



Minutes of the Metro South-West Joint Development Assessment Panel

Meeting Date and Time: Friday, 6 June 2014; 10:00am
Meeting Number: MSWJDAP/45
Meeting Venue: Department of Planning
140 William Street, Perth – L2.40

Attendance

DAP Members

Mr David Gray (Presiding Member)
Mr Ian Birch (Deputy Presiding Member)
Mr Lou D'Alessandro (Alternate Specialist Member)
Cr Joy Stewart (Local Government Member, City of Rockingham) - *until 10.16am*
Cr Sherilyn Wood (Local Government Member, City of Kwinana) - *from 10.17am*
Cr Dennis Wood (Local Government Member, City of Kwinana) - *from 10.17am*

Officers in attendance

Mr Craig Shepherd (Development Assessment Panels)
Mr Patrick Leach (Development Assessment Panels)
Mr Jason Bouwhuis (Department of Planning)
Mr Paul Sewell (Department of Planning)
Mr Riaan Stassen (City of Rockingham)
Ms Erika Barton (City of Rockingham)
Mr Brenton Scambler (City of Kwinana)
Ms Felicitas Dhliwayo (City of Kwinana)

Department of Planning Minute Secretary

Ms Dallas Downes (Development Assessment Panels)

Applicant and Submitters

Ms Ellen Sherman (Landcorp)

Members of the Public

Nil

1. Declaration of Opening

The Presiding Member, Mr David Gray declared the meeting open at 10:00am on 6 June 2014 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

Mr Rob Nicholson (Specialist Member)
Cr Richard Smith (Local Government Member, City of Rockingham)

3. Members on Leave of absence

Nil

4. Noting of minutes

Minutes of the Metro South-West JDAP meeting no.44 held on 21 May 2014 were noted by DAP members.

5. Disclosure of interests

Nil

6. Declaration of Due Consideration

All members declared that they had duly considered the documents.

7. Deputations and presentations

Nil

8. Form 1 - Responsible Authority Reports – DAP Applications

- 8.1** Property Location: Lot 61 (No.37) & Lot 62 (No.39) Council Avenue, Rockingham
Application Details: Mixed Use Development (99 Residential Apartments and 2 Ground Floor Retail Shops)
Applicant: Dynamic Planning and Developments Pty Ltd
Owner: Yokine Investments Pty Ltd & Sharose Pty Ltd
Responsible authority: City of Rockingham
Report date: 30 May 2014
DoP File No: DAP/14/00523

REPORT RECOMMENDATION / PRIMARY MOTION



Moved by: Cr Joy Stewart

Seconded by: Mr Ian Birch

That the Metro South-West JDAP resolve to:

Approve DAP Application reference DAP/14/00523 and accompanying plans DA01 - DA08, DA10 - DA14 and DA20 - DA22 dated March 2014 in accordance with Clause 6.7.1(a) of the City of Rockingham Town Planning Scheme No.2 and Clause 30(1) of the Metropolitan Region Scheme, subject to the following conditions:

Conditions

1. 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.
2. This Approval does not authorise or approve the use of any of the tenancies. A separate planning approval must be obtained for the occupation of any ground floor commercial tenancy, prior to the occupation of the tenancy.
3. Arrangements must be made for the amalgamation of the land onto one Certificate of Title prior to applying for a Building Permit.
4. It must be demonstrated to the City of Rockingham that the service vehicles required by the development can manoeuvre around the site (geometry and height). Plans demonstrating this must be submitted to and be approved by the City of Rockingham prior to applying for a Building Permit.
5. 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.
6. All stormwater generated by the development shall be designed to be contained on-site and certified by a hydraulic engineer, prior to the application for a Building Permit. The design shall be implemented and maintained for the duration of the development.
7. A Landscaping 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, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - (ii) Any lawns to be established;
 - (iii) Any natural landscape areas to be retained;
 - (iv) Those areas to be reticulated or irrigated.
 - (v) The street setback area and all verge areas including landscaping, paving and reticulation must be upgraded in accordance with the Rockingham City Centre Streetscape Study.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.
8. The car park must:
 - (i) provide a minimum of 108 parking spaces on-site;
 - (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 applying for a



Building Permit;

- (iii) include two car parking space(s) 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.

9. A cash contribution, in lieu of the shortfall of on-site car parking for the development of five (5) car parking spaces, with the calculation of the cash contribution being in accordance with clause 4.15.6.1 of Town Planning Scheme No.2, must be provided to the City of Rockingham, prior to applying for a Building Permit - Certified.
10. Twelve short-term bicycle parking spaces and 36 long-term bicycle parking spaces must be provided for the development. The parking spaces must be designed in accordance with AS2890.3—1993, *Parking facilities, Part 3: Bicycle parking facilities*, approved by the City prior to applying for a Building Permit, and constructed prior to occupancy of the development. The bicycle parking spaces must be retained and maintained in good condition at all times.
11. Clothes drying facilities (excluding electric clothes dryers) shall be screened from view of any adjacent public road or internal access street.
12. 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 and maintained at all times.

