



Regional Development Assessment Panel Minutes

Meeting Date and Time: Wednesday, 30 October 2024; 1:00pm
Meeting Number: RDAP/26
Meeting Venue: 140 William Street, Perth

A recording of the meeting is available via the following link:
[RDAP/26 - 30 October 2024 - City of Albany](#)

PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement
2. Apologies
3. Members on Leave of Absence
4. Noting of Minutes

PART B – CITY OF ALBANY

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 869, 177 Chester Pass Road, Milpara - Industry - Light (Expansion of Existing Warehouse) – DAP/24/02732
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART C – OTHER BUSINESS

1. State Administrative Tribunal Applications and Supreme Court Appeals
2. General Business
3. Meeting Closure

Dale Page
Presiding Member, Regional DAP



Attendance	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Dale Page (Presiding Member)	Kristen Parker
Clayton Higham (Deputy Presiding Member)	Ashlee Kelly
Robert Karelse	
<i>Part B – City of Albany</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Deputy Mayor Paul Terry	Dylan Ashboth
Cr Lynn MacLaren	Jan van der Mescht

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Presiding Member, Regional DAP



Applicant and Submitters
<i>Part B – City of Albany</i>
Karen Wright (Urbis) Luke Mifsud (Urbis)

Members of the Public / Media

Nil.

Observers via livestream

There were 2 persons observing the meeting via the livestream.

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Presiding Member, Regional DAP



PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 1:00pm on 30 October 2024 and acknowledged the traditional owners and custodians of the land on which the meeting was held and welcomed members.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2024 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

1.1 Announcements by Presiding Member

The Presiding Member advised that panel members may refer to technical devices, such as phones and laptops, throughout the meeting to assist them in considering the information before them.

The meeting was recorded and livestreamed on the DAP website in accordance with regulation 40(2A) of the *Planning and Development (Development Assessment Panels) Regulations 2011*. Members were reminded to announce their name and title prior to speaking.

2. Apologies

Mayor Greg Stocks (Local Government Member, City of Albany)
Cr Malcolm Traill (Local Government Member, City of Albany)

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](#).



PART B – CITY OF ALBANY

1. Declaration of Due Consideration

The Presiding Member noted that details of a DAP direction for further information and responsible authority response in relation to Item 3.1, received on 24 October 2024 was published in Part B of the Related Information.

The Presiding Member notes an addendum to the agenda was published to include further information from the City in relation to Item 3.1, received on 29 October 2024 was published in Part B of the Related Information.

All members declared that they had duly considered the documents contained within Part B of the Agenda and Part B of the Related Information.

2. Disclosure of Interests

Nil.

3. Form 1 DAP Applications

3.1 Lot 869, 177 Chester Pass Road, Milpara - Industry - Light (Expansion of Existing Warehouse) – DAP/24/02732

Deputations and Presentations

Karen Wright and Luke Mifsud (Urbis Ltd) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Matthew Brehaut (Emkc3) responded to questions from the panel.

The City of Albany addressed the DAP in relation to the application at Item Number and responded to questions from the panel.

REPORT RECOMMENDATION

Moved by: Deputy Mayor Paul Terry

Seconded by: Clayton Higham

That the Regional DAP resolves to:

1. **Accept** that the DAP Application reference DAP/24/02732 is appropriate for consideration as a "Industry - Light (Additions)" land use and compatible with the objectives of the zone in accordance with Part 3 Table 2 of the City of Albany Local Planning Scheme No.2.

Dale Page
Presiding Member, Regional DAP



2. **Approve** DAP Application reference DAP/23/02732 and accompanying plans dated 24 June 2024 being - Proposed Estate Plan, Proposed Site Plan and proposed Elevations and attached supporting documentation, 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.2, 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. A Construction Management Plan is to be prepared by the applicant and submitted to the City of Albany for approval at least 14 days prior to the commencement of works. Any changes proposed to the approved Construction Management Plan shall be submitted to the City for approval in writing, prior to implementation of any changes. Once approved, the development is to be constructed in accordance with the Construction Management Plan to the satisfaction of the City of Albany
4. Prior to commencement of development, a Stormwater Management Plan shall be submitted for approval to the City of Albany. Prior to occupation of development, the approved Stormwater Management Plan shall be implemented, completed and maintained thereafter to the satisfaction of the City of Albany.
5. Prior to commencement of development a fencing plan detailing the size, location, and materials of all fencing is to be submitted for approval to the satisfaction of the City of Albany.
6. Prior to the commencement of development, a Waste Management Plan shall be submitted for approval and implemented thereafter to the satisfaction of the City of Albany.
7. Prior to commencement of the development, a public art proposal to the value of 1% of the estimated cost of development (or payment of cash-in-lieu) in accordance with the City of Albany Public Art Policy, shall be submitted to the City of Albany for approval. Prior to 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.

