



## Minutes of the Metro South-West Joint Development Assessment Panel

**Meeting Date and Time:** Friday 8 February 2013, 10am  
**Meeting Number:** MSWJDAP/14  
**Meeting Venue:** Department of Planning,  
140 William Street Perth, Meeting Room L2.16

### Attendance

#### DAP Members

Mr Neil Foley (Presiding Member)  
Mr Rachel Chapman (Deputy Presiding Member) – from 10:20am  
Mr Robert Nicholson (Specialist Member)  
Cr Richard Smith (Local Government Member, City of Rockingham)  
Cr Joy Stewart (Local Government Member, City of Rockingham)

#### Officers in attendance

Mr Ron Couacaud (Department of Planning)  
Mr Paul Sewell (Department of Planning)  
Ms Rebecca Fuller (Department of Planning)  
Mr Bob Jeans (Rockingham)  
Mr Mike Ross (Rockingham)

#### Applicant, Submitters and Members of the Public

Mr Lynden Semmens (Greg Rowe and Associates)  
Mr Sam Jeleric (Greg Rowe and Associates)  
Mr Tim Sawyer (Carnegie Wave)  
Ms Edwina Davies Ward (Carnegie Wave)  
Ms Yolanda Zaw (The West Australian)

#### Department of Planning Minute Secretary

Ms Fiona Sze

### 1. Declaration of Opening

The Presiding Member, Mr Neil Foley declared the meeting open at 10am on 8 February 2013 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.13 held on 15 January 2013 were noted by DAP members.

## 5. Disclosure of interests

Panel member, Mr Neil Foley, declared an Impartiality Interest in item 8.1.

In accordance with section 4.6.1 and 4.6.2 of the Standing Orders 2012, the Deputy Presiding Member of the Metro South-West JDAP resolved that the member listed above, who has disclosed an Impartiality Interest, is permitted to participate in discussion and voting on the items.

Panel member, Ms Rachel Chapman, declared a Proximity Interest in item 8.1.

In accordance with section 6.3.1 of the Standing Orders 2012, the Presiding Member resolved that the member listed above, who has disclosed a Proximity Interest, is not permitted to participate in the discussion or voting on the items.

## 6. Declaration of Due Consideration

All members declared that they had duly considered the documents.

## 7. Deputations and presentations

### 7.1. Presenter Mr Lynden Semmens

Mr Lynden Semmens (Greg Rowe and Associates) presented for the application at Item 8.1. The presentation addressed the recommended approval period of 2 years and suggested that an extension between 3-5 years would better serve the development application.

### Form 1 - Responsible Authority Reports – DAP Applications

<b>8.1</b>	Application Details:	Proposed Freeway Services Centres
	Property Location:	Lot 191 Paparone Road and Lot 192 Leary Road, Baldivis
	Applicant:	Greg Rowe & Associates
	Owner:	BP Australia Pty Ltd
	Responsible authority:	City of Rockingham
	Report date:	24th January 2013
	DoP File No:	DP/12/01384



## REPORT RECOMMENDATION / PRIMARY MOTION

**Moved by:** Cr Joy Stewart

**Seconded by:** Cr Richard Smith

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

**Approve** DAP Application reference DP/12/01384 and accompanying plans dated 24/9/2012, DWG No's SK-06745-A100 to SK-06745-A112 in accordance with Clause 6.7.1(a) of the City of Rockingham Town Planning Scheme No.2 and subclause 30(1) of the Metropolitan Region Scheme, subject to the following conditions as follows:

1. Prior to applying for a Building Permit, the landowner/applicant is to provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development; and

In the event that remediation works are required, the landowner/applicant is to provide a post geotechnical report certifying that all works have been carried out in accordance with the pre-works geotechnical report.

