



Metro South-West Joint Development Assessment Panel Minutes

Meeting Date and Time: 8 March 2019; 10:00am
Meeting Number: MSWJDAP/181
Meeting Venue: City of Rockingham Boardroom
Civic Boulevard
Rockingham

Attendance

DAP Members

Mr Tony Arias (Presiding Member)
Ms Lee O'Donohue (Deputy Presiding Member)
Mr Andrew Macliver (Specialist Member)
Cr Lee Downham (Local Government Member, City of Rockingham)

Officers in attendance

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

Minute Secretary

Ms Nicole D'Alessandro (City of Rockingham)

Applicants and Submitters

Mr Miles Mason (New Energy Corporation Pty Ltd)
Mr Rajan Aggarwal (Tribe Infrastructure Group)

Members of the Public / Media

Mr Brian Warner

1. Declaration of Opening

The Presiding Member declared the meeting open at 10.01am on 8 March 2019 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 DAP Standing Orders 2017 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 DAP Standing Orders 2017 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

Cr Deb Hamblin (Local Government Member, City of Rockingham)
Cr Chris Elliott (Local Government Member, City of Rockingham)
Cr Joy Stewart (Local Government Member, City of Rockingham)

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

DAP Member, Mr Andrew Macliver, declared an impartiality interest in item 8.1. Mr Macliver holds shares in APA Group, who are the licensees of the adjacent gas pipeline infrastructure. This agency was consulted during the assessment process and has recommended conditions and advice notes to ensure their asset is protected, which have been included in the RAR.

In accordance with section 4.6.1 and 4.6.2 of the DAP Standing Orders 2017, the Presiding Member determined that the member listed above, who had disclosed an impartiality interest, was permitted to participate in discussion and voting on the item.

7. Deputations and Presentations

7.1 Mr Miles Mason addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.

7.2 The City of Rockingham addressed the DAP in relation to the application at Item No.8.1 and responded to questions from the panel.



8. Form 1 – Responsible Authority Reports – DAP Application

8.1 Property Location:	Lot 1 (26) Office Road, East Rockingham
Development Description:	Proposed Waste to Energy Facility
Applicant:	New Energy Corporation Pty Ltd
Owner:	LandCorp (Western Australian Land Authority)
Responsible Authority:	City of Rockingham
DAP File No:	DAP/18/01524

REPORT RECOMMENDATION

Moved by: Cr Lee Downham

Seconded by: Ms Lee O'Donohue

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

Approve DAP Application reference DAP/18/01524 and accompanying plans:

- Site Plan, Drawing No. ERH / 000 / PPL / 001, dated 10 January 2019;
- Elevations, Drawing No. ERH / 000 / PPL / 002, dated 10 January 2019;
- Admin Office, Drawing No. ERH / 000 / PPL / 003, dated 10 January 2019;
- Landscaping Plan, Drawing No. ERH / 000 / PPL / 004, dated 10 January 2019;
- Site Levels, Drawing No. ERH / 000 / PPL / 005, dated 14 May 2014

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

Conditions

1. This decision constitutes development 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.
2. Prior to the commencement of development, detailed civil engineering construction plans for the upgrade of Office Road in front of the site, including a channelised right turn treatment, an auxiliary left turn treatment within the road reserve and pavement widening at the intersection of Mandurah Road/Office Road must be submitted by a suitably qualified person to the City of Rockingham for approval.

These works must be constructed, in accordance with the approved plans, prior to the occupation of the development.

3. Prior to the commencement of development, an Environmental Construction Management Plan must be prepared and approved to ensure appropriate management of construction related impacts. The approved plan must be implemented for the duration of construction works, to the satisfaction of the City of Rockingham.



