



Metro South-West Joint Development Assessment Panel Minutes

Meeting Date and Time: 16 January 2020; 9:00am
Meeting Number: MSWJDAP/201
Meeting Venue: City of Fremantle
70 Parry Street
Fremantle

Attendance

DAP Members

Mr Tony Arias (Presiding Member)
Ms Lee O'Donohue (Deputy Presiding Member)
Mr John Syme (A/Specialist Member)

Item 8.1

Cr Wendy Cooper (Local Government Member, City of Kwinana)
Cr Dennis Wood (Local Government Member, City of Kwinana)

Item 9.1

Cr Andrew Sullivan (Local Government Member, City of Fremantle)
Cr Rachel Pemberton (Local Government Member, City of Fremantle)

Officers in attendance

Item 8.1

Mr Jason Bouwhuis (Western Australian Planning Commission)
Ms Tia Byrd (Western Australian Planning Commission)
Ms Chloe Johnston (City of Kwinana)

Item 9.1

Ms Julia Kingsbury (City of Fremantle)
Ms Catherine Sullivan (City of Fremantle)

Minute Secretary

Ms Kayla Goodchild (City of Fremantle)

Applicants and Submitters

Item 8.1

Mr Trent Will (Planning Solutions)
Ms Ingrid Maher (Planning Solutions)
Mr Darryl Theideke (Hy-Tec Industrial)

Item 9.1

Mr Peter Simpson (PTS Town Planning Pty Ltd)

Mr Tony Arias

Presiding Member, Metro South-West JDAP



Members of the Public / Media

Nil

1. Declaration of Opening

The Presiding Member declared the meeting open at 9:02am on 16 January 2020 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2017 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

The Presiding Member advised that 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 meeting would not be recorded.

2. Apologies

Nil

3. Members on Leave of Absence

Nil

4. Noting of Minutes

DAP members noted that signed minutes of previous meetings are available on the [DAP website](#).

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of Interests

Nil

7. Deputations and Presentations

- 7.1 Mr Trent Will (Planning Solutions) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.

The presentation at Item 7.1 was heard prior to the application at Item 8.1

- 7.2 Mr Peter Simpson (PTS Town Planning Pty Ltd) addressed the DAP in support the application at Item 9.1 and responded to questions from the panel.

Mr Tony Arias



The presentation at Items 7.2 was heard prior to the application at Item 9.1.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1a Property Location: Lot 252 (61) Donaldson Road, Kwinana Beach
Development Description: Proposed concrete batching plant (mobile & fixed), office and associated parking
Applicant: Planning Solutions
Owner: Western Australian Land Authority (t/a Development WA)
Responsible Authority: City of Kwinana
DAP File No: DAP/19/01687

REPORT RECOMMENDATION

Moved by: Cr Wendy Cooper

Seconded by: Cr Dennis Wood

That the Metro South-West JDAP resolves to:

1. **Approve** DAP/19/01687 and accompanying plans HYT-17-2255-FP-A1 to A7 and HYT-17-2255-MP-A1 to A9 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Kwinana Planning Scheme No. 2, subject to the following conditions:

Conditions:

1. This decision constitutes planning approval only and is valid for a period of five (5) years from the date of approval. If the subject development is not substantially commenced within the five (5) year period, the approval shall lapse and be of no further effect.
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 to the satisfaction of the City of Kwinana.
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 to the satisfaction of the City of Kwinana.
4. 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.
5. All vehicle parking to be accommodated within the boundaries of the subject lot to the satisfaction of the City of Kwinana.

