



## Minutes of the Metro South West Development Assessment Panel

**Meeting Date and Time:** 1 June 2018; 9:00am  
**Meeting Number:** MSWJDAP/160  
**Meeting Venue:** City of Rockingham  
Civic Boulevard, Rockingham

### Attendance

#### DAP Members

Mr Tony Arias (A/Presiding Member)  
Mr Brian Curtis (A/Deputy Presiding Member)  
Mr John Ellis (A/Specialist Member)  
Cr Deb Hamblin (Local Government Member, City of Rockingham)  
Cr Joy Stewart (Local Government Member, City of Rockingham)

#### Officers in attendance

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

#### Minute Secretary

Ms Nicole D'Alessandro (City of Rockingham)

#### Applicants and Submitters

##### *Item 8.1*

Mr Ross Underwood (Planning Solutions)  
Ms Michelle Brooks (BHP Nickel West)

##### *Item 8.2*

Mr Nathan Stewart (Rowe Group)  
Mr Andrew Davey (BGC Australia Pty Ltd)  
Mr Mike Czerwionka (BGC Australia Pty Ltd)  
Ms Michelle Rhodes (360 Environmental)

#### Members of the Public / Media

Nil

### 1. Declaration of Opening

The A/Presiding Member declared the meeting open at 9:01am on 1 June 2018 and acknowledged the past and present traditional owners and custodians of the land on which the meeting was being held.



The A/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 A/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**

Mr Ian Birch (Presiding Member)  
Mr Peter Addison (Specialist Member)  
Cr Chis Elliot (Local Government Member, City of Rockingham)

## **3. Members on Leave of Absence**

DAP Member, Mr Ian Birch has been granted leave of absence by the Director General for the period of 16 April 2018 to 9 August 2018 inclusive.

DAP Member, Mr Peter Addison has been granted leave of absence by the Director General for the period of 1 November 2017 to 30 June 2018 inclusive.

## **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**

Nil

## **7. Deputations and Presentations**

**7.1** Ms Michelle Brooks (BHP Nickel West) addressed the DAP in support of the application at Item 8.1.

**7.2** Mr Nathan Stewart (Rowe Group) addressed the DAP in support of the application at Item 8.2 and responded to questions from the panel.

**7.3** Mr Greg Delahunty and Mr Mike Ross (City of Rockingham) responded to questions from the panel.



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

8.1 Property Location:	Lot 5 (270) Patterson Street, Kwinana Beach
Development Description:	Extension to Nickel Refinery
Applicant:	Mr Justin Bauer (BHP Billiton Nickel West Pty Ltd)
Owner:	Ms Michelle Brooks (BHP Billiton Nickel West Pty Ltd)
Responsible Authority:	City of Rockingham
DAP File No:	DAP/18/01362

### REPORT RECOMMENDATION

**Moved by:** Cr Deb Hamblin

**Seconded by:** Mr John Ellis

That the Metro South-West JDAP resolves to:

**Approve** DAP Application reference DAP/18/01362 and accompanying plans

- Site Plan , Sketch 009, dated 16.01.18
- Southern Elevation Sheet 1/2, Sketch 039, dated 14.02.18
- Southern Elevation Sheet 2/2, Sketch 040, dated 14.02.18
- Paterson Road View Looking West, Sketch 041, dated 14.02.18

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 applying for a Building Permit, all stormwater generated by the development shall be designed to be contained on-site and certified by a suitably qualified engineer. The design shall be implemented and maintained for the duration of the development.
3. 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.
4. Prior to applying for a Building Permit, the Bushfire Management Plan prepared by Strategen, dated 18 December 2017 must be modified to clearly show the extent of the proposed Asset Protection Zone (APZ). The APZ must be installed in accordance with the requirements of Schedule 1 of the *Guidelines for Planning in Bushfire Prone Areas*, prior to occupation of the development.
5. Vegetation within the site and the adjacent verge areas identified, in the Bushfire Management Plan prepared by Strategen, dated 18 December 2017, as



managed low threat vegetation, must be maintained as low threat vegetation in terms of AS 3959 – *Construction of buildings in bushfire-prone areas*, for the duration of the development.

