations.
6. Main Roads Western Australia is the responsible authority for the Rockingham Beach Road reserve adjacent to the CBH Kwinana Grain Terminal. Main Roads has provided the applicant with authority to lodge a development application for a below ground liquid fertiliser pipeline crossing the Rockingham Beach Road reserve. This is subject to a deed between CBH Group and Main Roads in relation to the pipeline being executed prior to construction of the pipeline and this requirement for a deed being a condition of development application approval.



7. Given the works proximity to a water pipe asset within the Rockingham Beach Road and reserve Lot 8003, a damage risk assessment and working near assets approval shall be obtained prior to construction from Water Corporation.
8. All works in the road reserve, including construction of a crossover and other streetscape works and works to the road carriageway must be to the satisfaction of the City of Rockingham and Main Roads WA; the applicant should liaise with the City of Rockingham's Land Infrastructure and Development Services and Main Roads WA in this regard.

The applicant is required to submit an Application form to undertake works within the road reserve prior to undertaking any works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads website > Technical & Commercial > Working on Roads.

9. With respect to the Landscape Plan and Stormwater Management Plan, the applicant is to liaise with the City's Land Development and Infrastructure Services in this regard.
10. With respect to the Dust Management Plan, the applicant is to prepare a Plan in accordance with the Environmental Protection Authority Dust Management Plan Guidelines.
11. In relation to Condition 2, the applicant is advised that the Horizontal Shoreline Datum means the active limit of the shoreline under storm activity, as defined in State Planning Policy 2.6 - State Coastal Planning Policy (2013). The applicant is advised that the 17 metre distance between the Horizontal Shoreline Datum and the proposed development is the S1 value for this location which is obtained from the Coastal Hazard Risk Management and Adaptation Plan prepared for the City of Rockingham. S1 is the allowance for absorbing the current risk of storm erosion, as defined in State Planning Policy 2.6 - Coastal Planning.
12. In relation to Condition 6, the following additional detail is required in the Fauna Relocation Plan to outline the methods that will be implemented for the proposed cage-trapping program:
 - A list of all required fauna relocation licenses that are to be obtained from the Department of Biodiversity, Conservation and Attractions. Copies of these licenses are required to be sent to the City prior to any trapping commencing onsite; and
 - A detailed trapping methodology with the Southern Brown Bandicoot being the primary target species. The methodology must be in accordance with the relevant Department of Biodiversity, Conservation and Attractions guidance.

The applicant is advised to liaise with the City of Rockingham Sustainability and Environment Department in this regard.

13. In relation to Condition 8, the Asbestos Management Plan should be prepared in accordance with the Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC:2008 (2005)] (National Occupational Health and Safety Commission, April 2005).



14. In relation to Condition 10, an application will need to be made to the City of Rockingham Health Services for installation of the secondary treatment system and the evaporation pond as required by Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The Panel agreed to support the proposal as it is a development appropriate to the Special Industrial zoning of the land under the Metropolitan Region Scheme and General Industry under the local town planning scheme. It is also appropriately located within the East Rockingham Industrial Park Structure Plan area on land identified for port related industry.

Environmental impact assessment had been separately addressed through the assessment and approval requirements of the Environmental Protection Act, including issue of Ministerial Statement published on 15th July 2021. The proposal is also subject to separate DWER works approval and the Department of Mines, Industry Regulation and Safety had confirmed that the products to be stored (UAN) is not a dangerous good requiring licensing.

The Panel was satisfied that environmental and risk management matters had been comprehensively dealt with and the project will be implemented under the governance of relevant conditions of approval including traffic management and access, stormwater, bushfire risk, asbestos management, vegetation retention, landscape, dust management, and other amenity protection measures during construction.

