



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

**Meeting Date and Time:** 7 December 2015; 9:30am  
**Meeting Number:** MSWJDAP/86  
**Meeting Venue:** City of Kwinana  
Ken Jackman Hall  
Corner Chisham Avenue and Robbos Way  
Kwinana

### **Attendance**

#### **DAP Members**

Mr Ian Birch (Presiding Member)  
Ms Stacey Towne (Deputy Presiding Member)  
Mr Robert Nicholson (Specialist Member)  
Cr Dennis Wood (Local Government Member, City of Kwinana)  
Cr Ruth Alexander (Local Government Member, City of Kwinana)  
Cr Joy Stewart (Local Government Member, City of Rockingham)

#### **Officers in attendance**

Mr Brenton Scambler (City of Kwinana)  
Ms Felicitas Dhliwayo (City of Kwinana)  
Mr Dan Lees (TPG Town Planning Heritage and Design)  
Mr George Ashton (TPG Town Planning Heritage and Design)  
Mr Jason Bouwhuis (Department of Planning)  
Ms Erika Dawson (City of Rockingham)  
Mr Keven Keyes (City of Rockingham)

#### **Local Government Minute Secretary**

Ms Ana Behrendt (City of Rockingham)

#### **Applicants and Submitters**

Mr Peter Dyson (Phoenix Energy)  
Mr Joshua Gould (Department of Finance)

#### **Members of the Public**

There were 4 members of the public in attendance.

### **1. Declaration of Opening**

**Mr Ian Birch**  
Presiding Member, Metro South-West JDAP



The Presiding Member, Mr Ian Birch declared the meeting open at 9:35am on 8 December 2015 and acknowledged the past and present traditional owners and custodians of the land on which the meeting was being held.

The Presiding Member announced the meeting would be run in accordance with the *Development Assessment Panel Standing Orders 2012* under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

The Presiding Member advised that the meeting is being audio recorded in accordance with Section 5.16 of the Standing Orders 2012; No Recording of Meeting, which states: 'A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.' The Presiding Member granted permission for the minute taker to record proceedings for the purpose of the minutes only.

**2. Apologies**

Nil

**3. Members on Leave of absence**

Nil

**4. Noting of minutes**

Minutes of the Metro South-West meeting No. 84 held on 12 November 2015 and No. 85 held on 17 November 2015 were noted by DAP members.

**5. Declaration of Due Consideration**

All members declared that they had duly considered the documents.

**6. Disclosure of interests**

Nil

**7. Deputations and presentations**

Nil

**8. Form 1 - Responsible Authority Reports – DAP Applications**

Mr Ian Birch  
Presiding Member, Metro South-West JDAP



**8.1a** Property Location: Lot 9500 Leath Road, Kwinana Beach  
Application Details: Proposed Waste to Energy Plan, Brick Plant and  
Associated Administration/Office/Training  
Applicant: Phoenix Energy (on behalf of development  
operator Kwinana Waste to Energy Project Co Pty  
Ltd)  
Owner: Western Australian Land Authority (LandCorp)  
Responsible authority: City of Kwinana  
DoP File No: DAP/15/00887

## REPORT RECOMMENDATION / PRIMARY MOTION

**Moved by:** Cr Dennis Wood

**Seconded by:** Cr Ruth Alexander

### Officer Recommendation:

That the Metro South-West JDAP resolves to:

**Approve** DAP Application reference DAP/15/00887 and accompanying plans PO1 – Revision 1, PO2 – Revision 0, PO3 – Revision 0, PO4 – Revision 0, PO5 – Revision 0, PO6 – Revision 0, PO7 – Revision 0 in accordance with Clause 6.1 of the City of Kwinana Town Planning Scheme No.2, subject to the following conditions:

### Conditions

1. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.
2. An area of at least 2061 square metres (5%) of the lease area to be landscaped and maintained to a high standard thereafter to the satisfaction of the City of Kwinana within 60 days of practical completion of construction.
3. Landscaping areas, vehicle parking spaces and accessways, and all other items and details as shown on the approved development plans shall be installed prior to occupying the proposed development and maintained thereafter to the satisfaction of the City of Kwinana.
4. A detailed Landscaping Plan which outlines the proposed species and densities of plants to be used at the time of planting together with the anticipated height of each plant at maturity, spacing of each species and location of existing vegetation, the use of mature/advanced species between the existing security fence and the road boundary/verge, and the proposed reticulation layout is required to be submitted to the City of Kwinana for approval prior to lodgement of a building permit. The landscaping plan shall be implemented to the satisfaction of the City within 60 days of the practical completion of construction.



5. 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 to the satisfaction of the City of Kwinana.
6. The applicant shall implement dust control measures for the duration of the Site and Construction Works, and for the ongoing operation of the site to the satisfaction of the City of Kwinana.
7. A schedule of colours, materials and finishes for the buildings shall be submitted to the City of Kwinana for approval prior to the commencement of construction works.
8. Vehicle crossovers shall be constructed to the specifications and satisfaction of the City of Kwinana.
9. The provision of vehicle parking bays as defined on the approved development plans in accordance with AS2890, to be clearly marked on the ground and constructed of bitumen, brick or concrete and drained prior to the occupation to the satisfaction of the City of Kwinana.
10. All vehicle parking to be accommodated within the boundaries of the subject lot to the satisfaction of the City of Kwinana.
11. 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.
12. 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.
13. All vegetation cleared as part of the development shall be mulched and re-used throughout the landscaped areas of the development to the satisfaction of the City of Kwinana.
14. On-site effluent disposal systems shall be nutrient retentive to comply with the Health Act and Cockburn Sound Management Council requirements. Use of conventional septic systems is not permitted.
15. All plant and vehicle wash down facilities shall be connected to an appropriate wastewater treatment system to the satisfaction of the City of Kwinana.
16. 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)*.



17. There shall be no storage of materials in the car park at any time.
18. There shall be no extraction or use of ground water from the property at any time, unless otherwise approved by the Department of Environment and Regulation following chemical testing and an assessment of the risk to site users is undertaken to confirm it is suitability for its intended use.
19. Prior to any soil disturbance occurring on site the proponent shall prepare a site and earthworks management plan addressing potential risks to onsite workers, developers and maintenance personal with respect to possible soil contamination present on site, to the satisfaction of the City of Kwinana on advice of the Department of Environment and Regulation.
20. Within 14 days of commissioning of the Waste to Energy Plant operations, the proponent shall provide to the City of Kwinana, certification from a suitably qualified acoustic consultant that the noise emissions resulting from the operations on the site comply with Environment Protection Act and Regulations. The certification shall demonstrate that the plant complies with Environmental Protection (Noise) Regulations 1997 from time of commencement of operations through to maximum throughput capacity.
21. The proponent shall make near to real time data on emissions publicly available by displaying emissions on the proponents website or at the site entrance.

## **2. Advice to Applicant**

- 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 should not be commenced for the components of the development which require building approval 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 should ensure that the proposed development complies with all other relevant legislation, including but not limited to, the *Environmental Protection Act 1986*, Health Act and Regulations, *Environmental Protection (Noise) Regulations 1997*, *Dangerous Goods Safety Act 2004* and Regulations, *Contaminated Sites Act 2003* and the *National Construction Code*.
- 2.5 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.
- 2.6 Training rooms and public galleries used for educational purposes are required to comply with the *Health (Public Building) Regulations 1992*.



- 2.7 The proponent should make an application to the City of Kwinana for the installation of effluent treatment and disposal systems.
- 2.8 Ablutions and sanitary facilities are required to comply with the requirements of the *Health (Sewerage Lighting and Ventilation) Regulations 1971*.
- 2.9 The proponent is advised that any changes within 8 metres of the transmission line will need to be assessed by Western Power. These changes include, cut or fill, proposed structures (including fences, walls etc) and landscaping with mature height exceeding two metres from the natural ground level.
- 2.10 In regards to condition 9, the City of Kwinana Town Planning Scheme No.2 requires a minimum of 60 vehicle parking bays, as such the City of Kwinana may permit a reduction or rearrangement of the approved on site vehicle parking. Any such reduction or rearrangement to car parking areas will require a Form 2 application to be submitted.