2. An acid sulphate soils self-assessment form and, if required as a result of the self-assessment, an acid sulphate soils report and an acid sulphate soils management plan shall be submitted to and approved by the Department of Environment and Conservation and submitted to the City before any development is commenced. Where an acid sulphate soils management plan is required to be submitted, all works shall be carried out in accordance with the approved management plan.
3. All stormwater being contained and disposed of on-site to the satisfaction of the City.
4. Potentially contaminated stormwater must pass through a well maintained litter and silt trap, and then a regularly maintained fuel and oil trap (such as a coalescing plate separator or the equivalent).
5. The construction of an appropriate bunding or damming system to prevent the discharge of stormwater into the Peel Main Drain, to the satisfaction of the City.
6. The ground floor level of the Freeway Service Centre on Lot 192 Leary Road shall be designed to be at least 6.20m AHD.
7. The construction of an alternative emergency access route to the Freeway Service Centre at Lot 192 Leary Road, Baldivis, to link with Leary Road, prior to the occupation of the development.
8. The carpark must:-
  - (i) 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 applying for a Building Permit;



- (ii) include two car parking spaces 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*; and
- (iii) be constructed, sealed, kerbed, drained, floodlit and marked prior to the development being occupied and maintained thereafter.

The car park must comply with the above requirements for the duration of the development.

9. Materials, sea containers, goods or bins must not be stored within the carpark at any time.
10. Access of service vehicles or operation of forklifts must be restricted to the hours of 7:00am to 7:00pm Monday to Saturday and 9:00am to 7:00pm Sunday and public holidays, for the duration of the development.
11. All illumination must be confined to the sites (Lot 191 Paparone Road and Lot 192 Leary Road) in accordance with the requirements of Australian Standard AS 4282—1997, *Control of the obtrusive effects of outdoor lighting*, at all times, for the duration of the development.
12. A Sign Strategy must be prepared and include the information required by Planning Policy 3.3.1, *Control of Advertisements*, to the satisfaction of the City, prior to applying for a Building Permit and implemented as such for the duration of the development.
13. All signs to be erected on the access lanes leading to the Freeway Service Centres shall be provided in accordance with a signage strategy approved by the City and the Western Australian Planning Commission, so as to minimise commercial advertising along the Freeway.
14. Male and female secure hot-water showers and change rooms and must be provided within both Freeway Service Centres.  
  
The showers and change rooms must be constructed prior to the occupation of each development, and must be retained and maintained in good condition at all times.
15. Dining facilities within each Freeway Service Centre shall be provided for a maximum of 150 sit-down customers.
16. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to applying for a Building Permit:-
  - (i) the location of bin storage areas and bin collection areas;



- (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
- (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
- (iv) frequency of bin collections.

All works must be carried out in accordance with the Waste Management Plan, for the duration of development.

17. Design and construction of petroleum storage systems must be consistent with recommendations for sensitive environments given in *Australian Standard 4897: The design, installation and operation of underground petroleum storage systems*.
18. Landscaping is to be established and reticulated in accordance with a detailed Landscape Plan approved by the City, prior to the occupation of the development. Landscaped areas are to be maintained thereafter in good order to the satisfaction of the City.
19. An Acoustic Consultant's report shall be submitted for the City's approval, prior to applying for a Building Permit. The report is to indicate the anticipated sound level measurements for all types of noise associated with the development, indicating plant and equipment noise associated with operational activities. The report must also indicate any specific noise attenuation/mitigation measures to be applied to the development in order to ensure noise emissions comply with the Environmental Protection (Noise) Regulations 1997. Upon approval of that report by the City, any modifications required to the development as a result of its recommendations shall be made to the City's satisfaction prior to the occupation of the development.
20. Main Roads approval of the final design documentation for the entry and exit ramps, associated infrastructure, access roads, principal shared path realignment, carparks and Traffic Management Plan - as detailed in the Access Deed for Freeway Service Centres - must be obtained prior to the applying for a Building Permit.
21. As Easement in accordance with Sections 195 and 196 of the Land Administration Act 1997 for the benefit of the public is to be placed on the Certificate of Title for Lot 191 Paparone Road, Baldivis specifying access rights for the redesigned principal shared path. Notice of this Easement is to be included on the Deposited Plan. The Easement is to state as follows:-  
  
*"Public Access Easement – Principal Shared Path"*
22. Both Freeway Service Centres must be connected to the reticulated sewerage system of the Water Corporation before commencement of of any use.



23. A detailed Dust Management Plan must be submitted to and approved by the City prior to the commencement of any works on-site and all measures identified in the plan shall be implemented to the satisfaction of the City.
24. Earthworks and batters must be stabilised to prevent sand blowing and dust nuisance, for the duration of development.
25. This approval does not authorise or approve the use of the commercial tenancies. A separate Planning Approval must be obtained for the occupation of any tenancy, prior to the occupation of the development.
26. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.