13. An Acoustic Report which demonstrates that all mechanical services associated with the proposed development and any other noise source will comply with the *Environmental Protection (Noise) Regulations 1997*, must be approved by the City prior to applying for a Building Permit.

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

14. 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.
15. Entries and window frontages facing the street of ground floor tenancies must not be covered, closed or screened off (including by means of dark tinting, shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from Council Avenue, at all times.
 16. Public or customer access must be from Council Avenue.
 17. Above-ground meter boxes must not be located in a street setback area at any time.
 18. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located away from public views and/or screened, the details of which are to be provided to the City of Rockingham's satisfaction prior to applying for a Building Permit.
 19. Arrangements being made to the satisfaction of the City of Rockingham for the payment of contributions towards the Administration and Community Infrastructure items pursuant to Clause 5.6.14 of the City of Rockingham Town Planning Scheme No.2, upon commencement of any development.
 20. Lighting must be provided at the main entrance area underneath the building overhang facing Council Avenue, prior to occupation of the development.

Advice Notes

1. 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 new application for Planning Approval must be submitted to the City of Rockingham.
2. The installation of security cameras linked to the City of Rockingham's security camera surveillance system should be considered, to provide surveillance of the proposed facility and public areas adjacent to the development.
3. 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.
4. With respect to Conditions 7 and 8, the applicant and owner should liaise with the City of Rockingham's Parks Services to confirm requirements for landscaping plans.
5. All works in the road reserve, including construction of a crossover or footpath, installation of on-street car parking spaces and any 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 Engineering Services in this regard.
6. With respect to Condition 10, the applicant and owner should refer to Planning Policy 3.3.4, Cash-in-Lieu of Carparking, which provides guidance on the calculation of the cash contribution.

AMENDING MOTION

Moved by: Mr Ian Birch

Seconded by: Cr Joy Stewart

To amend Condition 4 to read as follows:



"It must be demonstrated to the satisfaction of the City of Rockingham that the service vehicles required by the development can manoeuvre around the site (geometry and height). Plans demonstrating this must be submitted to and be approved by the City of Rockingham prior to applying for a Building Permit."

REASON: For certainty and clarity

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr Ian Birch

Seconded by: Cr Joy Stewart

To amend Advice Note 4 to delete reference to Condition 8.

REASON: Reference to Condition 8 was included in error.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr Ian Birch

Seconded by: Mr Lou D'Alessandro

To amend Advice Note 6 to read as follows:

"With respect to Condition 9, the applicant and owner should refer to Planning Policy 3.3.4, Cash-in-Lieu of Car parking, which provides guidance on the calculation of the cash contribution."

REASON: To correct the Condition number in which this advice note relates.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Cr Joy Stewart

Seconded by: Mr Ian Birch

To include an Advice Note to Local Government to read as follows:

"The City is reminded that in accordance with the Deed of Agreement with the parking area easements, the City is to provide written confirmation to affected parties that approval has been granted for building of a structure within part of the easement."

REASON: To ensure that the City conforms to the Deed of Agreement.

The Amending Motion was put and CARRIED UNANIMOUSLY.

PRIMARY MOTION (AS AMENDED)



That the Metro South-West JDAP resolve to:

Approve DAP Application reference DAP/14/00523 and accompanying plans DA01 - DA08, DA10 - DA14 and DA20 - DA22 dated March 2014 in accordance with Clause 6.7.1(a) of the City of Rockingham Town Planning Scheme No.2 and Clause 30(1) of the Metropolitan Region Scheme, subject to the following conditions:

Conditions

1. 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.
2. This Approval does not authorise or approve the use of any of the tenancies. A separate planning approval must be obtained for the occupation of any ground floor commercial tenancy, prior to the occupation of the tenancy.
3. Arrangements must be made for the amalgamation of the land onto one Certificate of Title prior to applying for a Building Permit.
4. It must be demonstrated to the satisfaction of the City of Rockingham that the service vehicles required by the development can manoeuvre around the site (geometry and height). Plans demonstrating this must be submitted to and be approved by the City of Rockingham prior to applying for a Building Permit.
5. 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.
6. All stormwater generated by the development shall be designed to be contained on-site and certified by a hydraulic engineer, prior to the application for a Building Permit. The design shall be implemented and maintained for the duration of the development.
7. A Landscaping 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, number and type of existing and proposed trees and shrubs, including calculations for the landscaping area;
 - (ii) Any lawns to be established;
 - (iii) Any natural landscape areas to be retained;
 - (iv) Those areas to be reticulated or irrigated.
 - (v) The street setback area and all verge areas including landscaping, paving and reticulation must be upgraded in accordance with the Rockingham City Centre Streetscape Study.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.
8. The car park must:
 - (i) provide a minimum of 108 parking spaces on-site;
 - (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 applying for a



Building Permit;

- (iii) include two car parking space(s) 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.

