



## Regional Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Friday, 19 November 2021; 9:30am  
**Meeting Number:** RJDAP/34  
**Meeting Venue:** Electronic Means

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

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## Attendance

### DAP Members

Mr Paul Kotsoglo (Presiding Member)  
Ms Kanella Hope (Deputy Presiding Member)  
Mr Justin Page (Third Specialist Member)  
Mayor Dennis Wellington (Local Government Member, City of Albany)  
Cr Paul Terry (Local Government Member, City of Albany)

### Officers in attendance

Ms Jessica Anderson (City of Albany)  
Ms Ashton James (City of Albany)  
Mr Jan Van Der Mescht (City of Albany)

### Minute Secretary

Ms Zoe Hendry (DAP Secretariat)  
Ms Ashlee Kelly (DAP Secretariat)

### Applicants and Submitters

Ms Patricia de Kobbe (Allerding and Associates)  
Mr Steve Allerding (Allerding and Associates)  
Ms Rebecca Reeve (Holcim)  
Mr Chris Thomson

### Members of the Public / Media

Nil

## 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:33am on 19 November 2021 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2020 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

### 1.1 Announcements by Presiding Member

The Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2020 which states '*A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.*', the meeting would not be recorded.

This meeting was convened via electronic means (Zoom). Members were reminded to announce their name and title prior to speaking.



## 2. Apologies

Nil

## 3. Members on Leave of Absence

Nil

## 4. Noting of Minutes

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

## 5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

## 6. Disclosure of Interests

Nil

## 7. Deputations and Presentations

- 7.1 Mr Chris Thomson addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.2 Mr Steve Allering (Allering & Associates) addressed the DAP in support of the recommendation for the application at Item 8.1. Mr Allering and Ms Rebecca Reeves responded to questions from the panel.
- 7.3 The City of Albany addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

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

### 8.1 Lot 101 (No.16) Locke Street and Lot 102 (No. 25) Kelly Street, Orana

Development Description: Industry - General (Temporary (Mobile) Concrete Batching Plant & Replacement/Upgrade of Existing Concrete Batching Plant)  
Applicant: Allering and Associates  
Owner: Holcim (Australia) Pty Ltd  
Responsible Authority: City of Albany  
DAP File No: DAP/21/02061



## REPORT RECOMMENDATION

**Moved by:** Mayor Dennis Wellington

**Seconded by:** Cr Paul Terry

With the approval of the mover and seconder Condition No.8 was amended to read:

***Within 3 months following completion and occupancy of the development, the finishing (type and colour of materials/finishes or vegetation) of the noise walls and front façade facing Kelly St associated with the permanent batching plant shall be submitted to the City of Albany for approval, and to be undertaken generally in accordance with the plan Ref 5729-R-19574 – PE-DG-022 comprising artistic features on the 7.0m noise wall, to the satisfaction of the City of Albany. The approved artistic features shall be implemented and maintained thereafter to the satisfaction of the City of Albany.***

**REASON:** The standard condition for public art contribution the City of Albany originally proposed in the RAR was acknowledged by the Panel. The Applicant and the City officers in the time between the publication of the RAR the meeting, had further met and negotiated the proposed public art outcome presented in the plan Ref 5729-R-19574 – PE-DG-022, to satisfy the City's public art policy. The Panel considered the modified condition was acceptable and appropriate for the provision of the public art, for the context of the proposed development in the industrial area.