4. Prior to the commencement of development, a 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.
5. Prior to the commencement of development, the landowner/applicant shall prepare and implement as part of the development works a pipeline risk management plan/protection plan in accordance with Planning Bulletin 87 High Pressure Gas Transmission Pipelines in the Perth Metropolitan Region. The risk mitigation measures/controls outlined within the pipeline risk management/protection plan are to be implemented by the landowner/applicant as part of the development works to the satisfaction of the City of Rockingham and to the specifications of APA Group.
6. 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.
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 the duration of the development.
8. Prior to commencement of development, a Stormwater Management Plan must be submitted detailing how stormwater will be appropriately contained on site or otherwise managed in accordance with the requirements contained in any licence or approval issued by the Department of Water and Environmental Regulation, to the satisfaction of the City of Rockingham.
9. Prior to occupation, the development must be connected to a reticulated water supply in accordance with the specifications of the Water Corporation in accordance with the recommendations of the Bushfire Management Plan prepared by Bushfire Prone Planning, dated 4 May 2018.
10. Prior to occupation, the development must be connected to an aerobic treatment unit (ATU) onsite effluent disposal system with nutrient retention capabilities.

The ATU system must be implemented for the duration of the development.

11. A landscaping plan must be prepared and include the following detail, to the satisfaction of the City, prior to commencement of development:
 - i. The Location, number and type of existing and proposes trees and shrubs, indicating calculations for the landscaping area;
 - ii. Any lawns to be established;
 - iii. Any natural landscape areas to be retained in 5m² clusters with the 20m separation;
 - iv. Those areas to be reticulated or irrigated;
 - v. Verge areas;



- vi. Landscaping for a minimum depth of 10 metres from the property boundary; and
- vii. Landscaping along the eastern elevation of development to better screen the administration building and storage tanks.

The landscaping must be completed prior to the occupation of the development, and must be maintained at all times to the satisfaction of the City of Rockingham and APA Group.

12. 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 commencement of development.
13. Materials, sea containers, goods or bins must not be stored within the carpark at any time.
14. A bin storage area must be designed with a size suitable to service the development and screened from view of the street, to the satisfaction of the City of Rockingham, prior to commencement of development. It must be constructed prior to the occupation of the development and must be retained and maintained in good condition at all times.
15. 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 of Rockingham, prior to commencement of development and implemented as such for the duration of the development.
16. Three (3) long-term bicycle parking spaces must be designed in accordance with AS2890.3-1993, *Parking facilities, Part 3: Bicycle parking facilities*, prior to commencement of development.

The bicycle parking scapes must be constructed prior to occupation of the development.

17. One (1) secure hot-water shower and change room must be designed in accordance with Planning Policy 3.3.14 - *Bicycle Parking and End-of-Trip facilities*, prior to commencement of development.

The shower, change room and locker must be constructed prior to the occupation of the development, and must be retained and maintained in good condition at all times.

18. The access way must be constructed in accordance with the following requirements:
 - i. minimum trafficable surface of 4 metres;
 - ii. minimum horizontal clearance of 6 metres;
 - iii. minimum vertical clearance of 4.5 metres;



- iv. maximum grade over <50 metres of 1 in 10;
- v. minimum weight capacity of 15 tonnes;
- vi. maximum crossfall of 1 in 33;
- vii. curves minimum inner radius of 8.5 metres;
- viii. turn around area for 3.4 fire appliance; and
- ix. all weather surface (i.e sealed).

The accessway must be maintained in accordance with these requirements and in a good and safe condition at all times for the duration of the development.

19. The Carpark must:-

- i. Provide a minimum of 33 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. include 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 the 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.

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

20. Prior to occupation of the development, the Bushfire Management Plan prepared by Bushfire Prone Planning, dated 4 May 2018 shall be updated to address comments made by Department of Fire and Emergency Services to the satisfaction of the City of Rockingham.
21. Prior to occupation of the development, the Asset Protection Zone (APZ), as depicted in the Bushfire Management Plan prepared by Bushfire Prone Planning, dated 4 May 2018, must be installed on the site in accordance with the Guidelines for Planning in Bushfire Prone Areas.

The APZ must be maintained in accordance with these requirements and in a good and safe condition at all times.

22. There shall be no extraction or use of ground water from the property at any time, unless otherwise approved by the Department of Water and Environmental



Regulations following chemical testing and an assessment of the risk to site users is undertaken to confirm it is suitability for its intended use.