6. Prior to applying for a Building Permit, a Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City of Rockingham:
  - (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) Screening vegetation (trees) that will provide some visual screening the proposed development; and
  - (vi) The street setback area and all verge areas including landscaping, paving and reticulation.

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.

7. 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, for the duration of development and maintained at all times

8. Prior to the occupation of the development, an Acoustic Assessment must be prepared and provided to the City of Rockingham which demonstrates to the City's satisfaction, that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*.

The Acoustic 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 the 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. 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 Development Approval must be submitted to the City.
2. 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 specifications of the City of Rockingham; the applicant should liaise with the City of Rockingham's Engineering Services in this regard.
3. A separate approval is required from the Department of Water and Environment Regulation (DWER) under Part V of the *Environmental Protection Act 1986*.
4. With respect to the Landscaping Plan, the applicant and owner should liaise with the City of Rockingham's Land Development & Infrastructure Team to confirm requirements for landscaping plans.
5. The development must comply with the *Environmental Protection (Noise) Regulations 1997*; contact the City's Health Services for information on confirming requirements.

### **AMENDING MOTION**

**Moved by:** Cr Deb Hamblin

**Seconded by:** Mr John Ellis

*The following amendments were moved en bloc:*

- (i) To amend Condition 2 to read as follows:

*Prior to applying for a Building Permit, a stormwater management plan, certified by a suitably qualified engineer, must be submitted detailing how stormwater will be appropriately contained on-site and disposed or otherwise managed in accordance with the operator's requirements contained in any licence or approval issued by the Department of Water and Environmental Regulations, to the satisfaction of the City of Rockingham.*

*The stormwater management plan shall be implemented for the duration of the development.*

- (ii) To amend Condition 6 to read as follows:

*Prior to applying for a Building Permit, a Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City of Rockingham:*



- (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 street setback area and all verge areas including landscaping, paving and reticulation.*

*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.*

**(iii)** To amend Condition 7 to read as follows:

*Prior to applying for a Building Permit, a Waste Management Plan must be prepared detailing the current practices at the Refinery, including licensed waste commercial management operations which will apply for the duration of the development and maintained at all times.*

**(iv)** To amend Condition 8 to read as follows:

*Upon completion of the works, and within 60 days of the commissioning of the same, an Acoustic Assessment must be prepared and provided to the City of Rockingham which demonstrates to the City's satisfaction, that the completed development complies with the Environmental Protection (Noise) Regulations 1997.*

*The Acoustic 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 the 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.*

**Reason:** The proposed modifications to conditions 2, 6, 7 and 8 were supported by the City and considered by the JDAP to achieve the required outcomes.

**The Amending Motion was put and CARRIED UNANIMOUSLY.**



## REPORT RECOMMENDATION (AS AMENDED)

That the Metro South-West JDAP resolves to:

**Approve** DAP Application reference DAP/18/01362 and accompanying plans

- Site Plan , Sketch 009, dated 16.01.18
- Southern Elevation Sheet 1/2, Sketch 039, dated 14.02.18
- Southern Elevation Sheet 2/2, Sketch 040, dated 14.02.18
- Paterson Road View Looking West, Sketch 041, dated 14.02.18

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 applying for a Building Permit, a stormwater management plan, certified by a suitably qualified engineer, must be submitted detailing how stormwater will be appropriately contained on-site and disposed or otherwise managed in accordance with the operator's requirements contained in any licence or approval issued by the Department of Water and Environmental Regulations, to the satisfaction of the City of Rockingham.

The stormwater management plan shall be implemented for the duration of the development.