Mr Tony Arias



6. All trafficable areas within the development area are to be sealed and drained as per the City of Kwinana 'Trafficable Areas' Specifications to the satisfaction of the City of Kwinana.
7. All non-trafficable and lay-down areas within the development area being sealed and drained to comply with the City of Kwinana non-trafficable and lay- down area specifications.
8. The crossover and driveway off Leath Road shall be upgraded to an intersection treatment that allows entry of a truck while one is waiting to exit, turning lane correct. Details being provided for approval by the City of Kwinana prior to commencement of works.
9. All plant and vehicle wash down facilities shall be connected to an appropriate wastewater treatment system to the satisfaction of the City of Kwinana.
10. An area of at least 220 square metres (5%) of the development 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.
11. 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, and the proposed reticulation layout is required to be submitted to the City of Kwinana for approval prior to commencement of works. The landscaping plan shall be implemented to the satisfaction of the City within 60 days of the practical completion of construction.
12. 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.
13. On-site effluent disposal systems shall be nutrient retentive to comply with the Health Act 1911 and Cockburn Sound Management Council requirements. Use of conventional septic systems is not permitted.
14. 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).
15. 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.
16. The applicant shall make a contribution to public art to the sum of \$35,000 and comply with the requirements of the City of Kwinana's Local Planning Policy No5; Development Contribution towards Public Art to the satisfaction of the City of Kwinana.



Advice Notes:

- i. 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.
- ii. Should the applicant be aggrieved by the decision or any condition imposed, then a right of review may be lodged with the State Administrative Tribunal within 28 days of the date of this decision.
- iii. 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.
- iv. 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 (Miscellaneous) Act 1911, Department of Water and Environmental Regulation Licences and Works Permit, Environmental Protection (Noise) Regulations 1997, Environmental Protection (Unauthorised Discharges) Regulations 2004, Sewerage (Lighting, Ventilation & Construction) Regulations 1971, Dangerous Goods Safety Act 2004 and Regulations, Contaminated Sites Act 2003 and the National Construction Code.
- v. The proponent should make an application to the City of Kwinana for the installation of effluent treatment and disposal systems.
- vi. Ablutions and sanitary facilities are required to comply with the requirements of the Health (Sewerage Lighting and Ventilation) Regulations 1971.
- vii. Regarding condition 10, landscaping is required to be provided over the development area (in lieu of the lease area) as the development of the lease area will be undertaken in stages. Additional landscaping will be required at each subsequent stage of the development.
- viii. The proponent is advised that under Schedule 1 Part 2 of the Environmental Protection Regulations 1987 (EP Regulations), concrete batching plants are described as Category 77 – Concrete batching or cement products manufacturing: premises on which cement products or concrete area manufactured for use at places or premises other than those premises with a production or design capacity of 100 tonnes or more per year. A works approval shall be obtained from the Department of Water and Environmental Regulation under the Environmental Protection Act 1986 prior to constructing a prescribed premises. It is an offence to cause an emission or discharge, unless a licence or registration (for operation) is held for the premises.
- ix. Due to the nature and extent of groundwater contamination, groundwater abstraction is not recommended unless chemical testing and assessment is undertaken to confirm that groundwater is suitable for its intended use.
- x. Due to uncertainty in the nature and extent of soil contamination which may be encountered, if any extensive soil disturbance is proposed to be undertaken at



the site, a site specific management plan should be developed and implemented to address potential risk to onsite workers, developers and maintenance personnel.

AMENDING MOTION

Moved by: Mr Tony Arias

Seconded by: Cr Wendy Cooper

That a new condition (Condition 17) be added to read as follows:

Prior to the issue of a building permit the proponent to advise the City of Kwinana as to which development option (fixed or mobile Concrete Batching configuration) is to be constructed on site.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To provide clarity and certainty to the City of Kwinana prior to commencement of works as to which development plans are to be implemented.

REPORT RECOMMENDATION (AS AMENDED)

That the Metro South-West JDAP resolves to:

1. **Approve** DAP/19/01687 and accompanying plans HYT-17-2255-FP-A1 to A7 and HYT-17-2255-MP-A1 to A9 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Kwinana Planning Scheme No. 2, subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of five (5) years from the date of approval. If the subject development is not substantially commenced within the five (5) year period, the approval shall lapse and be of no further effect.
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 to the satisfaction of the City of Kwinana.
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 to the satisfaction of the City of Kwinana.
4. 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.