#### Advice Notes

- (i) The applicant shall be responsible for all costs involved in the design and construction of the entry and exit ramps – as detailed in the Access Deed for Freeway Services Centres. These costs include the engagement of a Main Roads nominated surveillance officer for the duration of the entry and exit ramp construction works.
- (ii) The disposal of wastewater into the Water Corporation's sewerage system must be with approval of the Water Corporation; the applicant should liaise with the Water Corporation in this regard.
- (iii) With respect to Condition No.7, Leary Road is subject to inundation, and thus alternative emergency access routes must be constructed to ensure access in the event of flooding.
- (iv) With respect to Conditions 10, 11, 18 and 19, it is the applicant's responsibility to ensure that the operation of the Western Freeway Service Centre on Lot 191 Paparone Road, will not adversely affect future residential development on the western side of the Kwinana Freeway.
- (v) A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant should liaise with the City's Building Services in this regard.
- (vi) A separate approval from the City's Health Services is required under the Food Act 2008 and Food Safety Standards. This is required prior to the lodgement of an application for a Building Permit. The applicant should liaise with the City's Health Services in this regard.
- (vii) With respect to Condition No.18, the applicant and owner should liaise with the City's Parks Services to confirm requirements for landscaping plans.
- (viii) The applicant is advised that the development needs to comply with the provisions of the Building Code of Australia.





- (ix) The applicant is advised that the Department of Health has recommended the following:-
- (a) A sign should be erected in a visible location on both sites incorporating the following message:-
- “Visitors and patrons are made aware of the risk of mosquito-born diseases and the potential for nuisance mosquitoes within the vicinity”*
- (b) Built form measures (including screening on doors and windows and screened outdoor enclosures) should be incorporated into the design to protect patrons against mosquitoes.
- (x) The applicant is reminded of the need to comply with the Special Conditions contained within Schedule No.3 (Special Use Zones) of the City’s Town Planning Scheme No.2.

**AMENDING MOTION**

**Moved by:** Mr Robert Nicholson

That Condition 26 be amended to extend the approval period from 2 years to 4 years.

**The motion lapsed for want of a seconder.**

**AMENDING MOTION**

**Moved by:** Cr Joy Stewart      **Seconded by:** Cr Richard Smith

The following amendments to Conditions be moved en bloc -

**That a New Urban Water Management Plan be inserted as Condition 27 to read as follows:**

27. Prior to the commencement of development works, an Urban Water Management Plan shall be submitted to and approved by the Department of Water, and lodged with the City, consistent with approved District and Local Water Management Strategies. The development must be carried out in accordance with the approved Urban Water Management Plan.

**That a New Notice of Intent Condition be inserted as Condition 28 to read as follows:**

28. Prior to the commencement of development works, a Notice of Intent (NOI) with details of the proposal shall be submitted to and approved by the resources safety division of the Department of Mines and Petroleum and the Department of Water, and lodged with the City. The NOI shall include an Environmental Management Plan, in accordance with the Water Quality Protection Note 49 – Service Stations (DOW, 2009). The development must be carried out in accordance with the approved NOI and Environmental Management Plan.



**That a New Hours of Operation Condition be inserted as Condition 29 to read as follows:**

29. All facilities shall be provided at all times, on a 24 hour daily basis.

**That a New Bicycle Parking Condition be inserted as Condition 30 to read as follows:**

30. At least three short-term (customer) bicycle parking spaces and two long-term bicycle parking spaces must be designed in accordance with AS2890.3-1993, Parking facilities, Part 3: Bicycle parking facilities, and constructed prior to occupation of the development.

**That a New Advice Note be inserted as Advice Note (xi) to read as follows:**

- (xi) The landowner/applicant is advised to liaise with the Department of Transport (BikeWest) and Main Roads WA regarding the alignment of the Principal Shared Path relative to its location, design and geometry, which allows for the convenient and safe movement of cyclists. Prior to the commencement of construction, public access must be provided around the development for pedestrians and cyclists.