That the Regional JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/21/02061 is appropriate for consideration as a "Industry - General" land use and compatible with the objectives of the zone in accordance with Clause 3.2 of the City of Albany Local Planning Scheme No. 1.
2. **Approve** DAP Application reference DAP/21/02061 and accompanying plans (DWG No. 5729-R-19574-PE-DG-001 all Rev P being - User Req Statement, Existing Site Plan, Existing Survey, Process Flow, Layout Option 1, Layout Option 2, Typical Plant, Traffic Flow, Water Management, Noise Walls, Temporary Plant, Temporary Plant A Elevation, Temporary Plant B Elevation, Temporary Plant Silo Elevation, Permanent & Temp Plants, Elevation Kelly St, Elevation Locke St) and supporting documentation contained under the Planning Application report (Ref: HOL ALB GE / 201208) dated 20 August 2021, 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 Albany Local Planning Scheme No. 1, subject to the following conditions:

### Conditions

1. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. All development shall occur in accordance with the stamped, approved plans, unless varied by a condition of approval or a minor amendment, to the satisfaction of the City of Albany.



Prior to commencement of development

3. At least 30 days prior to the commencement of development, a Construction Management Plan shall be submitted to the City of Albany for approval. All construction works shall be undertaken in accordance with the approved Construction Management Plan, to the satisfaction of the City of Albany.
4. Prior to the commencement of development, a Dust Management Plan shall be submitted to the City of Albany for approval, to address dust management aspects for both the temporary batching plant and replacement/upgrade of the existing batching plant.
5. Prior to commencement of development, a Landscaping Plan shall be submitted to the City of Albany for approval.
6. Prior to commencement of development, an updated Waste Management Plan shall be submitted to the City for approval.
7. Prior to commencement of development, a Screening/Finishing Plan detailing the screening or finishing (type and colour of materials/finishes or vegetation) of the acoustic barriers to be installed facing Locke Street associated with the temporary batching plant, shall be submitted to and approved by the City of Albany for approval.
8. Within 3 months following completion and occupancy of the development, the finishing (type and colour of materials/finishes or vegetation) of the noise walls and front façade facing Kelly St associated with the permanent batching plant shall be submitted to the City of Albany for approval, and to be undertaken generally in accordance with the plan Ref 5729-R-19574 – PE-DG-022 comprising artistic features on the 7.0m noise wall, to the satisfaction of the City of Albany. The approved artistic features shall be implemented and maintained thereafter to the satisfaction of the City of Albany.

Approval of temporary (mobile) batching plant No. 16 (Lot 101) Locke St, Orana

9. The approval of the temporary batching plant use at No. 16 (Lot 101) Locke Street, Orana is valid:
  - a) For two years from commencement of operation; or
  - b) Until commencement of operations of the batching plant at No. 25 (Lot 102) Kelly Street, Orana.

At the end of the period identified in a) or at the event of b) above, the use shall have ceased operations to the satisfaction of the City of Albany as the temporary approval shall have expired and have no further effect.



10. Within 30 days of cease of operations of the temporary batching plant and to the satisfaction of the City of Albany:
  - a) All structures and materials associated with the temporary use shall be removed from the site in their entirety; and
  - b) The site shall be drained, graded and established, with non-dust generating surface treatment applied to the entirety of the vacant site.
11. Prior to commencement of operations of the temporary batching plant, all measures, actions and works identified under the approved Dust Management Plan above for the temporary batching plant shall be implemented, and thereafter maintained, to the satisfaction of the City of Albany.
12. Prior to commencement of operations of the temporary batching plant, the details approved for the Screening Plan shall be implemented and maintained, to the satisfaction of the City of Albany.
13. Prior to commencement of operations of the temporary batching plant, all measures and actions relating to onsite water management as identified under the Planning Application report (Ref: HOL ALB GE / 201208) dated 20 August 2021 shall be implemented and maintained during operations, to the satisfaction of the City of Albany.
14. The measures and actions identified in the Acoustic Assessment (Ref: 27991-2-20273) dated June 2021 prepared for the temporary batching plant at No. 16 (Lot 101) Locke Street, Orana shall be implemented prior to commencement of operation of the use and maintained whilst the temporary approved use is in operation to the satisfaction of the City of Albany, including but not limited to the following:
  - a) Mixing and slumping operations are not to occur at the same time during the night time period; and
  - b) Acoustic barriers in accordance with the Acoustic Barriers plan under the Acoustic Assessment dated June 2021 and as shown on the Temporary Plant plan and Permanent and Temp Plants plan (Ref: DWG No. 5729-R-19574-PE-DG-001 Rev P) dated 20 August 2021.
15. All vehicular parking, access and manoeuvring areas associated with the temporary batching plant shall be maintained as per the approved details and plans for the life of the development, to the satisfaction of the City of Albany.
16. The acoustic barriers to be installed on street boundary with Locke Street shall be located so as not to obstruct sight lines with the subject site, the adjacent road network or of adjoining properties, to the satisfaction of the City of Albany.