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Presiding Member, Regional DAP



Prior to occupation

8. Prior to occupation, new crossover/s shall be constructed to the specifications, levels and satisfaction of the City of Albany.
9. Prior to occupation, car parking spaces and manoeuvring areas shall be designed, constructed and maintained in perpetuity in accordance with Australian Standard 2890, to the satisfaction of the City of Albany.
10. Prior to occupation, landscaping shall be provided in accordance with the approved Landscape DA Report dated June 2024 by Emerge Associates and maintained thereafter to the satisfaction of the City of Albany.
11. Prior to occupancy, the premises shall be connected to the Water Corporation sewerage system.

General conditions

12. No person shall install or cause or permit the installation of outdoor lighting otherwise than in accordance with the requirements of Australian Standard AS 4282 - 2019 Control of the Obtrusive Effects of Outdoor Lighting.
13. The development hereby approved shall not prejudicially affect the amenity of the neighbourhood by, but not limited to, the emission of noise, vibration, smell, smoke or dust.
14. The loading and unloading of goods shall occur entirely within the site and be undertaken in a manner so as to cause minimum interference with other vehicular traffic.
15. No goods or materials shall be stored, either temporarily or permanently, in the parking or landscape areas or in access driveways, unless otherwise agreed in writing by the City of Albany.
16. The existing access to Chester Pass Road shall remain as an Exit Only option for the current business operations at all times.
17. The premises shall be connected to a Water



Advice Notes

1. With respect to the construction Management Plan:
The Construction Management Plan shall detail how the construction of development will be managed including the following:
 - a. Public safety and site security.
 - b. Hours of operation.
 - c. Noise and vibration controls.
 - d. Air and dust management.
 - e. Stormwater, groundwater and sediment control; • Waste and material disposal.
 - f. Traffic Management Plans prepared by accredited personnel for the various phases of the construction, including any proposed road closures.
 - g. Parking Management Plan prepared by an accredited personnel.
 - h. The parking arrangements for contractors and sub-contractors.
 - i. On-site delivery times and access arrangements;
 - j. The storage of materials and equipment on site (no storage of materials on the verge will be permitted);
 - k. Manage potential impacts on the adjacent heritage buildings in the adjacent Stirling Terrace Precinct and
 - l. Any other matters likely to impact upon the surrounding properties or road reserve.
2. With respect to the Stormwater Management Plan:
 - a. The Stormwater Management Plan is to be designed in accordance with the 'City of Albany's Subdivision and Development Guidelines', with information provided as part of the Stormwater Management Plan to include relevant details and calculations.
 - b. The stormwater management system is to be designed and certified by a practicing Civil Engineer to the satisfaction of the City of Albany.
 - c. The Stormwater Management Plan is to include relevant details from the Vehicular Parking and Access Plan and the Landscape Plan approved for the development.
 - d. No stormwater drainage is to be discharged onto the road reserve.
3. With respect to the Waste Management Plan:
The Waste Management Plan shall include the following details:
 - a. Separation of:
 - i. Scrap steel for recycling
 - ii. Comingled recyclables
 - iii. Hazardous waste
 - b. Clearly marked indoor and outdoor bins to encourage correct separation of waste types.
 - c. Waste containment (e.g. covered bins) and litter management plan for the area.



4. With respect to the Percent for Art contribution:
 - 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.
5. With respect to the vehicle crossover:
 - a. A 'Permit for Vehicle Crossover Construction' from the City of Albany is required prior to any work 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).
6. The City of Albany advises that the development the subject of this development approval must comply with the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997 in relation to noise emissions and the Environmental Protection (Unauthorised Discharge) Regulations 2004 in relation to discharges into the environment.
7. No earthworks are to encroach onto the road reserve.
8. The landowner shall make good any damage to the existing verge and vegetation within the road reserve.
9. It is recommended that the Department of Water and Environmental Regulation is contacted in relation to clearing permit requirements. Please contact the Department's Native Vegetation Regulation section by email (admin.nvp@dwer.wa.gov.au) or by telephone (6364 7098). (Department of Water and Environmental Regulation).

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AMENDING MOTION 1

Moved by: Clayton Higham

Seconded by: Deputy Mayor Paul Terry

That a new Condition No.18 be added to read as follows:

Prior to the commencement of development, the enclosure marked in red on the stamped approved plans shall be removed and landscaping subsequently reinstated, to the satisfaction of the City.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The City of Albany requested the additional condition to resolve the issue of encroachment into the road reserve. The condition was acceptable to the applicant.

AMENDING MOTION 2

Moved by: Dale Page

Seconded by: Robert Karelse

That Condition No. 13 be deleted, and the remaining conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: It was considered that the condition is vague and open-ended. Noise issues are covered by the Noise Regulations and issues of vibration, smell, smoke and dust should be dealt with via the City's Health Local Law. The condition would be difficult to enforce and not appropriate to place on a planning approval.