### **AMENDING MOTION**

**Moved by:** Mr Rob Nicholson

**Seconded by:** Mr Ian Birch

The delete Condition 10 and renumber the following conditions.

**REASON: Parking allocation has been identified on the plans making the condition redundant.**

**The Amending Motion was put and CARRIED (3 / 2).**

For: Mr Rob Nicholson  
Mr Ian Birch  
Ms Stacey Towne

Against: Cr Dennis Wood  
Cr Ruth Alexander

### **AMENDING MOTION**

**Moved by:** Mr Rob Nicholson

**Seconded by:** Mr Ian Birch

To amend Condition 14 (renumbered 13) to remove the second sentence and read:

**Mr Ian Birch**  
Presiding Member, Metro South-West JDAP



13. On-site effluent disposal systems shall be nutrient retentive to comply with the Health Act and Cockburn Sound Management Council requirements.

**REASON: Reference to “conventional septic systems” is not required as requirements are clearly stated in the first sentence.**

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

#### **AMENDING MOTION**

**Moved by:** Ms Stacey Towne

**Seconded by:** Mr Ian Birch

To amend Advice note 2.1 to read:

- 2.1 The applicant is advised that planning approval is required from the City of Kwinana for all future development prior to the commencement of works or alteration of land use.

**REASON: For clarity.**

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

#### **PRIMARY MOTION (AS AMENDED)**

*With the agreement of the mover and seconder, the date shown on the plans is included in the motion.*

That the Metro South-West JDAP resolves to:

**Approve** DAP Application reference DAP/15/00887 and accompanying plans dated 9 September 2015, PO1 – Revision 1, PO2 – Revision 0, PO3 – Revision 0, PO4 – Revision 0, PO5 – Revision 0, PO6 – Revision 0, PO7 – Revision 0 in accordance with Clause 6.1 of the City of Kwinana Town Planning Scheme No.2, subject to the following conditions:

#### **Conditions**

1. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.
2. An area of at least 2061 square metres (5%) of the lease area to be landscaped and maintained to a high standard thereafter to the satisfaction of the City of Kwinana within 60 days of practical completion of construction.
3. Landscaping areas, vehicle parking spaces and accessways, and all other items and details as shown on the approved development plans shall be



installed prior to occupying the proposed development and maintained thereafter to the satisfaction of the City of Kwinana.

4. A detailed Landscaping Plan which outlines the proposed species and densities of plants to be used at the time of planting together with the anticipated height of each plant at maturity, spacing of each species and location of existing vegetation, the use of mature/advanced species between the existing security fence and the road boundary/verge, and the proposed reticulation layout is required to be submitted to the City of Kwinana for approval prior to lodgement of a building permit. The landscaping plan shall be implemented to the satisfaction of the City within 60 days of the practical completion of construction.
5. 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 to the satisfaction of the City of Kwinana.
6. The applicant shall implement dust control measures for the duration of the Site and Construction Works, and for the ongoing operation of the site to the satisfaction of the City of Kwinana.
7. A schedule of colours, materials and finishes for the buildings shall be submitted to the City of Kwinana for approval prior to the commencement of construction works.
8. Vehicle crossovers shall be constructed to the specifications and satisfaction of the City of Kwinana.
9. The provision of vehicle parking bays as defined on the approved development plans in accordance with AS2890, to be clearly marked on the ground and constructed of bitumen, brick or concrete and drained prior to the occupation to the satisfaction of the City of Kwinana.
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.
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.
12. All vegetation cleared as part of the development shall be mulched and re-used throughout the landscaped areas of the development to the satisfaction of the City of Kwinana.
13. On-site effluent disposal systems shall be nutrient retentive to comply with the Health Act and Cockburn Sound Management Council requirements.