Approval of replacement/upgraded existing batching plant No. 25 (Lot 102) Kelly St, Orana

17. The measures and actions identified in the Acoustic Assessment (Ref: 27737-2-20273) dated May 2021 prepared for the batching plant at No. 25 (Lot 102) Kelly Street, Orana shall be implemented prior to final occupation of the development and maintained in perpetuity to the satisfaction of the City of Albany, including but not limited to the following:
  - a) Heavy vehicle access to and from the site via 25 Kelly Street (within the industrial area) during all operating times; and
  - b) Acoustic barriers in accordance with the approved Noise Walls plan (Ref: DWG No. 5729-R-19574-PE-DG-001 Rev P) dated 20 August 2021.
18. Prior to final occupation of the replacement/upgrade of the existing batching plant, all measures, actions and works identified under the approved Dust Management Plan above shall be implemented, completed and maintained, to the satisfaction of the City of Albany.
19. Prior to final occupancy of the replacement/upgraded existing batching plant, all measures and actions relating to onsite water management shall be implemented and maintained in accordance with the approved Water Management plan (Ref: DWG No. 5729-R-19574-PE-DG-001 Rev P) dated 20 August 2021, to the satisfaction of the City of Albany.
20. Prior to final occupancy of the development, the details approved for the public art proposal shall be implemented, completed and thereafter maintained, to the satisfaction of the City of Albany.
21. The approved Landscaping Plan shall be implemented within the first available planting season after the final occupation of the development and maintained thereafter to the satisfaction of the City of Albany.
22. Prior to final occupancy of the development, the approved updated Waste Management Plan for shall be implemented, completed and thereafter maintained, to the satisfaction of the City of Albany.
23. Prior to final occupancy of the replaced/upgraded existing plant and cease of operations and removal of all structures associated with the temporary batching plant, the operator shall make good any damage to infrastructure within the road reserve immediately abutting the sites, that has resulted from the construction of the replaced/upgraded existing batching plant at No. 25 (Lot 101) Kelly Street, Orana and the operations of the temporary use at No. 16 (Lot 102) Locke Street, Orana, to the satisfaction of the City of Albany.
24. Prior to final occupancy of the development, the amended crossover to No. 25 (Lot 102) Kelly Street, Orana shall be constructed to the specifications, levels and satisfaction of the City of Albany.



### General conditions

25. Temporary structures, such as prefabricated or demountable offices, portable toilets and skip bins necessary to facilitate storage, administration and construction activities are permitted to be installed within the property boundaries of the subject site(s) for the duration of the decommissioning and construction period of the existing batching plant. These structures are to be located so not to obstruct vehicle sight lines of the subject site, the adjacent road network or of adjoining properties to the satisfaction of the City and are to be removed prior to initial occupation of the development.
26. All temporary and/or permanent outdoor lighting associated with the development shall be designed and installed in accordance with Australian Standard AS4282/2019 and thereafter maintained to the satisfaction of the City of Albany. Lighting is to be positioned and shielded so as not to cause any direct, reflected or incidental light to encroach beyond the property boundaries.
27. All permanent vehicular parking and access areas shall be maintained as per the approved details and plans, to the satisfaction of the City of Albany.
28. Parking areas shall be illuminated when they are in use or may be sought to be used by patrons during hours of darkness, to the satisfaction of the City of Albany.
29. Storage of all goods and materials associated with the approved use shall be wholly contained on site. No goods or materials shall be stored in parking or landscape areas, or in access driveways, unless otherwise approved by the City of Albany.
30. The loading and unloading of goods and materials shall occur entirely within the site and be undertaken in a manner so as to cause minimum interference with other vehicular traffic.
31. Sign(s) shall not be erected on the lot without the prior approval of the City of Albany.