**That a New Advice Note be inserted as Advice Note (xii) to read as follows:**

- (xii) In relation to Condition 22, the applicant is advised that the ability of the Water Corporation to accept additional wastewater into the North Baldivis system will be subject to further approval from the Water Corporation. This will depend on the availability of a spare capacity at the North Baldivis Waste Water Pump Station and the discharge point into the Kwinana Sewer district, at the time the proponent applies to the Corporation for connection.

**That Condition 4 be amended to read as follows:**

4. Potentially contaminated stormwater must pass through a well maintained litter and silt trap, and then a regularly maintained fuel and oil trap (such as a coalescing plate separator or the equivalent), to the satisfaction of the City.

**That Condition 5 be amended to read as follows:**

5. The construction and maintenance of an appropriate bunding or damming system to prevent the discharge of stormwater into the Peel Main Drain, for the duration of the development.

**That Condition 6 be amended to read as follows:**

6. The ground floor level of the Freeway Service Centre on Lot 192 Leary Road shall be designed and constructed to be at least 6.20m AHD.

**That Condition 16 be amended by inserting (v) to read as follows:**





16. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to applying for a Building Permit:-
- (i) the location of bin storage areas and bin collection areas;
  - (ii) the number, volume and type of bins, and the type of waste to be placed in the bins;
  - (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas;
  - (iv) frequency of bin collections; and
  - (v) a recycling strategy.

All works must be carried out in accordance with the Waste Management Plan, for the duration of development.

**That Condition 20 be amended to read as follows:**

20. Main Roads approval of the final design documentation for the entry and exit ramps, associated infrastructure, access roads, principal shared path realignment, carparks and Traffic Management Plan as detailed in the Access Deed for Freeway Service Centres must be obtained prior to applying for a Building Permit.

**That Condition 22 be amended to read as follows:**

22. Both Freeway Service Centres must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use, being subject to the approval of the Water Corporation.

**REASONS: New conditions and advice notes and minor amendments and advice notes were considered necessary to the recommended conditions and advice notes to address matters noted in the report, but not included as conditions or advice notes, and to further clarify how the conditions and advice notes apply.**

**The motion was put and CARRIED UNANIMOUSLY.**



### AMENDING MOTION

**Moved by:** Mr Robert Nicholson

**Seconded by:** Cr Richard Smith

That Condition 1 be amended to read as follows:

1. Prior to applying for a Building Permit, the landowner/applicant is to provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development. This should include the water table profile and in the event that remediation works are required, the landowner/applicant is to provide a post geotechnical report certifying that all works have been carried out in accordance with the pre-works geotechnical report.

**REASON: The JDAP determined that a water table profile should be included as a standard within the geotechnical report.**

**The motion was put and CARRIED UNANIMOUSLY.**

### AMENDING MOTION

**Moved by:** Mr Robert Nicholson

**Seconded by:** Cr Richard Smith

That Condition 17 be amended to read as follows:

17. Design, construction and maintenance of petroleum storage systems must be consistent with recommendations for sensitive environments given in *Australian Standard 4897: The design, installation and operation of underground petroleum storage systems*.

**REASON: The JDAP determined that it needed to be made clear that the petroleum storage systems should continue to be maintained in accordance with Australian Standards.**

**The motion was put and CARRIED UNANIMOUSLY.**

### AMENDING MOTION

**Moved by:** Mr Robert Nicholson

**Seconded by:** Cr Richard Smith

That Advice note (viii) be amended to read as follows:

- (viii) The applicant is advised that the development needs to comply with the provisions of the Building Code of Australia and AS3500.

**REASONS: The JDAP determined that the development should comply with new plumbing code AS3500.**

**The motion was put and CARRIED UNANIMOUSLY.**



## PRIMARY MOTION (AS AMENDED)

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

**Approve** DAP Application reference DP/12/01384 and accompanying plans dated 24/9/2012, DWG No's SK-06745-A100 to SK-06745-A112 in accordance with Clause 6.7.1(a) of the City of Rockingham Town Planning Scheme No.2 and subclause 30(1) of the Metropolitan Region Scheme, subject to the following conditions as follows:

1. Prior to applying for a Building Permit, the landowner/applicant is to provide a pre-works geotechnical report certifying that the land is physically capable of development or advising how the land is to be remediated and compacted to ensure it is capable of development. This should include the water table profile and in the event that remediation works are required, the landowner/applicant is to provide a post geotechnical report certifying that all works have been carried out in accordance with the pre-works geotechnical report.
2. An acid sulphate soils self-assessment form and, if required as a result of the self-assessment, an acid sulphate soils report and an acid sulphate soils management plan shall be submitted to and approved by the Department of Environment and Conservation and submitted to the City before any development is commenced. Where an acid sulphate soils management plan is required to be submitted, all works shall be carried out in accordance with the approved management plan.
3. All stormwater being contained and disposed of on-site to the satisfaction of the City.
4. Potentially contaminated stormwater must pass through a well maintained litter and silt trap, and then a regularly maintained fuel and oil trap (such as a coalescing plate separator or the equivalent), to the satisfaction of the City.
5. The construction and maintenance of an appropriate bunding or damming system to prevent the discharge of stormwater into the Peel Main Drain, for the duration of the development.
6. The ground floor level of the Freeway Service Centre on Lot 192 Leary Road shall be designed and constructed to be at least 6.20m AHD.
7. The construction of an alternative emergency access route to the Freeway Service Centre at Lot 192 Leary Road, Baldivis, to link with Leary Road, prior to the occupation of the development.
8. The carpark must:-
  - (i) 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 applying for a Building Permit;



- (ii) include two car parking spaces 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*; and
- (iii) be constructed, sealed, kerbed, drained, floodlit and marked prior to the development being occupied and maintained thereafter.

The car park must comply with the above requirements for the duration of the development.

9. Materials, sea containers, goods or bins must not be stored within the carpark at any time.
10. Access of service vehicles or operation of forklifts must be restricted to the hours of 7:00am to 7:00pm Monday to Saturday and 9:00am to 7:00pm Sunday and public holidays, for the duration of the development.
11. All illumination must be confined to the sites (Lot 191 Paparone Road and Lot 192 Leary Road) in accordance with the requirements of Australian Standard AS 4282—1997, *Control of the obtrusive effects of outdoor lighting*, at all times, for the duration of the development.
12. A Sign Strategy must be prepared and include the information required by Planning Policy 3.3.1, *Control of Advertisements*, to the satisfaction of the City, prior to applying for a Building Permit and implemented as such for the duration of the development.
13. All signs to be erected on the access lanes leading to the Freeway Service Centres shall be provided in accordance with a signage strategy approved by the City and the Western Australian Planning Commission, so as to minimise commercial advertising along the Freeway.
14. Male and female secure hot-water showers and change rooms and must be provided within both Freeway Service Centres.  
  
The showers and change rooms must be constructed prior to the occupation of each development, and must be retained and maintained in good condition at all times.
15. Dining facilities within each Freeway Service Centre shall be provided for a maximum of 150 sit-down customers.
16. A Waste Management Plan must be prepared and include the following detail to the satisfaction of the City, prior to applying for a Building Permit:-
  - (i) the location of bin storage areas and bin collection areas;
  - (ii) the number, volume and type of bins, and the type of waste to be



placed in the bins;

- (iii) management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas;
- (iv) frequency of bin collections; and
- (v) a recycling strategy.

All works must be carried out in accordance with the Waste Management Plan, for the duration of development.

17. Design, construction and maintenance of petroleum storage systems must be consistent with recommendations for sensitive environments given in *Australian Standard 4897: The design, installation and operation of underground petroleum storage systems*.
18. Landscaping is to be established and reticulated in accordance with a detailed Landscape Plan approved by the City, prior to the occupation of the development. Landscaped areas are to be maintained thereafter in good order to the satisfaction of the City.
19. An Acoustic Consultant's report shall be submitted for the City's approval, prior to applying for a Building Permit. The report is to indicate the anticipated sound level measurements for all types of noise associated with the development, indicating plant and equipment noise associated with operational activities. The report must also indicate any specific noise attenuation/mitigation measures to be applied to the development in order to ensure noise emissions comply with the Environmental Protection (Noise) Regulations 1997. Upon approval of that report by the City, any modifications required to the development as a result of its recommendations shall be made to the City's satisfaction prior to the occupation of the development.
20. Main Roads approval of the final design documentation for the entry and exit ramps, associated infrastructure, access roads, principal shared path realignment, carparks and Traffic Management Plan as detailed in the Access Deed for Freeway Service Centres must be obtained prior to applying for a Building Permit.
21. As Easement in accordance with Sections 195 and 196 of the Land Administration Act 1997 for the benefit of the public is to be placed on the Certificate of Title for Lot 191 Paparone Road, Baldivis specifying access rights for the redesigned principal shared path. Notice of this Easement is to be included on the Deposited Plan. The Easement is to state as follows:-  
  