- 9. A cash contribution, in lieu of the shortfall of on-site car parking for the development of five (5) car parking spaces, with the calculation of the cash contribution being in accordance with clause 4.15.6.1 of Town Planning Scheme No.2, must be provided to the City of Rockingham, prior to applying for a Building Permit - Certified.
- 10. Twelve short-term bicycle parking spaces and 36 long-term bicycle parking spaces must be provided for the development. The parking spaces must be designed in accordance with AS2890.3—1993, *Parking facilities, Part 3: Bicycle parking facilities*, approved by the City prior to applying for a Building Permit, and constructed prior to occupancy of the development. The bicycle parking spaces must be retained and maintained in good condition at all times.
- 11. Clothes drying facilities (excluding electric clothes dryers) shall be screened from view of any adjacent public road or internal access street.
- 12. 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 and maintained at all times.

- 13. An Acoustic Report which demonstrates that all mechanical services associated with the proposed development and any other noise source will comply with the *Environmental Protection (Noise) Regulations 1997*, must be approved by the City prior to applying for a Building Permit.

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

- 14. 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.
15. Entries and window frontages facing the street of ground floor tenancies must not be covered, closed or screened off (including by means of dark tinting, shutters, curtains, blinds or roller doors or similar), to ensure that a commercial, interactive frontage is available to the development from Council Avenue, at all times.
 16. Public or customer access must be from Council Avenue.
 17. Above-ground meter boxes must not be located in a street setback area at any time.
 18. All service areas and service related hardware, including antennae, satellite dishes and air-conditioning units, being suitably located away from public views and/or screened, the details of which are to be provided to the City of Rockingham's satisfaction prior to applying for a Building Permit.
 19. Arrangements being made to the satisfaction of the City of Rockingham for the payment of contributions towards the Administration and Community Infrastructure items pursuant to Clause 5.6.14 of the City of Rockingham Town Planning Scheme No.2, upon commencement of any development.
 20. Lighting must be provided at the main entrance area underneath the building overhang facing Council Avenue, prior to occupation of the development.

Advice Notes

1. 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 new application for Planning Approval must be submitted to the City of Rockingham.
2. The installation of security cameras linked to the City of Rockingham's security camera surveillance system should be considered, to provide surveillance of the proposed facility and public areas adjacent to the development.
3. 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.
4. With respect to Condition 7 the applicant and owner should liaise with the City of Rockingham's Parks Services to confirm requirements for landscaping plans.
5. All works in the road reserve, including construction of a crossover or footpath, installation of on-street car parking spaces and any 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 Engineering Services in this regard.
6. With respect to Condition 9, the applicant and owner should refer to Planning Policy 3.3.4, Cash-in-Lieu of Car parking, which provides guidance on the calculation of the cash contribution.

Advice Note to Local Government:

The City is reminded that in accordance with the Deed of Agreement with the parking area easements, the City is to provide written confirmation to affected parties that approval has been granted for building of a structure within part of the easement.



The Primary Motion (as amended) was put and CARRIED UNANIMOUSLY.

Cr Joy Stewart left the meeting at 10:16am

Crs Dennis Wood and Sherilyn Wood joined the meeting at 10.17am

8.2a Property Location:	Lot 14 Mason Road (Proposed Lot 100 Donaldson Road) Kwinana Beach
Application Details:	Proposed general industry – Metal recycling facility, open air storage and associated office / administration building
Applicant:	ADC Projects
Owner:	WA Land Authority – LandCorp
Responsible authority:	City of Kwinana
Report date:	28 May 2014
DoP File No:	DAP/14/00505

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Cr Sherilyn Wood

Seconded by: Cr Dennis Wood

That the Metro South-West JDAP resolves to:

Approve DAP Application reference DAP/14/00505 and accompanying plans WKB-1-00-01DA, WKB-1-00-04DA, WKB-1-00-02DA, WKB-3-01-01DA, WKB-3-02-01DA, WKB-3-03-01DA, WKB 337, WKB-3-07-01DA, WKB-3-10-01DA, WKB-3-10-02DA, WKB-3-09-01DA, WKB-3-08-01DA, WKB-3-08-02DA, WKB-3-05-01DA, WKB-3-06-01DA, WKB-3-06-02DA, WKB-3-06-03DA, WKB-3-15-01-DA, and WKB 311 in accordance with Clause 6.1 of the City of Kwinana Town Planning Scheme No.2, subject to the following conditions and advice notes:

Conditions

- 1.1 The premises being kept in a neat and tidy condition at all times by the owner/ occupier to the satisfaction of the City of Kwinana.
- 1.2 Stormwater drainage from roofed and paved areas being disposed of on-site or as may otherwise be approved under Environmental Protection Authority (EPA) Licence conditions or approved Stormwater Management Plan.
- 1.3 The applicant shall implement dust control measures for the duration of the Site and Construction Works and for the ongoing operation of the site as directed by the City of Kwinana to the satisfaction of the City of Kwinana to contain all dust within the property boundaries.
- 1.4 A schedule of colours, materials and finishes for the building shall be submitted at the building licence stage.
- 1.5 The boundary fence shall be setback 1.5m from the front boundary with