14. All plant and vehicle wash down facilities shall be connected to an appropriate wastewater treatment system to the satisfaction of the City of Kwinana.
15. 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)*.
16. There shall be no storage of materials in the car park at any time.
17. There shall be no extraction or use of ground water from the property at any time, unless otherwise approved by the Department of Environment and Regulation following chemical testing and an assessment of the risk to site users is undertaken to confirm it is suitability for its intended use.
18. Prior to any soil disturbance occurring on site the proponent shall prepare a site and earthworks management plan addressing potential risks to onsite workers, developers and maintenance personal with respect to possible soil contamination present on site, to the satisfaction of the City of Kwinana on advice of the Department of Environment and Regulation.
19. Within 14 days of commissioning of the Waste to Energy Plant operations, the proponent shall provide to the City of Kwinana, certification from a suitably qualified acoustic consultant that the noise emissions resulting from the operations on the site comply with Environment Protection Act and Regulations. The certification shall demonstrate that the plant complies with Environmental Protection (Noise) Regulations 1997 from time of commencement of operations through to maximum throughput capacity.
20. The proponent shall make near to real time data on emissions publicly available by displaying emissions on the proponents website or at the site entrance.

## **2. Advice to Applicant**

- 2.1 The applicant is advised that planning approval is required from the City of Kwinana for all future development prior to the commencement of works or alteration of land use.
- 2.2 Construction should not be commenced for the components of the development which require building approval 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 should ensure that the proposed development complies with all other relevant legislation, including but not limited to, the *Environmental*



*Protection Act 1986, Health Act and Regulations, Environmental Protection (Noise) Regulations 1997, Dangerous Goods Safety Act 2004 and Regulations, Contaminated Sites Act 2003 and the National Construction Code.*

- 2.4 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.
- 2.5 Training rooms and public galleries used for educational purposes are required to comply with the *Health (Public Building) Regulations 1992*.
- 2.6 The proponent should make an application to the City of Kwinana for the installation of effluent treatment and disposal systems.
- 2.7 Ablutions and sanitary facilities are required to comply with the requirements of the *Health (Sewerage Lighting and Ventilation) Regulations 1971*.
- 2.8 The proponent is advised that any changes within 8 metres of the transmission line will need to be assessed by Western Power. These changes include, cut or fill, proposed structures (including fences, walls etc) and landscaping with mature height exceeding two metres from the natural ground level.
- 2.9 In regards to condition 9, the City of Kwinana Town Planning Scheme No.2 requires a minimum of 60 vehicle parking bays, as such the City of Kwinana may permit a reduction or rearrangement of the approved on site vehicle parking. Any such reduction or rearrangement to car parking areas will require a Form 2 application to be submitted.

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

<b>8.1b</b> Property Location:	North Western Portion of Lot 9500 (former Lot 14) Leath Road, Kwinana Beach
Application Details:	Proposed Kwinana Waste to Renewable Energy Facility
Applicant:	Phoenix Energy Australia Pty Ltd
Owner:	Western Australian Land Authority (LandCorp)
Responsible authority:	Department of Planning
DoP File No:	DAP/15/00887



## REPORT RECOMMENDATION / PRIMARY MOTION

**Moved by:** Cr Ruth Alexander

**Seconded by:** Cr Dennis Wood

### **Officer Recommendation:**

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

**Approve** DAP Application reference DAP/15/00887 and accompanying plans date stamped 15 September 2015 P01, P04, P05, P06 and P07 in accordance with the Metropolitan Region Scheme, subject to the following conditions and advice note:

1. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.
2. The construction of a 2.4 metre high noise wall along the eastern boundary as depicted within the Herring Storer (document reference 17236-2-13202) Environmental Noise Assessment Reference 2504 dated 14 November 2013.
3. All future lighting to be installed shall avoid spill into the northern area void of development.
4. New perimeter fencing shall be installed to a height of 1.8 metres along the western, northern and the relevant portion of the eastern boundary for the proposed lease area.