Mr Tony Arias



5. All vehicle parking to be accommodated within the boundaries of the subject lot to the satisfaction of the City of Kwinana.
6. All trafficable areas within the development area are to be sealed and drained as per the City of Kwinana 'Trafficable Areas' Specifications to the satisfaction of the City of Kwinana.
7. All non-trafficable and lay-down areas within the development area being sealed and drained to comply with the City of Kwinana non-trafficable and lay- down area specifications.
8. The crossover and driveway off Leath Road shall be upgraded to an intersection treatment that allows entry of a truck while one is waiting to exit, turning lane correct. Details being provided for approval by the City of Kwinana prior to commencement of works.
9. All plant and vehicle wash down facilities shall be connected to an appropriate wastewater treatment system to the satisfaction of the City of Kwinana.
10. An area of at least 220 square metres (5%) of the development 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.
11. 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, and the proposed reticulation layout is required to be submitted to the City of Kwinana for approval prior to commencement of works. The landscaping plan shall be implemented to the satisfaction of the City within 60 days of the practical completion of construction.
12. 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.
13. On-site effluent disposal systems shall be nutrient retentive to comply with the Health Act 1911 and Cockburn Sound Management Council requirements. Use of conventional septic systems is not permitted.
14. 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).
15. 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.
16. The applicant shall make a contribution to public art to the sum of \$35,000 and comply with the requirements of the City of Kwinana's Local Planning Policy No5; Development Contribution towards Public Art to the satisfaction of the City of Kwinana.



17. Prior to the issue of a building permit the proponent to advise the City of Kwinana as to which development option (fixed or mobile Concrete Batching configuration) is to be constructed on site.

Advice Notes:

- i. 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.
- ii. Should the applicant be aggrieved by the decision or any condition imposed, then a right of review may be lodged with the State Administrative Tribunal within 28 days of the date of this decision.
- iii. 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.
- iv. 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 (Miscellaneous) Act 1911, Department of Water and Environmental Regulation Licences and Works Permit, Environmental Protection (Noise) Regulations 1997, Environmental Protection (Unauthorised Discharges) Regulations 2004, Sewerage (Lighting, Ventilation & Construction) Regulations 1971, Dangerous Goods Safety Act 2004 and Regulations, Contaminated Sites Act 2003 and the National Construction Code.
- v. The proponent should make an application to the City of Kwinana for the installation of effluent treatment and disposal systems.
- vi. Ablutions and sanitary facilities are required to comply with the requirements of the Health (Sewerage Lighting and Ventilation) Regulations 1971.
- vii. Regarding condition 10, landscaping is required to be provided over the development area (in lieu of the lease area) as the development of the lease area will be undertaken in stages. Additional landscaping will be required at each subsequent stage of the development.
- viii. The proponent is advised that under Schedule 1 Part 2 of the Environmental Protection Regulations 1987 (EP Regulations), concrete batching plants are described as Category 77 – Concrete batching or cement products manufacturing: premises on which cement products or concrete area manufactured for use at places or premises other than those premises with a production or design capacity of 100 tonnes or more per year. A works approval shall be obtained from the Department of Water and Environmental Regulation under the Environmental Protection Act 1986 prior to constructing a prescribed premises. It is an offence to cause an emission or discharge, unless a licence or registration (for operation) is held for the premises.
- ix. Due to the nature and extent of groundwater contamination, groundwater abstraction is not recommended unless chemical testing and assessment is

Mr Tony Arias

Tony Arias



undertaken to confirm that groundwater is suitable for its intended use.

- x. Due to uncertainty in the nature and extent of soil contamination which may be encountered, if any extensive soil disturbance is proposed to be undertaken at the site, a site specific management plan should be developed and implemented to address potential risk to onsite workers, developers and maintenance personnel.

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

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

8.1b Property Location:	Lot 252 (61) Donaldson Road, Kwinana Beach
Development Description:	Proposed concrete batching plant (mobile & fixed), office and associated parking
Applicant:	Planning Solutions
Owner:	Western Australian Land Authority (t/a Development WA)
Responsible Authority:	Western Australian Planning Commission
DAP File No:	DAP/19/01687

REPORT RECOMMENDATION

Moved by: Ms Lee O'Donohue

Seconded by: Mr John Syme

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

1. **Approve** DAP Application reference DAP/19/01687 and accompanying plans dated 5 November 2019 by the Department of Planning, Lands and Heritage in accordance with the provisions of the Metropolitan Region Scheme, subject to the following conditions and advice notes:

Conditions:

1. This decision constitutes planning approval only and is valid for a period of five years from the date of approval. If the subject development is not substantially commenced within the five year period, the approval shall lapse and be of no further effect.
2. No new development is permitted within the Metropolitan Region Scheme Railways reservation, abutting the subject land to the north (other than for vehicular access along the existing gravel road).
3. A demolition licence is required to be obtained from the local government for the existing gantry crane and stack structures on the subject land, prior to the commencement of demolition works.