- Donaldson Road and landscaping that includes mature/advanced species provided between the boundary and the fence.
- 1.6 The external finishes of the boundary/acoustic wall shall be graffiti treated to the satisfaction of the City of Kwinana.
 - 1.7 Vehicle crossovers shall be constructed to the specifications and satisfaction of the City of Kwinana.
 - 1.8 The provision of 80 car parking bays of the dimensions 5.5 x 2.5 metres, to be clearly marked on the ground and constructed of bitumen, brick or concrete and drained to the satisfaction of the City of Kwinana.
 - 1.9 All vehicle parking to be accommodated within the boundaries of the subject lot.
 - 1.10 All trafficable areas are to be sealed and drained as per the City of Kwinana 'Trafficable Areas' Specifications to the satisfaction of the City of Kwinana.
 - 1.11 All non-trafficable and lay-down areas within the subject lot being sealed and drained to comply with the City of Kwinana non-trafficable and lay-down area specifications.
 - 1.12 5000 square metres (5%) of the subject site is to be landscaped and maintained to a high standard thereafter to the satisfaction of the City of Kwinana.
 - 1.13 A Landscape Plan being submitted and approved by the City of Kwinana prior to lodgement of a building permit. The Landscape Plan must outline the proposed species, spacing of each species and location of vegetation, including mature/advanced species between the fence and the road boundary/verge and proposed reticulation layout. The Plan shall also specify number of plants to be used at the time of planting together with the anticipated height of each plant at maturity.
 - 1.14 Landscaping being provided within parking areas at a rate of one (1) tree per 4 bays to provide shade for parked cars and to soften the impact of paved carparking viewed from adjacent sites and roads.
 - 1.15 Landscaping areas, vehicle parking spaces, accessways, and all details as shown on the approved plans are to be installed prior to occupying the proposed development and maintained thereafter by the owner / occupier to the satisfaction of the City of Kwinana.
 - 1.16 All vegetation cleared as part of the development shall be mulched, not burnt, and re-used throughout the landscaped areas of the development to the satisfaction of the City of Kwinana.
 - 1.17 The provision of an adequate water supply for fire fighting purposes to the satisfaction of the City of Kwinana.
 - 1.18 On-site effluent disposal systems shall be nutrient retentive. Use of conventional septic systems is not permitted.



- 1.19 All plant and vehicle wash down facilities shall be connected to an appropriate wastewater treatment system to the satisfaction of the City of Kwinana.
- 1.20 The development shall be connected to an adequate potable water supply in accordance with the standards required by the National Health and Medical Research Council Australian Drinking Water Guidelines, 2004.
- 1.21 The development shall comply with the requirements of the current Western Australian Government Sewerage Policy.
- 1.22 The development shall comply with the ventilation requirements of the Australian Standard 1668 & Health (Sewerage & ventilation) Regulation requirements for the classifications of building use.
- 1.23 Storage of chemicals and liquids shall be within bunded impervious areas capable of containing any spillages and be connected to an appropriate disposal system.
- 1.24 A notification pursuant to Section 165 of the Planning and Development Act being placed on the Certificate of Title of the proposed lot advising of a hazard or other factor. Notice of this notification is to be included on any new Deposited Plans. The notification is to state as follows:

“This lot is adjacent or in relatively close proximity to the Dampier to Bunbury Natural Gas Pipeline (DPNGP) corridor established under the Dampier to Bunbury Pipeline Act 1997. Approval from the DPNGP Land Access Minister (LAM) through the Department for Regional Development and Lands may be required for any registration of new interests that may affect the LAM rights, construction work, access or fencing within the DBNGP corridor. As such some development restrictions consistent with the advice contained in Planning Bulletin 87 should be strictly adhered to”.
- 1.25 A Noise Management Plan prepared by EcoAcoustics Pty Ltd and dated 29 November 2013 confirming compliance with Environmental Protection (Noise) Regulations 1997 for all noise emissions from the site relative to the nearest noise sensitive receptors has been approved by the City of Kwinana’s Environmental Health Department. When the metal recycling facility commences operations, the acoustic consultant shall confirm the modelling by testing the equipment and operations (within 28 days of commencement) to validate the levels contained in the model to ensure all noise emissions comply with the Environmental Protection Act (EPA) and Regulations. In the event that the development does not comply with the EPA Act and Regulation the applicant shall undertake the necessary measures to ensure compliance to the satisfaction of the City of Kwinana. The proponent shall submit the acoustic consultant’s report to the City of Kwinana within 60 days of commencement of operations to confirm noise compliance.
- 1.26 No groundwater may be abstracted from the site without carrying out analysis in accordance with Department of Health guidelines to determine its suitability for use to the satisfaction of the City of Kwinana.
- 1.27 The proponent shall provide an updated traffic management report detailing



the following:

- Assessment of the adequacy of the turning pocket and slip lane capacities and lengths at the Beard Street and Mason Road / Rockingham Road intersections, including stacking distance to the Brown Avenue / Beard Street intersection.
- Revised traffic modelling which excludes the James Point Port facility as it is no longer intended that this port will be proceeded with.
- The traffic report shall be referred to Main Roads for its consideration and for the inclusion of any requirements on the impacts to signalised intersections and Rockingham Road.