3. 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.
4. Prior to applying for a Building Permit, the Bushfire Management Plan prepared by Strategen, dated 18 December 2017 must to be modified to clearly show the extent of the proposed Asset Protection Zone (APZ). The APZ must be installed in accordance with the requirements of Schedule 1 of the *Guidelines for Planning in Bushfire Prone Areas*, prior to occupation of the development.
5. Vegetation within the site and the adjacent verge areas identified, in the Bushfire Management Plan prepared by Strategen, dated 18 December 2017, as managed low threat vegetation, must be maintained as low threat vegetation in terms of AS 3959 – *Construction of buildings in bushfire-prone areas*, for the duration of the development.
6. Prior to applying for a Building Permit, a Landscaping Plan must be prepared and include the following detail, to the satisfaction of the City of Rockingham:



- (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 street setback area and all verge areas including landscaping, paving and reticulation.

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,

7. Prior to applying for a Building Permit, a Waste Management Plan must be prepared detailing the current practices at the Refinery, including licensed waste commercial management operations which will apply for the duration of the development and maintained at all times.
8. Upon completion of the works, and within 60 days of the commissioning of the same, an Acoustic Assessment must be prepared and provided to the City of Rockingham which demonstrates to the City's satisfaction, that the completed development complies with the *Environmental Protection (Noise) Regulations 1997*.

The Acoustic 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 the 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. The 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 Development Approval must be submitted to the City.
2. 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 specifications of the City of Rockingham; the applicant should liaise with the City of Rockingham's Engineering Services in this regard.
3. A separate approval is required from the Department of Water and Environment Regulation (DWER) under Part V of the *Environmental Protection Act 1986*.





4. With respect to the Landscaping Plan, the applicant and owner should liaise with the City of Rockingham's Land Development & Infrastructure Team to confirm requirements for landscaping plans.
5. The development must comply with the *Environmental Protection (Noise) Regulations 1997*; contact the City's Health Services for information on confirming requirements.

**REASON:** In accordance with details contained in the Responsible Authority Report and Amending Motion.

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

**8.2** Property Location: Lot 805 (No.313) Mandurah Road, East  
Rockingham  
Development Description: Proposed Lime Manufacturing Plant  
Applicant: Mr Nathan Stewart (Rowe Group)  
Owner: Mr Danny Meneghello (Chowder Bay Pty Ltd)  
Responsible Authority: City of Rockingham  
DAP File No: DAP/18/01386

#### **REPORT RECOMMENDATION**

**Moved by:** Cr Joy Stewart

**Seconded by:** Mr Brian Curtis

That the Metro South-West JDAP resolves to:

**Approve** DAP Application reference DAP/18/01386 and accompanying plans

- Site Plan, DWG A01, dated February 2018
- Building Floor Plan, DWG A02, dated February 2018
- Building Admin Plans, DWG A02.1, dated February 2018
- Building Roof Plans, DWG A02.2, dated February 2018
- Building Elevations, DWG A03, dated February 2018.
- Building Sections, DWG A03.1, dated February 2018.

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 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. Prior to applying for a Building Permit, a Landscaping Plan to the satisfaction of the City of Rockingham must be prepared and must include the following detail:
  - (i) A landscape strip along the street boundary of the site no less than 10m wide;



- (ii) Verge landscaping treatments;
- (iii) Natural landscape areas to be retained;
- (iv) Details for the protection of natural landscape areas to be retained during construction phase;
- (v) Any areas that may require to be reticulated or irrigated; and
- (vi) A planting list for the proposed basins/swales appropriate to create a vegetated bio filter to treat stormwater.

The landscaping and any required reticulation 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 for the duration of the development.

3. Prior to applying for a Building Permit, an Acoustic Report which demonstrates that all mechanical services associated with the proposed development and any other noise source, including noise emanating from Licensed Premises, will comply with the *Environmental Protection (Noise) Regulations 1997*, must be submitted to and approved by the City of Rockingham.
4. Prior to the 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 Acoustic 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 the 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.

5. Prior to applying for a Building Permit, Engineering Drawings and specifications are to be submitted to and approved by the City of Rockingham for the upgrade of Mandurah Road adjacent to the site, including the construction of right turn and left turn auxiliary lane treatments.