AMENDING MOTION 3

Moved by: Robert Karelse

Seconded by: Clayton Higham

That Condition No. 7 be amended to read as follows:

Prior to commencement of the development, a public art proposal to the value of 1% of the estimated cost of development (or payment of cash-in-lieu) in accordance with the City of Albany Public Art Policy, shall be submitted to the City of Albany for approval. Prior to occupancy of the development, the details approved for the public art proposal shall be implemented, completed and thereafter maintained, or the payment of cash-in-lieu needs to be completed, to the satisfaction of the City of Albany.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Should the cash-in-lieu payment be selected for the public art contribution then it is considered that the Owner cannot be responsible for ensuring that the actions as described in the condition can be completed.

Dale Page
Presiding Member, Regional DAP



AMENDING MOTION 4

Moved by: Dale Page

Seconded by: Deputy Mayor Paul Terry

That Condition No. 17 be deleted, and the remaining conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: This was identified as an error in the report and deletion of the condition rectifies the error.

REPORT RECOMMENDATION (AS AMENDED)

That the Regional DAP resolves to:

1. **Accept** that the DAP Application reference DAP/24/02732 is appropriate for consideration as a "Industry - Light (Additions)" land use and compatible with the objectives of the zone in accordance with Part 3 Table 2 of the City of Albany Local Planning Scheme No.2.
2. **Approve** DAP Application reference DAP/23/02732 and accompanying plans dated 24 June 2024 being - Proposed Estate Plan, Proposed Site Plan and proposed Elevations and attached supporting documentation, 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.2, subject to the following conditions:

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4. Prior to commencement of development, a Stormwater Management Plan shall be submitted for approval to the City of Albany. Prior to occupation of development, the approved Stormwater Management Plan shall be implemented, completed and maintained thereafter to the satisfaction of the City of Albany.
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6. Prior to the commencement of development, a Waste Management Plan shall be submitted for approval and implemented thereafter to the satisfaction of the City of Albany.
7. Prior to 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.

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8. Prior to occupation, new crossover/s shall be constructed to the specifications, levels and satisfaction of the City of Albany.
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13. The loading and unloading of goods shall occur entirely within the site and be undertaken in a manner so as to cause minimum interference with other vehicular traffic.
14. No goods or materials shall be stored, either temporarily or permanently, in the parking or landscape areas or in access driveways, unless otherwise agreed in writing by the City of Albany.
15. The existing access to Chester Pass Road shall remain as an Exit Only option for the current business operations at all times.



16. Prior to the commencement of development, the enclosure marked in red on the stamped approved plans shall be removed and landscaping subsequently reinstated, to the satisfaction of the City.

Advice Notes

1. With respect to the construction Management Plan:
The Construction Management Plan shall detail how the construction of development will be managed including the following:
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 - c. The Stormwater Management Plan is to include relevant details from the Vehicular Parking and Access Plan and the Landscape Plan approved for the development.
 - d. No stormwater drainage is to be discharged onto the road reserve.



3. With respect to the Waste Management Plan:
The Waste Management Plan shall include the following details:
 - a. Separation of:
 - i. Scrap steel for recycling
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 - 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.
5. With respect to the vehicle crossover:
 - a. A 'Permit for Vehicle Crossover Construction' from the City of Albany is required prior to any work 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).
6. The City of Albany advises that the development the subject of this development approval must comply with the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997 in relation to noise emissions and the Environmental Protection (Unauthorised Discharge) Regulations 2004 in relation to discharges into the environment.
7. No earthworks are to encroach onto the road reserve.
8. The landowner shall make good any damage to the existing verge and vegetation within the road reserve.
9. It is recommended that the Department of Water and Environmental Regulation is contacted in relation to clearing permit requirements. Please contact the Department's Native Vegetation Regulation section by email (admin.nvp@dwer.wa.gov.au) or by telephone (6364 7098). (Department of Water and Environmental Regulation).

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

REASON: The proposal is consistent with the objectives of the zone, it will have no negative impact on the surrounding area and the new landscaping and site works will lift the appearance of the site.



4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

Dale Page
Presiding Member, Regional DAP



PART C – OTHER BUSINESS

1. State Administrative Tribunal Applications and Supreme Court Appeals

The DAP noted the status of the following State Administrative Tribunal Applications and Supreme Court Appeals:

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DP/14/00039 DR65/2020	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
DAP/21/02063 DR241/2021	Shire of Dardanup	Lot 2 Banksia Road, Crooked Brook	Cleanaway Dardanup Landfill Facility	5 November 2021
DAP/23/02510 DR84/2024	Shire of Harvey	Lot 28 (No.79) Tredrea Place, Myalup	Workforce Accommodation	13 June 2024

Finalised SAT Applications*				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Finalised
DAP/23/02506 DR199/2023	Shire of Augusta-Margaret River	Lot 11 & 12 Fearn Avenue, Margaret River	Proposed Hotel and Restaurant	28 October 2024

* Matters finalised during the last meeting cycle

2. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2024 a DAP member must not publicly comment on any action or determination of a DAP.

3. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 1:43pm.

Dale Page
Presiding Member, Regional DAP