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

- 1.28 The level rail crossing at the western end of Donaldson Road is to be upgraded so that it has standard audible and visual warning signals and a physical barrier installed to warn users and prevent crossing of the rail line when a train is crossing Donaldson Road. These works shall be completed prior to occupation of the development.
- 1.29 The approval of the Stage One temporary "Site Offices and Amenities" building is valid for 2 years from the date of this approval. Prior to the expiry of this timeframe, the proponent shall either remove the buildings or obtain a new approval to replace the buildings with permanent buildings.
- 1.30 This approval is valid for 24 months only. If development is not substantially commenced or completed within this period a fresh approval must be obtained before commencing or continuing with the development.

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

- 2.1 The applicant is advised that all future development must be submitted to the City of Kwinana prior to the commencement of works or alteration of land use.
- 2.2 Should the applicant be aggrieved by the decision or any condition imposed, then a right of review should be lodged with the State Administrative Tribunal within 28 days of the date of this decision.
- 2.3 Construction shall not be commenced until the applicant has paid the appropriate fees, submitted the appropriate supporting documentation and has been issued with a building permit in accordance with the Building Act 2011 and Building Regulations 2012.
- 2.4 The applicant is further advised that this is not a building permit to enable construction to commence. A building permit is a separate City of Kwinana requirement and construction cannot be commenced until a building permit is obtained.
- 2.5 The applicant should ensure that the proposed development complies with all other relevant legislation, including but not limited to, the Environmental Protection Act 1986 and Regulations, Dangerous Goods Safety Act 2004 and Regulations, Contaminated Sites Act 2003 and the National Construction Code.
- 2.6 Any development proposals outside the DBNGP Corridor should take into



account the restrictions relating to setback distances under Planning Bulletin 87 and proponents should seek comments from pipeline operators at the earliest opportunity.

- 2.7 The applicant is advised that prior to any ground disturbing works being carried out in or near the vicinity of the Dampier-Bunbury Natural Gas Pipeline to contact “1100 Dial Before You Dig” and a Section 41 application should be submitted and approval obtained from the Department of Regional Development and Lands.
- 2.8 The proponent is advised to liaise with the Kwinana Industries Council (KIC) to include the noise emissions from the development into the KIC cumulative noise model.
- 2.9 The proponent is advised to contact the APA Group regarding activities that may impact the lateral gas pipeline for an AS2885 Risk Assessment.

AMENDING MOTION 1

Moved by: Mr Ian Birch

Seconded by: Mr Lou D'Alessandro

To amend Condition 1.8 to read as follows:

“The provision of 80 car parking bays are to be designed in accordance with the AS/NZS 2890.1:2004 and clearly marked on the ground and constructed of bitumen, brick or concrete and drained to the satisfaction of the City of Kwinana.”

REASON: For certainty and clarity

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION 2

Moved by: Mr Ian Birch

Seconded by: Cr Sherilyn Wood

To amend the preamble to include the date of the plans received so as to read as follows:

*“**Approve** DAP Application reference DAP/14/00505 and accompanying plans WKB-1-00-01DA, WKB-1-00-04DA, WKB-1-00-02DA, WKB-3-01-01DA, WKB-3-02-01DA, WKB-3-03-01DA, WKB 337, WKB-3-07-01DA, WKB-3-10-01DA, WKB-3-10-02DA, WKB-3-09-01DA, WKB-3-08-01DA, WKB-3-08-02DA, WKB-3-05-01DA, WKB-3-06-01DA, WKB-3-06-02DA, WKB-3-06-03DA, WKB-3-15-01-DA, and WKB 311, date stamped 26 March 2014 and 9 April 2014, in accordance with Clause 6.1 of the City of Kwinana Town Planning Scheme No.2, subject to the following conditions and advice notes:”*

REASON: To prevent any confusion with the version of the plans being approved.



The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION 3

Moved by: Mr Ian Birch

Seconded by: Mr Lou D'Alessandro

To amend Condition 1.12 to read as follows:

“At least 5000 square metres (5%) of the subject site is to be landscaped and maintained to a high standard thereafter to the satisfaction of the City of Kwinana.”

REASON: Include a minimum measure of 5000 square metres to ensure flexibility if the developer is willing to provide more than the required amount.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION 4

Moved by: Mr Ian Birch

Seconded by: Cr Sherilyn Wood

To remove Condition 1.21 and replace as an Advice Note and renumber all remaining Conditions accordingly.