Mr Tony Arias



Advice Notes:

1. ATCO Gas Australia has high pressure gas mains, abandoned gas mains and infrastructure within the immediate area of Lot 201 Donaldson Road and Leath Road. 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 9499 5272 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
2. The landowner/applicant is advised that the Department of Water and Environmental Regulation has prepared dust control guidelines for development sites, which, outlines the procedures for the preparation of dust management plans. The dust management plans are generally approved and their implementation overseen, by the Local Government. Further information on the guidelines can be obtained from the Department of Water and Environmental Regulation website: www.dwer.wa.gov.au under air quality publications.

AMENDING MOTION

Moved by: Mr Tony Arias

Seconded by: Cr Wendy Cooper

That a new condition (Condition 4) be added to read as follows:

Prior to the issue of a building permit the proponent to advise the City of Kwinana as to which development option (fixed or mobile Concrete Batching configuration) is to be constructed on site.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To provide clarity and certainty to the City of Kwinana prior to commencement of works as to which development plans are to be implemented.

REPORT RECOMMENDATION (AS AMENDED)

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

1. **Approve** DAP Application reference DAP/19/01687 and accompanying plans dated 5 November 2019 by the Department of Planning, Lands and Heritage in accordance with the provisions of the Metropolitan Region Scheme, subject to the following conditions and advice notes:

Conditions

1. This decision constitutes planning approval only and is valid for a period of five years from the date of approval. If the subject development is not substantially commenced within the five year period, the approval shall lapse and be of no further effect.

Mr Tony Arias



2. No new development is permitted within the Metropolitan Region Scheme Railways reservation, abutting the subject land to the north (other than for vehicular access along the existing gravel road).
3. A demolition licence is required to be obtained from the local government for the existing gantry crane and stack structures on the subject land, prior to the commencement of demolition works.
4. Prior to the issue of a building permit the proponent to advise the City of Kwinana as to which development option (fixed or mobile Concrete Batching configuration) is to be constructed on site.

Advice Notes

1. ATCO Gas Australia has high pressure gas mains, abandoned gas mains and infrastructure within the immediate area of Lot 201 Donaldson Road and Leath Road. 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 9499 5272 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.
2. The landowner/applicant is advised that the Department of Water and Environmental Regulation has prepared dust control guidelines for development sites, which, outlines the procedures for the preparation of dust management plans. The dust management plans are generally approved and their implementation overseen, by the Local Government. Further information on the guidelines can be obtained from the Department of Water and Environmental Regulation website: www.dwer.wa.gov.au under air quality publications.

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

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



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

9.1 Property Location:	No.9 (Lot 6) Cattalini Lane, North Fremantle
Development Description:	Extension to Term of Approval to approved Multiple dwelling development (DAP009/15 - One six storey building and two five storey buildings and basement level (104 Multiple Dwellings)
Proposed Amendments:	Extension to Term of Approval
Applicant:	PTS Town Planning Pty Ltd
Owner:	Rockingham Park
Responsible Authority:	City of Fremantle
DAP File No:	DAP/15/00870

REPORT RECOMMENDATION

Moved by: Cr Andrew Sullivan

Seconded by: Cr Rachel Pemberton

That the South West Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/15/00870 as detailed on the DAP Form 2 dated 20 November 2019 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/15/00870 as detailed on the DAP Form 2 dated 20 November 2019 and accompanying plans dated 2 November 2015 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the City of Fremantle Local Planning Scheme No.4, the proposed extension of term of approval for a period of 2 years from the date of this determination for the approved Multiple Dwelling Development at No.9 (Lot 6) Cattalini Lane, North Fremantle.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

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

10. Appeals to the State Administrative Tribunal

Nil

11. General Business / Meeting Close

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2017 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

There being no further business, the Presiding Member declared the meeting closed at 9.26am.

Mr Tony Arias