



## Metro Outer Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Tuesday, 9 May 2023; 9:30am  
**Meeting Number:** MOJDAP/245  
**Meeting Venue:** Electronic Means

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

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**Mr Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



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## Attendance

### DAP Members

Mr Eugene Koltasz (Presiding Member)  
Ms Karen Hyde (Deputy Presiding Member)  
Mr Jason Hick (Third Specialist Member)  
Cr Mark Jones (Local Government Member, City of Rockingham)  
Cr Lorna Buchan (Local Government Member, City of Rockingham)

### Officers in attendance

Mr Mike Ross (City of Rockingham)  
Mr Marius Le Grange (City of Rockingham)

### Minute Secretary

Ms Zoe Hendry (DAP Secretariat)

### Applicants and Submitters

Mr Oliver Basson (Planning Solutions)  
Ms Julie Drago (Ovest Industrial)  
Mr Nick Dalziell (Ovest Industrial)  
Mr Daniel Panickar (Eco Logical)  
Mr Elvan Ling (Warringtonfire)  
Ms Namrata Moharana (Warringtonfire)

### Members of the Public / Media

There was one member of the public in attendance.

## 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:32am on 9 May 2023 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.

**Mr Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



This meeting was convened via electronic means (Zoom). 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 Member, Cr Lorna Buchan and Cr Mark Jones, declared that they participated in a prior Council meeting in relation to the application at item 8.1. However, under section 2.1.2 of the DAP Code of Conduct 2017, Cr Buchan and Cr Jones 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 have disclosed an Impartiality Interest, were permitted to participate in the discussion and voting on the item.

**7. Deputations and Presentations**

**7.1** Mr Oliver Basson (Planning Solutions) addressed the DAP in support of the recommendation for 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 8.1 and responded to questions from the panel.

**Mr Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



## 8. Form 1 – Responsible Authority Reports – DAP Applications

### 8.1 Lot 12 and 13 (No.4 & 6) Lodge Drive, East Rockingham

Development Description: Proposed Tyre Recycling Facility  
Applicant: Planning Solutions Pty Ltd  
Owner: Hamersley 1 WA Pty Ltd  
Responsible Authority: City of Rockingham  
DAP File No: DAP/23/02419

#### REPORT RECOMMENDATION

**Moved by:** Cr Mark Jones

**Seconded by:** Cr Lorna Buchan

*With the approval of the mover and seconder the following amendments were made:*

- (i) Amend Condition No. 2 to read as follows:

*Prior to applying for a building permit, **satisfactory** arrangements must be made to the satisfaction of the City of Rockingham for the amalgamation of lot 12 Lodge Drive and lot 13 Lodge Drive into one Certificate of Title approved development to be reflected on a separate Certificate of Title in accordance with the Subdivision Approval dated 2 February 2023. The amalgamation must be completed prior to occupation of the development.*

- (ii) Amend Condition No. 6 to read as follows:

*Prior to applying for a ~~Building~~ **an Occupancy Permit**, a Sign Strategy must be prepared (which must include the information required by Planning Policy 3.3.1, Control of Advertisements) to the satisfaction of the City of Rockingham and it must thereafter be implemented for the duration of the development.*

**REASON:** In regard to Condition 2 the amendment was adopted to allow flexibility for timing of lodgement and issue of the building permit during the amalgamation process by the proponent and Council to ensure that the development does not straddle existing lot boundaries in accordance with the provisions of the Building Code of Australia.

In regard to Condition 6 the amendment was adopted to allow for a separate signage strategy to be prepared independent of the building permit application to avoid potential delays in issuing of the permit and commencement of construction.  
The signage will still have to be approved and installed prior to occupancy.

Mr Eugene Koltasz  
Presiding Member, Metro Outer JDAP



That the Metro Outer Joint Development Assessment Panel resolves to:

**Approve** DAP Application reference DAP/22/02419 and the accompanying plans received on 5 December 2023 and Amended Plans received on 20 February 2023:

- Aerial Underlay Site Plan - Drawing no. A.02(F), Dated 20/03/2023;
- Site Plan - Drawing no. A.03(AL), Dated 20/03/2023;
- Zoomed Office Plan - Drawing no. A.04(C), Dated 18/11/2022;
- Estate Plan - Drawing no. A.06(B), Dated 01/03/2023;
- Site Elevations - Drawing no. E.01(F), Dated 22/02/2023;
- Main Building Elevations - Drawing no. E.02(D), Dated 22/02/2023;

In accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 subject to the following conditions as follows:

### Conditions

1. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. Prior to applying for a building permit, satisfactory arrangements must be made to the City of Rockingham for the approved development to be reflected on a separate Certificate of Title in accordance with the Subdivision Approval dated 2 February 2023
3. Prior to applying for a Building Permit, a Stormwater Management Plan must be prepared by a suitably qualified engineer showing how stormwater will be contained on-site and those plans must be submitted to the City of Rockingham for approval. All stormwater generated by the development must be managed in accordance with Local 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.
4. Prior to applying for a Building Permit, a Construction Management Plan is to be submitted to and approved by the City of Rockingham addressing but not limited to:
  - (i) Hours of construction
  - (ii) Temporary Fencing
  - (iii) Traffic Management including, a Traffic Management Plan addressing site access, egress and parking arrangement for staff and contractors;
  - (iv) Management of vibration and dust
  - (v) Management of construction noise and other site generated noise.
5. Prior to applying for an Occupancy Permit, the Applicant must submit full detailed engineering drawings showing the various pavement types and cross sectional profiles to be adopted across the entire development site and adjoining road reserves, for review and approval by the City of Rockingham.