REASON: Relates to responsibility of separate Government department (Department of Health)

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION 5

Moved by: Mr Ian Birch

Seconded by: Cr Dennis Wood

To remove Condition 1.22 and replace as an Advice Note and renumber all remaining Conditions accordingly.

REASON: Relates to Regulations with which the applicant must comply

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION 6

Moved by: Mr Ian Birch

Seconded by: Cr Sherilyn Wood

To amend Condition 1.24 to read as follows:

“A notification pursuant to Section 165 of the Planning and Development Act being placed on the Certificate of Title of the proposed lot advising of a hazard or other factor. Notice of this notification is to be included on any new Deposited Plans.”



With text of the proposed notification to be included as an advice note, changing 'Department for Regional Development and Lands' to 'Department of Lands' so as to read as follows:

"With respect to Condition 1.24 the notification is to state as follows:

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

REASON: To provide flexibility when drafting the notification and to correct reference to the relevant agency

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION 7

Moved by: Mr Ian Birch

Seconded by: Mr Lou D'Alessandro

To remove Condition 1.26 and replace as an Advice note and renumber all remaining Conditions accordingly.

REASON: Condition requires approval from other agencies

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION 8

Moved by: Mr Ian Birch

Seconded by: Cr Dennis Wood

To amend Condition 1.27 by removing the third dot point and inserting it as an Advice Note, to read as follows:

"The traffic report referred to in Condition 1.27 shall be referred by the City to Main Roads for its consideration and for the inclusion of any requirements on the impacts to signalised intersections and Rockingham Road."

REASON: Statement is in regard to the process which the City will follow and is more suited as an Advice Note.

The Amending Motion was put and CARRIED UNANIMOUSLY.



AMENDING MOTION 9

Moved by: Mr Lou D'Alessandro

Seconded by: Mr Ian Birch

To delete Condition 1.28 and renumber all remaining conditions accordingly.

REASON: Management of the level crossing is outside of the applicant's control.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION 10

Moved by: Mr Ian Birch

Seconded by: Cr Dennis Wood

To change heading for Point 2 to read as follows:

“Advice”

To amend the preamble to read as follows:

“Approve DAP Application reference DAP/14/00505 and accompanying plans WKB-1-00-01DA, WKB-1-00-04DA, WKB-1-00-02DA, WKB-3-01-01DA, WKB-3-02-01DA, WKB-3-03-01DA, WKB 337, WKB-3-07-01DA, WKB-3-10-01DA, WKB-3-10-02DA, WKB-3-09-01DA, WKB-3-08-01DA, WKB-3-08-02DA, WKB-3-05-01DA, WKB-3-06-01DA, WKB-3-06-02DA, WKB-3-06-03DA, WKB-3-15-01-DA, and WKB 311 dated 26 March 2014 and 9 April 2014 in accordance with Clause 6.1 of the City of Kwinana Town Planning Scheme No.2, subject to the following conditions with advice notes:”

REASON: Clarity

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION 11

Moved by: Cr Sherilyn Wood

Seconded by: Mr Ian Birch

To delete Advice Note 2.2 and renumber all remaining advice notes accordingly

REASON: This is a standard provision and is not required as an Advice Note.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION 12

Moved by: Mr Ian Birch

Seconded by: Cr Dennis Wood



To amend Advice Note 2.6 to read as follows:

“Any development proposals outside the DBNGP Corridor should take into account the restrictions relating to setback distances under WAPC Planning Bulletin 87 and proponents should seek comments from pipeline operators at the earliest opportunity.”

REASON: For certainty and clarity

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION 13

Moved by: Cr Sherilyn Wood

Seconded by: Mr Ian Birch

To amend Advice Note 2.7 to read as follows:

“The applicant is advised that prior to any ground disturbing works being carried out in or near the vicinity of the Dampier-Bunbury Natural Gas Pipeline to contact “1100 Dial Before You Dig” and a Section 41 application should be submitted and approval obtained from the Department of Lands.”

REASON: To correct Department name.

The Amending Motion was put and CARRIED UNANIMOUSLY.