8.3 Lot 1585 and Lot 4552 Rockingham Beach Road, East Rockingham

Development Description: Construction of UAN discharge pipeline and cargo
receival equipment.
Applicant: Planning Solutions
Owner: DPLH & Fremantle Port Authority
Responsible Authority: Western Australian Planning Commission
DAP File No: DAP/21/01879

REPORT RECOMMENDATION

Moved by: Cr Deb Hamblin

Seconded by: Ms Sheryl Chaffer

That the Metro Outer Joint Development Assessment Panel resolve to:

Approve Development Assessment Panel application reference DAP/20/01879 and the accompanying plan dated 8 June 2021 (**Attachment 1**), pursuant to clause 30(1) of the Metropolitan Region Scheme, subject to the following conditions:

Conditions

1. This decision constitutes planning approval only. If development has not substantially commenced within four years of this approval being granted, the approval shall lapse and be of no further effect.



2. The pipeline is to be removed, modified or protected at the lessee's cost when the most landward part of the Horizontal Shoreline Datum is within 17 metres of the proposed development to the satisfaction of the Western Australian Planning Commission, on the advice of the City of Rockingham and the Fremantle Port Authority.
3. Any damage to the dune system that occurs during construction is to be restored to its original state to the satisfaction of the Western Australian Planning Commission, on the advice of the City of Rockingham.

Advice Notes

1. This decision constitutes planning approval under the Metropolitan Region Scheme only. It is the applicant's responsibility to comply with all other applicable legislation and obtain all required approvals, licences and permits prior to commencement of this development.
2. With regard to Condition 2, the applicant is advised that the Horizontal Shoreline Datum means the active limit of the shoreline under storm activity, as defined in *State Planning Policy 2.6 – State Coastal Planning Policy* (2013). The applicant is advised that the 17 metre distance between the Horizontal Shoreline Datum and the proposed development is the S1 value for this location which is obtained from the Coastal Hazard Risk Management and Adaptation Plan prepared for the City of Rockingham. S1 is the allowance for absorbing the current risk of storm erosion, as defined in State Planning Policy 2.6.
3. The Water Corporation advises that it has an existing potable water pipe asset within Rockingham Beach Road. Given the works proximity to this asset, a damage risk assessment and working near assets approval shall be obtained from the Water Corporation prior to construction.
4. Under section 51C of the *Environmental Protection Act 1986* (EP Act), clearing of native vegetation is an offence unless undertaken under the authority of a clearing permit, or the clearing is subject to an exemption. Exemptions for clearing that are a requirement of written law, or authorised under certain statutory processes, are contained in Schedule 6 of the EP Act. It is the applicant's responsibility to determine compliance with exemptions and therefore whether a clearing permit is required.

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

REASON: The proposal was supported by the Panel as it is integral component of the land based UAN facility dealt with under item 8.2 and likewise had been comprehensively assessed against potential environmental, planning and hazardous risk factors.

Although the pipeline receival facility is located within the Parks and Recreation Waterways Reservation under the Metropolitan Region Scheme, the Panel was satisfied that the proposal overall is an enhancement to state significant development that already exists on site and is therefore consistent with orderly and proper planning and preservation of the amenities of the locality.

Conditions of approval address long term risk of coastal erosion and restoration of the coastal dune system following construction.



9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval

Nil

10. State Administrative Tribunal Applications and Supreme Court Appeals

The Presiding Member noted the following SAT Applications -

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/19/01708 DR 138/2020	City of Kwinana	Lot 108 Kwinana Beach Road, Kwinana	Proposed Bulk Liquid Storage for GrainCorp Liquid Terminals	01/07/2020
DAP/01729 DR 176/2020	City of Kalamunda	Lot 130 (74) Warlingham Drive, Lesmurdie	Aged Residential Care Facility	28/8/2020
DAP/20/01764 DR 204/2020	City of Swan	Lot 780 (46) Gaston Road, Bullsbrook	Proposed Stock Feed Grain Mill	8/09/2020
DAP/20/01829 DR 001/2021	City of Swan	Lot 1 (42) Dale Road & Lot 4 (43) Yukich Close, Middle Swan	Aged care and community purpose	08/01/2021
DAP/21/01952 DR 096/2021	City of Rockingham	Lot 265 (40) Talisker Bend, Golden Bay	Mixed commercial development	14/05/2021

11. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2020 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

12. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 11.25am.