23. The proponent shall make near to real time data on emissions publicly available by displaying emissions on the proponents website and at the site entrance.
24. Prior to occupation of the development, the proponent shall implement, and thereafter maintain for the life of the development, a public odour complaints register and resolution procedure to address any odour concerns raised by the public to the satisfaction of the City of Rockingham in consultation with the City of Kwinana. The applicant shall provide a copy of the register of complaints and resolution outcomes on a quarterly basis to the City of Rockingham and City of Kwinana.
25. A Waste Management Plan that addresses the management and maintenance of fugitive waste generated on site or from trucks entering / exiting the development shall be submitted to and approved by the City of Rockingham prior to occupancy of the development. Upon commencement of operations the Waste Management Plan shall be thereafter implemented and maintained for the life of the development to the satisfaction of the City of Rockingham.
26. Prior to occupation of the development, a Final Acoustic Assessment must be prepared and provided to the City of Rockingham which demonstrates to City's satisfaction, that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*.

The Final Acoustics Assessment must include the following information:

- I. Noise sources compared with the assigned noise levels as stated in the *Environmental Protection (Noise) Regulations 1997*, when the noise is received at nearest "noise sensitive premises" and surrounding residential area;
- II. Tonality, modulation and impulsiveness of noise sources; and
- III. Confirmation of the implementation of noise attenuation measures.

Any further works must be carried out in accordance with the Acoustic Report and implemented as such for the duration of the development.

Advice Notes

1. All works in the road reserve, including construction of a crossover, planting of street trees and other streetscape works and works to the road carriageway must be to the satisfaction of the City of Rockingham; the applicant should liaise with the City of Rockingham's Land Infrastructure and Development Services in this regard.
2. The proponent shall fulfil their obligations for obtaining from DWER a Works Approval prior to the commencement of works and a Licence prior to operation of the facility.



3. The development shall be compliant with the DWER Licence conditions and Ministerial Statement conditions at all times.
4. Any potential asbestos containing material on-site is to be disposed of at a site licensed to accept asbestos waste by the DWER under Part V of the *Environmental Protection Act 1986*.
5. The Site Drainage and Groundwater Management Plan prepared as part of the works approval and licence applications with DWER must be submitted to the City for review and comment.
6. The development must comply with the *Environmental Protection (Noise) Regulations 1997*; contact the City's Health Services for information on confirming requirements.
7. The proponent is to contact APA's Infrastructure, Planning and Protection team to arrange for the preparation of the pipeline risk management/protection plan and discuss any other practical elements of works in and around the pipeline. APA can be contacted on 180 103 452 or via email at APAProtection@apa.com.au.
8. If you are planning on undertaking any physical works on property containing or proximate to a pipeline, or are seeking details on the physical location of a pipeline, please contact Dial Before You Dig on 1100, or APA directly on APAProtection@apa.com.au.
9. With respect to noise emissions resulting from the operations, 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.
10. It should be noted that any proposed modifications to the existing RAV access permissions are subject to third party Main Roads approval pursuant to the Road Traffic (Vehicles) Act 2012.
11. With respect to the identified amendments to the Traffic Impact Assessment, the applicant is to liaise with the Land Development and Infrastructure Services in this regard.
12. With respect to the Landscape Plan, the applicant is to liaise with the City's Land Development and Infrastructure Services in this regard.

Where an development approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: In accordance with details contained in the Responsible Authority Report.



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

Nil

10. Appeals to the State Administrative Tribunal

The Presiding Member noted the following State Administrative Tribunal Applications -

Current Applications		
LG Name	Property Location	Application Description
City of Rockingham	Lot 301 (2-6) Council Avenue, Rockingham	Proposed health studio, restaurant, showrooms and convenience store
City of Fremantle	Lot 1 (193) South Terrace, South Fremantle	Mixed Use Development

11. General Business / Meeting Close

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2017 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.

There being no further business, the Presiding Member declared the meeting closed at 10.21am.