PRIMARY MOTION (AS AMENDED)

That the Metro South-West JDAP resolves to:

Approve DAP Application reference DAP/14/00505 and accompanying plans WKB-1-00-01DA, WKB-1-00-04DA, WKB-1-00-02DA, WKB-3-01-01DA, WKB-3-02-01DA, WKB-3-03-01DA, WKB 337, WKB-3-07-01DA, WKB-3-10-01DA, WKB-3-10-02DA, WKB-3-09-01DA, WKB-3-08-01DA, WKB-3-08-02DA, WKB-3-05-01DA, WKB-3-06-01DA, WKB-3-06-02DA, WKB-3-06-03DA, WKB-3-15-01-DA, and WKB 31, date stamped 26 March 2014 and 9 April 2014 in accordance with Clause 6.1 of the City of Kwinana Town Planning Scheme No.2, subject to the following conditions with advice notes:

Conditions

- 1.1 The premises being kept in a neat and tidy condition at all times by the owner/ occupier to the satisfaction of the City of Kwinana.
- 1.2 Stormwater drainage from roofed and paved areas being disposed of on-site or as may otherwise be approved under Environmental Protection Authority (EPA) Licence conditions or approved Stormwater Management Plan.
- 1.3 The applicant shall implement dust control measures for the duration of the Site and Construction Works and for the ongoing operation of the site as directed by the City of Kwinana to the satisfaction of the City of Kwinana to



contain all dust within the property boundaries.

- 1.4 A schedule of colours, materials and finishes for the building shall be submitted at the building licence stage.
- 1.5 The boundary fence shall be setback 1.5m from the front boundary with Donaldson Road and landscaping that includes mature/advanced species provided between the boundary and the fence.
- 1.6 The external finishes of the boundary/acoustic wall shall be graffiti treated to the satisfaction of the City of Kwinana.
- 1.7 Vehicle crossovers shall be constructed to the specifications and satisfaction of the City of Kwinana.
- 1.8 The provision of 80 car parking bays are to be designed in accordance with the AS/NZS 2890.1:2004 and clearly marked on the ground and constructed of bitumen, brick or concrete and drained to the satisfaction of the City of Kwinana.
- 1.9 All vehicle parking to be accommodated within the boundaries of the subject lot.
- 1.10 All trafficable areas are to be sealed and drained as per the City of Kwinana 'Trafficable Areas' Specifications to the satisfaction of the City of Kwinana.
- 1.11 All non-trafficable and lay-down areas within the subject lot being sealed and drained to comply with the City of Kwinana non-trafficable and lay-down area specifications.
- 1.12 At least 5000 square metres (5%) of the subject site is to be landscaped and maintained to a high standard thereafter to the satisfaction of the City of Kwinana.
- 1.13 A Landscape Plan being submitted and approved by the City of Kwinana prior to lodgement of a building permit. The Landscape Plan must outline the proposed species, spacing of each species and location of vegetation, including mature/advanced species between the fence and the road boundary/verge and proposed reticulation layout. The Plan shall also specify number of plants to be used at the time of planting together with the anticipated height of each plant at maturity.
- 1.14 Landscaping being provided within parking areas at a rate of one (1) tree per 4 bays to provide shade for parked cars and to soften the impact of paved carparking viewed from adjacent sites and roads.
- 1.15 Landscaping areas, vehicle parking spaces, accessways, and all details as shown on the approved plans are to be installed prior to occupying the proposed development and maintained thereafter by the owner / occupier to the satisfaction of the City of Kwinana.
- 1.16 All vegetation cleared as part of the development shall be mulched, not burnt, and re-used throughout the landscaped areas of the development to the



satisfaction of the City of Kwinana.

- 1.17 The provision of an adequate water supply for fire fighting purposes to the satisfaction of the City of Kwinana.
- 1.18 On-site effluent disposal systems shall be nutrient retentive. Use of conventional septic systems is not permitted.
- 1.19 All plant and vehicle wash down facilities shall be connected to an appropriate wastewater treatment system to the satisfaction of the City of Kwinana.
- 1.20 The development shall be connected to an adequate potable water supply in accordance with the standards required by the National Health and Medical Research Council Australian Drinking Water Guidelines, 2004.
- 1.21 Storage of chemicals and liquids shall be within bunded impervious areas capable of containing any spillages and be connected to an appropriate disposal system.
- 1.22 A notification pursuant to Section 165 of the Planning and Development Act being placed on the Certificate of Title of the proposed lot advising of a hazard or other factor. Notice of this notification is to be included on any new Deposited Plans.
- 1.23 A Noise Management Plan prepared by EcoAcoustics Pty Ltd and dated 29 November 2013 confirming compliance with Environmental Protection (Noise) Regulations 1997 for all noise emissions from the site relative to the nearest noise sensitive receptors has been approved by the City of Kwinana's Environmental Health Department. When the metal recycling facility commences operations, the acoustic consultant shall confirm the modelling by testing the equipment and operations (within 28 days of commencement) to validate the levels contained in the model to ensure all noise emissions comply with the Environmental Protection Act (EPA) and Regulations. In the event that the development does not comply with the EPA Act and Regulation the applicant shall undertake the necessary measures to ensure compliance to the satisfaction of the City of Kwinana. The proponent shall submit the acoustic consultant's report to the City of Kwinana within 60 days of commencement of operations to confirm noise compliance.
- 1.24 The proponent shall provide an updated traffic management report detailing the following:
 - Assessment of the adequacy of the turning pocket and slip lane capacities and lengths at the Beard Street and Mason Road / Rockingham Road intersections, including stacking distance to the Brown Avenue / Beard Street intersection.
 - Revised traffic modelling which excludes the James Point Port facility as it is no longer intended that this port will be proceeded with.