**Mr Eugene Koltasz**  
Presiding Member, Metro Outer JDAP



6. Prior to applying for a Building Permit, a Sign Strategy must be prepared (which must include the information required by Planning Policy 3.3.1, Control of Advertisements) to the satisfaction of the City of Rockingham and it must thereafter be implemented for the duration of the development.
7. Prior to occupation of the development, pavement marking and signage must be provided at the vehicular crossover locations, to the satisfaction of the City of Rockingham, to clearly delineate the intended traffic flow within the site as follows:
  - (i) Restricted entry/exit only for heavy vehicles at 10m and 12m wide crossovers;
  - (ii) Full movement entry and exit for staff and visitor vehicles only at the 6m crossover for the administration building;
8. The buildings must be designed, constructed and maintained to BAL- 29 as specified in Australian Standard AS3959-2018: Construction of Buildings in Bushfire-Prone Areas (AS3959). The building must be maintained in accordance with the specified requirements of the BAL for the duration of the development.
9. Prior to applying for a Building Permit, a Waste Management Plan must be prepared and include the following detail to the satisfaction of the City of Rockingham:
  - (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 and maintained at all times, for the duration of development.
10. Prior to applying for a Building Permit, bin storage area/s 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. The bin storage area/s must be constructed prior to the occupation of the development and must be retained and maintained in good condition for the duration of the Development.

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Presiding Member, Metro Outer JDAP



11. Prior to applying for a Building Permit, a Landscaping Plan must be submitted and approved to the satisfaction of the City of Rockingham and shall include the following detail:
  - (i) the location, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
  - (ii) any lawns to be established and areas to be mulched;
  - (iii) any natural landscape areas to be retained;
  - (iv) those areas to be reticulated or irrigated;
  - (v) the provision of shade trees at a ratio of 1 tree per 4 car bays;
  - (vi) use of species consistent with the prescribed plant species list in the East Rockingham Development Guidelines;
  - (vii) fencing type, height and alignment, demonstrating that the street frontage fencing is located behind the extent of the Landscaped setback area;
  - (viii) internal footpath and kerb ramps providing linkages between car parking areas to the main office, including any proposed lighting; and
  - (ix) proposed upgrading to landscaping, paving and reticulation of the street setback area and all verge areas.
  
12. The landscaping (including all verge 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.
  
13. Prior to the occupation of the development, the recommendations in the Bushfire Management Plan prepared by Eco Logical dated 24 March 2023 shall be implemented in the design, construction and ongoing operation of the development at all times to the satisfaction of the City of Rockingham including but not limited to the following requirements:
  - (i) Ensure proposed buildings are located outside of areas subject to BAL-FZ and BAL-40.
  - (ii) Ensure all APZs are established and maintained to the standard in the Guidelines.
  - (iii) Six (6) fire hydrants and monitoring systems are installed and extend reticulated water supply to appropriate areas.
  - (iv) Construct the internal road network as per the approved development plans.
  
14. Prior to the occupation of the development, the recommendations in the Bushfire Risk Management Plan prepared by Eco Logical dated 23 January 2023 shall be implemented in the design, construction and ongoing operation of the development at all times to the satisfaction of the City of Rockingham including but not limited to the following requirements:
  - (i) The proposed building will be fitted with a sprinkler system, automatic fire detection system and automatic smoke exhaust system
  - (ii) Bund areas (where truck and passenger tyres will be collected and stored prior to processing) will be:
  - (iii) Fitted with radiometric thermal cameras (operating 24 hours a day, 7 days a week), which when activated will trigger an automatic response to the nominated emergency services;
  - (iv) Limiting storage areas to Passenger Tyre Storage - 3,840m<sup>2</sup> and Truck Tyre Storage - 3,840m<sup>2</sup>
  - (v) Bund walls to be 7m in height and constructed from fireproof material