### **Advice:**

1. ATCO Gas Australia has high pressure gas mains in the vicinity of the property. ATCO Gas must be notified of any works within 15 metres of high pressure gas infrastructure before those works begin. Construction, excavation and other activities may be restricted in this zone. No pavements (including crossovers) are to be constructed over the pipeline without consent from ATCO Gas Australia. Various pipeline safety tests may apply. The applicant is advised to contact ATCO on 6163 5000 in this regard. Anyone proposing to carry out construction or excavation works must contact 'Dial Before You Dig' (Ph 1100) to determine the location of buried gas infrastructure.



## AMENDING MOTION

**Moved by:** Ms Stacey Towne

**Seconded by:** Cr Dennis Wood

To amend Condition 4 to read:

4. New perimeter fencing shall be installed to a height of 2.4 metres along the western, northern and the relevant portion of the eastern boundary for the proposed lease area.

**REASON: Plans reflect a proposed height of 2.4m not 1.8m.**

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

## PRIMARY MOTION (AS AMENDED)

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

**Approve** DAP Application reference DAP/15/00887 and accompanying plans date stamped 15 September 2015 P01, P04, P05, P06 and P07 in accordance with the Metropolitan Region Scheme, subject to the following conditions and advice note:

1. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.
2. The construction of a 2.4 metre high noise wall along the eastern boundary as depicted within the Herring Storer (document reference 17236-2-13202) Environmental Noise Assessment Reference 2504 dated 14 November 2013.
3. All future lighting to be installed shall avoid spill into the northern area void of development.
4. New perimeter fencing shall be installed to a height of 2.4 metres along the western, northern and the relevant portion of the eastern boundary for the proposed lease area.

### Advice:

1. ATCO Gas Australia has high pressure gas mains in the vicinity of the property. ATCO Gas must be notified of any works within 15 metres of high pressure gas infrastructure before those works begin. Construction, excavation and other activities may be restricted in this zone. No pavements (including crossovers) are to be constructed over the pipeline without consent from ATCO Gas Australia. Various pipeline safety tests may apply. The applicant is advised to contact ATCO on 6163 5000 in this regard. Anyone proposing to carry out construction or excavation works must contact 'Dial Before You Dig' (Ph 1100) to determine the location of buried gas infrastructure.

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



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

- 9.1 Property Location: Tuart Rise Primary School Lot 500 (No. 31)  
Kempeana Way, Baldivis
- Application Details: Minor amendment to approved public primary school to delete the approved transportable classrooms
- Applicant: Department of Finance, Building Management and Works Maintenance Services Directorate
- Owner: Minister for Education
- Responsible authority: Department of Finance, Building Management and Works
- DoP File No: DAP/13/00671

### REPORT RECOMMENDATION / PRIMARY MOTION

**Moved by:** Mr Ian Birch

**Seconded by:** Mr Rob Nicholson

*The mover provided revised rewording of the motion to more concisely and clearly convey the decision. This does not change the substance of the recommendation.*

That the Metro South-West JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/13/00671 as detailed on the DAP Form 2 dated 5 October 2015 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** the DAP Application reference DAP/13/00671 to remove the six transportable classrooms shown on the approved plans as detailed on the DAP Form 2 date 5 October 2015, in accordance with the provisions of the Metropolitan Region Scheme, for the proposed minor amendment to the approved Public Primary School at Lot 500 (No. 31) Kempeana Way, Baldivis.

All other conditions and requirements detailed on the previous approval dated 19 September 2013 shall remain unless altered by this application.

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

## 10. Appeals to the State Administrative Tribunal

Nil

## 11. General Business / Meeting Close

There being no further business, the Presiding Member declared the meeting closed at 10:22am.

  
Mr Ian Birch  
Presiding Member, Metro South-West JDAP