*"Public Access Easement – Principal Shared Path"*
22. Both Freeway Service Centres must be connected to the reticulated sewerage system of the Water Corporation before commencement of any use, being subject to the approval of the Water Corporation.



23. A detailed Dust Management Plan must be submitted to and approved by the City prior to the commencement of any works on-site and all measures identified in the plan shall be implemented to the satisfaction of the City.
24. Earthworks and batters must be stabilised to prevent sand blowing and dust nuisance, for the duration of development.
25. This approval does not authorise or approve the use of the commercial tenancies. A separate Planning Approval must be obtained for the occupation of any tenancy, prior to the occupation of the development.
26. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.
27. Prior to the commencement of development works, an Urban Water Management Plan shall be submitted to and approved by the Department of Water, and lodged with the City, consistent with approved District and Local Water Management Strategies. The development must be carried out in accordance with the approved Urban Water Management Plan.
28. Prior to the commencement of development works, a Notice of Intent (NOI) with details of the proposal shall be submitted to and approved by the resources safety division of the Department of Mines and Petroleum and the Department of Water, and lodged with the City. The NOI shall include an Environmental Management Plan, in accordance with the Water Quality Protection Note 49 – Service Stations (DOW, 2009). The development must be carried out in accordance with the approved NOI and Environmental Management Plan.
29. All facilities shall be provided at all times, on a 24 hour daily basis.
30. At least three short-term (customer) bicycle parking spaces and two long-term bicycle parking spaces must be designed in accordance with AS2890.3-1993, Parking facilities, Part 3: Bicycle parking facilities, and constructed prior to occupation of the development.

#### Advice Notes

- (i) The applicant shall be responsible for all costs involved in the design and construction of the entry and exit ramps – as detailed in the Access Deed for Freeway Services Centres. These costs include the engagement of a Main Roads nominated surveillance officer for the duration of the entry and exit ramp construction works.
- (ii) The disposal of wastewater into the Water Corporation's sewerage system must be with approval of the Water Corporation; the applicant should liaise with the Water Corporation in this regard.
- (iii) With respect to Condition No.7, Leary Road is subject to inundation, and thus alternative emergency access routes must be constructed to ensure access in the event of flooding.





- (iv) With respect to Conditions 10, 11, 18 and 19, it is the applicant's responsibility to ensure that the operation of the Western Freeway Service Centre on Lot 191 Paparone Road, will not adversely affect future residential development on the western side of the Kwinana Freeway.
- (v) A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant should liaise with the City's Building Services in this regard.
- (vi) A separate approval from the City's Health Services is required under the Food Act 2008 and Food Safety Standards. This is required prior to the lodgement of an application for a Building Permit. The applicant should liaise with the City's Health Services in this regard.
- (vii) With respect to Condition No.18, the applicant and owner should liaise with the City's Parks Services to confirm requirements for landscaping plans.
- (viii) The applicant is advised that the development needs to comply with the provisions of the Building Code of Australia and AS3500.
- (ix) The applicant is advised that the Department of Health has recommended the following:-
  - (a) A sign should be erected in a visible location on both sites incorporating the following message:-

*"Visitors and patrons are made aware of the risk of mosquito-born diseases and the potential for nuisance mosquitoes within the vicinity"*
  - (b) Built form measures (including screening on doors and windows and screened outdoor enclosures) should be incorporated into the design to protect patrons against mosquitoes.
- (x) The applicant is reminded of the need to comply with the Special Conditions contained within Schedule No.3 (Special Use Zones) of the City's Town Planning Scheme No.2.
- (xi) The landowner/applicant is advised to liaise with the Department of Transport (BikeWest) and Main Roads WA regarding the alignment of the Principal Shared Path relative to its location, design and geometry, which allows for the convenient and safe movement of cyclists. Prior to the commencement of construction, public access must be provided around the development for pedestrians and cyclists.
- (xii) In relation to Condition 22, the applicant is advised that the ability of the Water Corporation to accept additional wastewater into the North Baldvis system will be subject to further approval from the Water Corporation. This will depend on the availability of a spare capacity at the North Baldvis Waste Water Pump Station and the discharge point into the



Kwinana Sewer district, at the time the proponent applies to the Corporation for connection.