### **Advice Notes**

1. In regards to the proposed staging of the development, the applicant is to notify the City of Albany in writing prior to the following events:
  - a) Commencement of operations of the approved temporary batching plant and commencement of the decommissioning of the existing batching plant; and
  - b) Completion of construction of the upgraded batching plant, and cease of operations of the temporary batching plant, and
  - c) Commencement of removal of all structures and materials associated with the temporary batching plant and works to drain, grade and stabilise the vacant site.





2. With respect to the Construction Management Plan:  
The Construction Management Plan shall detail how the construction of the development will be managed including details of the following:
  - public safety and site security;
  - hours of operation,
  - noise and vibration controls;
  - air and dust management;
  - stormwater, groundwater and sediment control;
  - waste and material disposal, including details of onsite storage areas and management of collection/removal, associated with the decommissioning, construction of the replacement/upgrade of the existing batching plant and the operation of the temporary (mobile) batching plant
  - Traffic Management Plans prepared by an accredited personnel for the various phases of the construction, including any proposed road closures;
  - Parking Management Plan prepared by an accredited personnel;
  - the parking arrangements for contractors and sub-contractors;
  - on-site delivery times and access arrangements;
  - the storage of materials and equipment on site (no storage of materials on the verge will be permitted); and
  - any other matters likely to impact upon the surrounding properties or road reserve.
  
3. With respect to the Dust Management Plan:
  - a) The Dust Management Plan shall detail dust management/mitigation measures and actions:
    - Required to be implemented prior to commencement and maintained during operation of the approved temporary batching plant at No. 16 (Lot 101) Locke Street, Orana; and
    - Required to be implemented and completed prior to final occupation and maintained for with the replacement/upgraded existing batching plant at No. 25 (Lot 102) Kelly Street, Orana.
  
4. With respect to the measures and actions identified in the Acoustic Assessment prepared for the batching plant at No. 25 (Lot 102) Kelly Street, Orana:
  - a) Prior to commencement of development, final design details including materials and finishes, of the proposed acoustic barriers shall be submitted to the City of Albany for approval.
  - b) The approved final design details shall be implemented and maintained to the satisfaction of the City of Albany.



5. With respect to the approved details for water management for the temporary batching plant and approved Water Management Plan for the replacement/upgrade to the existing batching plant:
  - a) Onsite water (including stormwater) management is to be designed in accordance with the 'City of Albany's Subdivision and Development Guidelines'.
  - b) Water (including stormwater) runoff from the temporary batching plant at Locke Street to be contained and managed as per the requirements identified for the replacement/upgrade of the existing batching plant at Kelly Street.
  - c) All water (including stormwater) is to be contained onsite for reuse as detailed in the approved plan, and any overflow discharge to the City's stormwater infrastructure shall be restricted to pre-development flow rates and appropriately treated to remove all sediments and impurities.
  - d) The water management system for the replacement/upgraded batching plant is to be designed and certified by a practicing civil engineer to the satisfaction of the City of Albany.
  
6. With respect to the Landscaping Plan:
  - a) Details to include soft landscaping treatment to Kelly Street, including within the road reserve.
  - b) Details to include the size, species and location of trees/shrubs to be planted in identified landscaping areas identified on the approved plans.
  - c) Soft landscaping within the road reserve to be designed in accordance with the City's relevant standards and guidelines.
  - d) Consideration should be given to the provision of the public art contribution (or a portion of the contribution) being incorporated into the screening/finishing treatment of the Kelly Street façade (building and/or acoustic barriers) of the development or located within the landscaped areas of the street setback.
  