The road upgrade, including the auxiliary lane treatments, must be constructed, line marked and drained at the landowner's cost, in accordance with the City of Rockingham approved Engineering Drawings and specifications, prior to the occupation of the development.

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 applying for a Building Permit, a stormwater management plan demonstrating that all stormwater generated by the development shall be designed to be contained on-site and certified by a suitably qualified engineer, must be submitted to the City of Rockingham for approval.

The design shall be implemented and maintained for the duration of the development.

8. 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 Ready, dated March 2018.

At all times, the reticulated water supply must be maintained in accordance with those requirements and in working condition.

9. Prior to occupation of the development, an Asset Protection Zone (APZ) must be installed within Lot 805 in accordance with the requirements of Schedule 1 of the *Guidelines for Planning in Bushfire Prone Areas*.

10. 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, for the duration of development and maintained at all time.

11. The carpark must:

- (i) provide minimum of 24 car parking spaces;
- (ii) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to applying for a Building Permit - Certified;
- (iii) include one (1) car parking spaces dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard



AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;

- (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
- (v) 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; and
- (vi) include one (1) shade tree for every four (4) car parking spaces.

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

12. Materials, sea containers, goods or bins must not be stored within the car park at any time.

13. 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.

14. No industrial waste is permitted to enter the onsite effluent disposal system unless it has first been treated by an approved treatment system.

15. Dust Management measures must be implemented for the duration of the development in accordance with the 'BGC Cement Lime Hydrator Plant – Dust Management Plan' dated March 2018.

16. Prior to applying for a Building Permit the applicant must submit details of the proposed fencing for approval by the City of Rockingham.

17. The following complaints procedure must be implemented for the duration of the development:

(i) A telephone number or numbers and an email address or addresses must be maintained through which a complaint concerning the development may be made at any time.

(ii) The owners and occupiers of properties within 500 metres of any boundary of the site must be advised not less than once every calendar year in writing of the telephone number or numbers and the email address or addresses through which a complaint may be made.

(iii) A complaints log must be kept in which the following is to be recorded:

- a) the date and time of each complaint made and received;
- b) the means (telephone or email) by which the complaint was made;
- c) any personal details of the complainant that were provided or, if no details were provided a note to that effect; the nature of the complaint;
- d) the steps or actions taken in response to each complaint (and when those steps or actions were taken), including any follow-up contact with the complainant;



- e) if no actions or steps were taken in relation to the complaint or enquiry, the reasons why no action or steps were taken;
- (iv) A response must be made to every complaint received as soon as possible but in any event within 3 working days after receipt of the complaint.
- (v) The complaints log must be provided to the City of Rockingham within 1 working day after receipt of a request from the City that it be provided.
- (vi) A copy of any report prepared and submitted to the Department of Water and Environment and Regulation (as required by and forming part of the operator's monitoring and reporting requirements contained in any licence or approved issued by the Department) must be provided to the City of Rockingham concurrently with the report being provided to the Department.

### 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 Development Approval must be submitted to the City.
2. 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 specifications of the City of Rockingham; the applicant should liaise with the City of Rockingham's Engineering Services in this regard.
3. A separate approval is required from the Department of Water and Environment Regulation (DWER) under Part V of the *Environmental Protection Act 1986*.
4. With respect to the Landscaping Plan, the applicant and owner should liaise with the City of Rockingham's Land Development & Infrastructure Team to confirm requirements for landscaping plans.
5. The development must comply with the *Environmental Protection (Noise) Regulations 1997*; contact the City's Health Services for information on confirming requirements.
6. With regard to onsite effluent disposal, the site is located within the Cockburn Sound Catchment area and therefore must comply with the requirements of the *Local Planning Policy 7.3 Cockburn Sound Catchment 2004*. In this regard an onsite effluent disposal system with nutrient retention capabilities is required and an 'Application to Construct or Install an Apparatus for the Treatment of Sewage' must be lodged with the City's Health Services.
7. The Stormwater Management Plan must be consistent with the Stormwater Management Manual of Western Australia (DoW, 2004), the Water Quality Protection Note 52 – Stormwater management industrial sites (DoW,2010) and the *City of Rockingham Planning Policy 3.4.3 – Urban Water Management*, where applicable.
8. The subject lot and proposed development area is located within the Cockburn Groundwater Area which is proclaimed under the *Rights in Water and Irrigation Act 1914*. Any groundwater abstraction would be subject to licencing by the DWER. The issuing of a groundwater licence is not guaranteed but if issued will contain a number of conditions that are binding upon the licensee.