**The motion was put and CARRIED UNANIMOUSLY.**

**At 10.20am, Ms Rachel Chapman entered the meeting.**

**8.2** Application Details: Construction of CETO wave energy technology within coastal waters  
Property Location: Lot 401 and Part Lot 4551 Unallocated Crown Land, Coastal Waters, south-west of Garden Island, Rockingham  
Applicant: Carnegie Wave Energy Ltd  
Owner: State of Western Australia  
Responsible authority: WAPC  
Report date: 1 February 2013  
DoP File No: DP/13/00002

### **REPORT RECOMMENDATION / PRIMARY MOTION**

**Moved by:** Mr Robert Nicholson      **Seconded by:** Ms Rachel Chapman

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

Approve DAP Application reference DP/13/00002 and accompanying plans date stamped 18 December 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. Satisfactory arrangements being entered into with the Department of Transport to indemnify the Department against any property damage or personal injury in relation to the development.
2. A construction and management plan is to be prepared, approved and implemented on the advice of the Department of Transport. The plan is to address construction details, on-going monitoring and maintenance requirements and emergency response proposals to address any potential hazard or safety risks associated with the development.
3. The CETO units are to be delineated by navigational buoys which conform to the guidelines for cardinal marks laid down by the IALA Maritime Buoyage System. The cardinal marker buoys are to be a minimum of 2 metres in height, placed at the north, east, south and west corners of the closure area and equipped with a rhythmic lighting system with a range of two nautical miles.
4. A Temporary Notice to Mariners (TNTM) must be promulgated at a minimum of 28 days prior to the scheduled installation of the CETO units and ocean floor pipelines.
5. The CETO units and pipeline infrastructure shall be removed by the end of February 2018.



Advice notes

1. With regard to Conditions 1, 2, 3 and 4, the applicant is advised to liaise with the Department of Transport on 9431 1025.

**AMENDING MOTION**

**Moved by:** Ms Rachel Chapman

**Seconded by:** Cr Richard Smith

That Condition 4 be amended to read as follows:

4. The proponent should ensure that a Temporary Notice to Mariners (TNTM) is promulgated prior to installation of the CETO units and ocean floor pipelines.

**REASON: The JDAP amended Condition 4 to better reflect the intention of the Temporary Notice requirement.**

**The motion was put and CARRIED UNANIMOUSLY.**

**PRIMARY MOTION (AS AMENDED)**

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

Approve DAP Application reference DP/13/00002 and accompanying plans date stamped 18 December 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. Satisfactory arrangements being entered into with the Department of Transport to indemnify the Department against any property damage or personal injury in relation to the development.
2. A construction and management plan is to be prepared, approved and implemented on the advice of the Department of Transport. The plan is to address construction details, on-going monitoring and maintenance requirements and emergency response proposals to address any potential hazard or safety risks associated with the development.
3. The CETO units are to be delineated by navigational buoys which conform to the guidelines for cardinal marks laid down by the IALA Maritime Buoyage System. The cardinal marker buoys are to be a minimum of 2 metres in height, placed at the north, east, south and west corners of the closure area and equipped with a rhythmic lighting system with a range of two nautical miles.
4. The proponent should ensure that a Temporary Notice to Mariners (TNTM) is promulgated prior to installation of the CETO units and ocean floor pipelines.
5. The CETO units and pipeline infrastructure shall be removed by the end of February 2018.



Advice notes

1. With regard to Conditions 1, 2, 3 and 4, the applicant is advised to liaise with the Department of Transport on 9431 1025.

**The motion was put and CARRIED UNANIMOUSLY.**

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

Nil

**9. Appeals to the State Administrative Tribunal**

Nil

**10. Meeting Close**

There being no further business, the presiding member declared the meeting closed at 10.25am.

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