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



- 1.25 The approval of the Stage One temporary “Site Offices and Amenities” building is valid for 2 years from the date of this approval. Prior to the expiry of this timeframe, the proponent shall either remove the buildings or obtain a new approval to replace the buildings with permanent buildings.
- 1.26 This approval is valid for 24 months only. If development is not substantially commenced or completed within this period a fresh approval must be obtained before commencing or continuing with the development.

2. Advice

- 2.1 The applicant is advised that all future development must be submitted to the City of Kwinana prior to the commencement of works or alteration of land use.
- 2.2 Construction shall not be commenced until the applicant has paid the appropriate fees, submitted the appropriate supporting documentation and has been issued with a building permit in accordance with the Building Act 2011 and Building Regulations 2012.
- 2.3 The applicant is further advised that this is not a building permit to enable construction to commence. A building permit is a separate City of Kwinana requirement and construction cannot be commenced until a building permit is obtained.
- 2.4 The applicant should ensure that the proposed development complies with all other relevant legislation, including but not limited to, the Environmental Protection Act 1986 and Regulations, Dangerous Goods Safety Act 2004 and Regulations, Contaminated Sites Act 2003 and the National Construction Code.
- 2.5 Any development proposals outside the DBNGP Corridor should take into account the restrictions relating to setback distances under WAPC Planning Bulletin 87 and proponents should seek comments from pipeline operators at the earliest opportunity.
- 2.6 The applicant is advised that prior to any ground disturbing works being carried out in or near the vicinity of the Dampier-Bunbury Natural Gas Pipeline to contact “**1100 Dial Before You Dig**” and a Section 41 application should be submitted and approval obtained from the Department of Lands.
- 2.7 The proponent is advised to liaise with the Kwinana Industries Council (KIC) to include the noise emissions from the development into the KIC cumulative noise model.
- 2.8 The proponent is advised to contact the APA Group regarding activities that may impact the lateral gas pipeline for an AS2885 Risk Assessment.
- 2.9 On-site effluent disposal systems shall be nutrient retentive. Use of conventional septic systems is not permitted.
- 2.10 The development shall comply with the ventilation requirements of the Australian Standard 1668 & Health (Sewerage & ventilation) Regulation requirements for the classifications of building use.
- 2.11 With regard to Condition 1.22, the notification is to state as follows:



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

- 2.12 No groundwater may be abstracted from the site without carrying out analysis in accordance with Department of Health guidelines to determine its suitability for use to the satisfaction of the City of Kwinana.
- 2.13 The traffic report shall be referred to Main Roads for its consideration and for the inclusion of any requirements on the impacts to signalised intersections and Rockingham Road.

The Primary Motion (as amended) was put and CARRIED UNANIMOUSLY.

8.2b Property Location:	Lot 14 Donaldson Road, Kwinana Beach
Application Details:	Construction of Stage 2 of the Sims Metal Recovery (Recycling and Processing) Facility at Kwinana Beach
Applicant:	ADC Projects Pty Ltd
Owner:	W.A. Land Authority (LandCorp)
Responsible authority:	Department of Planning
Report date:	14 May 2014
DoP File No:	DP/14/00505

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Cr Sherilyn Wood

Seconded by: Cr Dennis Wood

Approve DAP Application reference DP/14/00505 and accompanying plans date stamped 4 March 2014 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. Drainage systems are to be designed and constructed consistent with the Stormwater Management Manual for Western Australia.

Advice notes

- a) The Public Transport Authority advises the applicant/developer of the following:



- i) No access is permitted into the rail reserve;
 - ii) Drainage/water run-off is to be directed away from the rail reserve and/or contained within the subject site; and
 - iii) No debris is to be thrown/blown onto the rail corridor as it may be a safety hazard.
- b) The Department of Water's Water Quality Protection Note (WQPN) 52, 'Stormwater management at industrial sites' should be referred to for further advice regarding drainage system designs within industrial areas. An electronic version can be found at www.water.wa.gov.au.
- c) The applicant/developer is advised that pursuant to Section 41 of the *Dampier to Bunbury Pipeline Act 1997*, restrictions will apply to the area of land contained within the Dampier to Bunbury Natural Gas Pipeline (DBNGP) corridor. The proponent will be required to apply for a Section 41 approval specifically for:
- i) Any possible encroachment by construction personnel, equipment, excess building materials and spoils during construction;
 - ii) Access road construction and movements of heavy machinery across the DBNGP corridor; and
 - iii) Any proposal to register on the land title any new interest within the DBNGP corridor.

The Report Recommendation/Primary Motion was put and CARRIED UNANIMOUSLY.

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

Nil

10. Appeals to the State Administrative Tribunal

Nil

11. Meeting Close

There being no further business, the presiding member declared the meeting closed at 10:40am.