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15. Prior to the occupation of the development, the car parking areas must:
  - (i) provide a minimum of 80 car parking spaces;
  - (ii) be designed, constructed, sealed, kerbed, drained and line marked in accordance with User Class 1A for staff parking, User Class 2 for visitor bays, User Class 4 for universal bays of Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking prior to commencement of development;
  - (iii) provide One (1) car parking space(s) dedicated to people with disability, which are designed, constructed, sealed, kerbed, drained and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities and which are linked to the main entrance of the development by a continuous accessible path of travel designed and constructed 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 clearly marked prior to the development being occupied and maintained thereafter;
  - (v) have lighting installed, prior to the occupation of development;
  - (vi) any semi-trailer parking bays shall be clearly line marked and designed in accordance with AS2890.2 for the purposes of parking trailers only at all times; and
  - (vii) 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.
16. Prior to the occupation of the development and in accordance with City of Rockingham Local Planning Policy 3.3.14 - Bicycle parking and End of Trip Facilities, at least two (2) showers and change rooms must be provided for the development which must be designed in accordance with that Policy and approved by the City of Rockingham. The showers, change rooms and lockers must be retained and maintained in good and safe condition for the duration of the development.
17. Prior to the occupation of the development, eight permanent (8) bicycle parking spaces must be designed in accordance with AS2890.3-1993, Parking facilities, Part 3: Bicycle parking facilities, and located within the development to the satisfaction of the City of Rockingham.
18. The Environmental Noise Report prepared by Herring Storer Acoustics dated March 2023 shall be reviewed within 30 days of the occupation of the development to determine compliance with the Environmental (Noise) Regulations 1997.
19. No vegetation within the Conservation Area (Reserve ID R/52979 – Alumina Reserve) shall be removed or disturbed during development works, including any secondary impacts from works to provide infrastructure and drainage.
20. 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.

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21. Crossovers shall be designed and constructed in accordance with the City's Commercial Crossover Specifications.
22. Materials, sea containers, goods or bins must not be stored within the carpark areas at any time. Car parks shall remain freely accessible at all times.

#### **Advice Notes**

- This Approval relates to the details provided in the application; to undertake the development in a different manner to that stated in the application a fresh application for Development Approval must be submitted to the City.
- In relation to Condition 3, dust management is to be in accordance with the Department of Environment and Conservation Guideline: A guideline for managing the impacts of dust and associated contaminants from land development sites, contaminated sites remediation and other related activities.
- It is advised that the applicant is required to obtain a Works Approval license from the Department of Water and Environmental Regulation before commencing operations at the site. The applicant is encouraged to liaise directly with Department of Water and Environmental to ensure compliance with all relevant regulations and requirements.
- 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 must be obtained.
- A Sign Permit must be obtained for any advertising associated with the development, including signage painted on the building; the applicant and owner should liaise with the City's Building Services in this regard.
- 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.
- All works in the road reserve, including construction of a crossover or footpath and any other works to the road carriageway must be to the specifications of the City of Rockingham. The Applicant should liaise with the City of Rockingham's Land and Development Infrastructure Services and Engineering Services in this regard.
- No battering, fill or waste shall be deposited within the Conservation Area (Reserve ID R/52979 - Alumina Reserve). The landowner/applicant must immediately report any fill or construction waste that is deposited within the Conservation Area (Reserve ID R/52979 - Alumina Reserve) to the Department of Biodiversity, Conservation and Attractions.
- The disposal of wastewater into the Water Corporation's sewerage system must be with approval of the Water Corporation; the applicant and owner should liaise with the Water Corporation in this regard.

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- The development must comply with the Environmental Protection (Noise) Regulations 1997; contact the City of Rockingham’s Health Services in this regard.
- All vehicle access to the site via Scandium Way must be provided by the internal access road to be constructed prior to occupation of the development pursuant to the Subdivision Approval issued by WAPC (ref 160809).

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

**REASON:** The Panel was satisfied that the proposed development of the tyre recycle facility is compatible with the current Planning Framework for the locality.

The proposed use is appropriate for the locality and the Panel further considered that the application has been thoroughly prepared with well documented supporting technical reports.

The supporting documentation addressing matters such as land use suitability, fire risk, noise impact, traffic impact and environment issues have been thoroughly assessed by Council officers and relevant authorities and received broad support with recommended management and compliance conditions imposed.

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

Nil.

**10. State Administrative Tribunal Applications and Supreme Court Appeals**

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/18/01543 DR 75/2022	City of Joondalup	Lot 649 (98) O'Mara Boulevard, Iluka	Commercial development	02/05/2022
DAP/22/02159 DR163/2022	Shire of Murray	No. 630 (Lot 137) Pinjarra Road, Furnissdale	Proposed Petrol Filling Station	28/09/2022
DAP/21/02036 DR236/2022	City of Swan	Lot 97 (31) & 817 (47) Lakes Road, Hazelmere	Proposed Construction of a Logistics Depot with Ancillary Office Area	23/12/2022
DAP/22/02346 DR47/2023	City of Joondalup	8 Elcar Lane, Joondalup	Two Storey Mixed Used Development	17/03/2022

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## **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 9:50am.

A handwritten signature in blue ink that reads "Eugene Koltasz".

**Mr Eugene Koltasz**  
Presiding Member, Metro Outer JDAP