## AMENDING MOTION

**Moved by:** Cr Joy Stewart

**Seconded by:** Mr Brian Curtis

To delete Condition 3 and renumber the remaining Conditions accordingly.

**REASON:** The City and DAP considered that the required outcomes would be achieved via the application of Condition 4, any potential noise impacts from the proposed development will be adequately managed, therefore the imposition of Condition 3 was considered unnecessary.

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

## REPORT RECOMMENDATION (AS AMENDED)

That the Metro South-West JDAP resolves to:

**Approve** DAP Application reference DAP/18/01386 and accompanying plans

- Site Plan, DWG A01, dated February 2018
- Building Floor Plan, DWG A02, dated February 2018
- Building Admin Plans, DWG A02.1, dated February 2018
- Building Roof Plans, DWG A02.2, dated February 2018
- Building Elevations, DWG A03, dated February 2018.
- Building Sections, DWG A03.1, dated February 2018.

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

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2. Prior to applying for a Building Permit, a Landscaping Plan to the satisfaction of the City of Rockingham must be prepared and must include the following detail:
  - (i) A landscape strip along the street boundary of the site no less than 10m wide;
  - (ii) Verge landscaping treatments;
  - (iii) Natural landscape areas to be retained;
  - (iv) Details for the protection of natural landscape areas to be retained during construction phase;
  - (v) Any areas that may require to be reticulated or irrigated; and



- (vi) A planting list for the proposed basins/swales appropriate to create a vegetated bio filter to treat stormwater.

The landscaping and any required reticulation 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 for the duration of the development.

3. Prior to the 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 Acoustic 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 the 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.

4. Prior to applying for a Building Permit, Engineering Drawings and specifications are to be submitted to and approved by the City of Rockingham for the upgrade of Mandurah Road adjacent to the site, including the construction of right turn and left turn auxiliary lane treatments.

The road upgrade, including the auxiliary lane treatments, must be constructed, line marked and drained at the landowner's cost, in accordance with the City of Rockingham approved Engineering Drawings and specifications, prior to the occupation of the development.

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. Prior to applying for a Building Permit, a stormwater management plan demonstrating that all stormwater generated by the development shall be designed to be contained on-site and certified by a suitably qualified engineer, must be submitted to the City of Rockingham for approval.

The design shall be implemented and maintained for the duration of the development.

7. 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 Ready, dated March 2018.



At all times, the reticulated water supply must be maintained in accordance with those requirements and in working condition.

8. Prior to occupation of the development, an Asset Protection Zone (APZ) must be installed within Lot 805 in accordance with the requirements of Schedule 1 of the *Guidelines for Planning in Bushfire Prone Areas*.
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, for the duration of development and maintained at all time.

10. The carpark must:

- (i) provide minimum of 24 car parking spaces;
- (ii) be designed in accordance with Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking unless otherwise specified by this approval, prior to applying for a Building Permit - Certified;
- (iii) include one (1) car parking spaces dedicated to people with disabilities designed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities, linked to the main entrance of the development by a continuous accessible path of travel designed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
- (iv) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter;
- (v) 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; and
- (vi) include one (1) shade tree for every four (4) car parking spaces.

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

11. Materials, sea containers, goods or bins must not be stored within the car park at any time.





12. 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.