7. With respect to the updated Waste Management Plan:
  - a) In addition to the details for the management of waste concrete material as outlined under the Planning Application report (Ref: HOL ALB GE / 201208) dated 20 August 2021, details (including plans/specifications) are to be provided for the ongoing management of general commercial waste streams onsite, including the location and size of storage areas, bin types and sizes, and collection/disposal methods.
  - b) In addition to the identified dedicated storage areas for operational specific waste generated by the use, general commercial waste storage areas shall be capable of accommodating all waste produced by the development and screened from public view.



8. With respect to the Screening/Finishing Plan to the acoustic barriers (sea containers) for the temporary batching plant at No. 16 (Lot 101) Locke Street, Orana:
  - a) The purpose of the screening or finishing improvement works is to ensure the structures meet an acceptable aesthetic standard within the streetscape and the locality.
  - b) Consideration should be given to screening or finishing improvement works such as painting and/or re-cladding with colour or materials similar to surrounding development, installation of screening using lightweight materials or vegetation, or installation of artistic vinyl skins.
9. With respect to the public art proposal:
  - a) The commissioning and implementation of the public art proposal shall be undertaken in accordance with City of Albany Council Policy Art in the Public Domain and the City of Albany City Guideline – Art in the Public Domain.
  - b) Consideration should be given to the provision of the public art contribution (or a portion of the contribution) being incorporated into the screening/finishing treatment of the Kelly Street façade (building and/or acoustic barriers) of the development or located within the landscaped areas of the street setback or other elements of the development where visible from the public realm.
10. With respect to the crossovers to Kelly and Locke Streets:
  - a) A 'Permit for Vehicle Crossover Construction' from the City of Albany is required prior to any works (new or proposed upgrades to existing) being carried out within the road reserve, which shall be in accordance with drawing nos. STD-05-01 – STD-05-03 (refer to the City of Albany's Subdivision and Development Guidelines).
  - b) All service lids, including stormwater pit lids, within the crossover areas shall be trafficable and the lid heights adjusted to suit the finished surface of the crossover or verge.
11. The level of noise emanating from the premises shall not exceed that prescribed in the *Environmental Protection Act 1986*, and the *Environmental Protection (Noise) Regulations 1997*.
12. The temporary batching plant and replacement/upgrade of the existing batching plant are to operate in accordance with the requirements outlined under the *Environmental Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998*.

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

**REASON:** The Panel having considered the Responsible Authority Report and all materials and information presented, was satisfied with the RAR recommendation but with the amended Condition No. 8. The Panel was satisfied that all relevant planning considerations had been appropriately addressed.



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

Nil

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

The Presiding Member noted the following SAT Applications -

<b>Current SAT Applications</b>				
<b>File No. &amp; SAT DR No.</b>	<b>LG Name</b>	<b>Property Location</b>	<b>Application Description</b>	<b>Date Lodged</b>
DP/14/00039 DR 65/2020	Shire of York	Lots 4869 (2256), 5931, 9926 (2948) and 26934 Great Southern Highway, St Ronans	Construction and Use of Allawuna Farm for the purposes of a Class II Landfill	28 July 2020

The Presiding Member noted the following Supreme Court Appeal -

<b>Finalised Supreme Court Appeals*</b>				
<b>File No.</b>	<b>LG Name</b>	<b>Property Location</b>	<b>Application Description</b>	<b>Date Lodged</b>
CIV 1496 of 2021 (DAP/20/01845)	City of Busselton	Lot 26 & 28 Geographe Bay Road and Lots 23 & 25 Lorna Street, Dunsborough	Mixed Use Multiple Residential	15 June 2021

\* Matters finalised during the last meeting cycle.

**11. General Business**

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2020 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

**12. Meeting Closure**

There being no further business, the Presiding Member declared the meeting closed at 10.10am.