13. No industrial waste is permitted to enter the onsite effluent disposal system unless it has first been treated by an approved treatment system.

14. Dust Management measures must be implemented for the duration of the development in accordance with the 'BGC Cement Lime Hydrator Plant – Dust Management Plan' dated March 2018.

15. Prior to applying for a Building Permit the applicant must submit details of the proposed fencing for approval by the City of Rockingham.

16. The following complaints procedure must be implemented for the duration of the development:

(i) A telephone number or numbers and an email address or addresses must be maintained through which a complaint concerning the development may be made at any time.

(ii) The owners and occupiers of properties within 500 metres of any boundary of the site must be advised not less than once every calendar year in writing of the telephone number or numbers and the email address or addresses through which a complaint may be made.

(iii) A complaints log must be kept in which the following is to be recorded:

- a) the date and time of each complaint made and received;
- b) the means (telephone or email) by which the complaint was made;
- c) any personal details of the complainant that were provided or, if no details were provided a note to that effect; the nature of the complaint;
- d) the steps or actions taken in response to each complaint (and when those steps or actions were taken), including any follow-up contact with the complainant;
- e) if no actions or steps were taken in relation to the complaint or enquiry, the reasons why no action or steps were taken;

(iv) A response must be made to every complaint received as soon as possible but in any event within 3 working days after receipt of the complaint.

(v) The complaints log must be provided to the City of Rockingham within 1 working day after receipt of a request from the City that it be provided.

(vi) A copy of any report prepared and submitted to the Department of Water and Environment and Regulation (as required by and forming part of the operator's monitoring and reporting requirements contained in any licence or approved issued by the Department) must be provided to the City of Rockingham concurrently with the report being provided to the Department.



## 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 Development Approval must be submitted to the City.
2. 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 specifications of the City of Rockingham; the applicant should liaise with the City of Rockingham's Engineering Services in this regard.
3. A separate approval is required from the Department of Water and Environment Regulation (DWER) under Part V of the *Environmental Protection Act 1986*.
4. With respect to the Landscaping Plan, the applicant and owner should liaise with the City of Rockingham's Land Development & Infrastructure Team to confirm requirements for landscaping plans.
5. The development must comply with the *Environmental Protection (Noise) Regulations 1997*; contact the City's Health Services for information on confirming requirements.
6. With regard to onsite effluent disposal, the site is located within the Cockburn Sound Catchment area and therefore must comply with the requirements of the *Local Planning Policy 7.3 Cockburn Sound Catchment 2004*. In this regard an onsite effluent disposal system with nutrient retention capabilities is required and an 'Application to Construct or Install an Apparatus for the Treatment of Sewage' must be lodged with the City's Health Services.
7. The Stormwater Management Plan must be consistent with the Stormwater Management Manual of Western Australia (DoW, 2004), the Water Quality Protection Note 52 – Stormwater management industrial sites (DoW,2010) and the *City of Rockingham Planning Policy 3.4.3 – Urban Water Management*, where applicable.
8. The subject lot and proposed development area is located within the Cockburn Groundwater Area which is proclaimed under the *Rights in Water and Irrigation Act 1914*. Any groundwater abstraction would be subject to licencing by the DWER. The issuing of a groundwater licence is not guaranteed but if issued will contain a number of conditions that are binding upon the licensee.

**REASON:** In accordance with details contained in the Responsible Authority Report and Amending Motion.

**The Report Recommendation (as amended) 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

The A/Presiding Member noted the following State Administrative Tribunal Applications -

Current Applications		
LG Name	Property Location	Application Description
City of Cockburn	Lot 803 Yangebup Road, Yangebup	Service Station (7 Eleven)
City of Fremantle	Lots 2073 (31) and 535 (45) Henderson Street, Fremantle	Mixed Use Commercial and Hotel

## 11. General Business / Meeting Close

The A/Presiding Member reminded the meeting that in accordance with Section 7.3 of DAP Standing Order 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 A/Presiding Member declared the meeting closed at 9:20am.