



Western Australian Planning Commission

Minutes

Meeting No.10
Thursday, 15 July, 2021

- Members:**
- David Caddy - Chairman WAPC
 - Michelle Andrews - Director General, Department of Water and Environmental Regulation
 - Helen Brookes - Coastal Planning and Management Representative
 - Fred Chaney - Professions Representative
 - Emma Cole - Metropolitan Local Government Representative
 - Lynne Craigie - Nominee of the Regional Minister
 - Veronica Fleay - Local government representative – non-metropolitan
 - Barry McGuire - Professions Representative
 - Justin McKirdy - Urban and Regional Planning Representative
- Apologies:**
- Ralph Addis - Director General, Department of Primary Industries and Regional Development (Associate member)
 - Jane Bennett - Professions Representative
 - Rebecca Brown - Director General, Department of Jobs, Tourism, Science and Innovation
 - Jodi Cant - Director General, Department of Planning, Lands and Heritage
 - Mike Rowe - Director General, Department of Communities
 - Peter Woronzow - Director General, Department of Transport
- Observers:**
- Tia Byrd - Department of Jobs, Tourism, Science and Innovation
- Others present:**
- Cassandra Barrow – Principal Planning Officer
 - Kristi Clarke – Director, Communications and Engagement
 - Taryn Cox – Planning Administration Officer
 - Paola Di Perna – Principal Planning Officer
 - Sam Fagan – Manager, Commission Business
 - Irene Obales – Commission Support Officer
 - Margaret Smith – Planning Director, State Development Assessment Unit
- Applicants:**
- Kareena May - SITE Planning + Design
 - Steve Bennett – DevelopmentWA
 - Mark Eral – Proven Project Management

1. Declaration of opening

The Chairman declared the meeting open at 2.03pm, acknowledged the peoples of the Noongar nation as the traditional owners and custodians of the land on which the meeting is taking place and welcomed members and acknowledged the majority of members were attending the meeting via Zoom video conference. The Chairman paid respect to elders past and present, and extended solidarity and hope for a just and dignified future for us all.

The Chairman provided an introductory statement which is available [here](#).

The Chairman advised that no person may use any electronic, visual or audio recording device or instrument to record proceedings of the WAPC and outlined that the Commission is not recording this meeting.

The Chairman also advised all participants that Commission members may refer to technical devices, such as phones and laptops, throughout the meeting to assist them in considering the information before them.

2. Apologies

Ralph Addis - Director General, Department of Primary Industries and Regional Development

Jane Bennett - Professions Representative

Rebecca Brown - Director General, Department of Jobs, Tourism, Science and Innovation

Jodi Cant – Director General, Department of Planning, Lands and Heritage

Mike Rowe - Director General, Department of Communities

Peter Woronzow - Director General, Department of Transport

3. Disclosure of interests

Ms Bennett declared a Direct Pecuniary interest on Item 7.1 - Lot 84 Quill Way and Portion Lot 4552, Henderson - Australian Marine Complex Henderson - Proposed Wharf Extension, Seabed Reclamation, Dredging and Associated Works. Ms Bennett stated that she is the Director of WALA, the applicant for this proposal.

4. Declaration of due consideration

All members indicated that they had received and considered the agenda items prior to the Western Australian Planning Commission Part 17 meeting.

4.1 Questions from members and responses from DPLH Staff provided prior to the meeting

5. Deputations and presentations

5.1 Lot 84 Quill Way and Portion Lot 4552, Henderson - Australian Marine Complex Henderson - Proposed Wharf Extension, Seabed Reclamation, Dredging and Associated Works

Written submission: SITE planning + design, on behalf of DevelopmentWA

Members noted the written submission provided by SITE planning + design, on behalf of DevelopmentWA.

6. Presentation of key issues by the Department of Planning, Lands and Heritage

Ms Smith, Director of the State Development Assessment Unit presented the key issues and considerations of the application at Item 7.1.

7. Item/s for decision

7.1 Lot 84 Quill Way and Portion Lot 4552, Henderson - Australian Marine Complex Henderson - Proposed Wharf Extension, Seabed Reclamation, Dredging and Associated Works

The Chairman invited discussion from members on the report presented at Item 7.1 of the agenda.

RESOLUTION:

REASON:

Commission members resolved that the application is consistent with the current and future planning framework for the area and met the criteria to be determined as a significant development, as prescribed under Part 17 of the *Planning and Development Act 2005* (as amended by the *Planning and Development Act 2020*), and approved the application, subject to conditions.

Moved by Ms Brookes

Seconded by Mr Chaney

*That the Western Australian Planning Commission resolves to **APPROVE** development application reference SDAU-037-21 and accompanying plans (date stamped 28 June 2021) for a proposed wharf extension, seabed reclamation, dredging and associated works including service connections at Lot 804 Quill Way and portion of Lot 4552, Henderson, in accordance with s.274 of the Planning and Development Act 2005, subject to the following conditions:*

Conditions

Approval Timeframe

1. *This decision constitutes planning approval only and is valid for a period of 12 months from the date of approval. If the development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.*

Conformity with Plans

2. *The development is to be undertaken in accordance with the approved plans and documents date stamped 28 June 2021 attached to this approval, final details of which are to be provided at detailed drawing stage to the satisfaction of the Western Australian Planning Commission.*

3. *Prior to the commencement of works, detailed engineering and technical drawings and specifications for the proposed development including details of all final surface treatments are to be submitted, and approved to the satisfaction of the Western Australian Planning Commission on advice of the Fremantle Port Authority and the City of Cockburn.*

Clearance of Conditions of Approval

4. *A copy of the final detailed drawings prepared for submission at relevant construction and project phases and all associated reports and information that address the conditions of approval are to be submitted to and cleared by the Western Australian Planning Commission.*

Management Plans

5. *Prior to the commencement of works, the Construction Environmental Management Plan prepared by Advisian dated 13 April 2021 (Ref: 311012-00196-EN-REP-002) is to be updated, submitted to, and approved by, the Western Australian Planning Commission on advice from the Fremantle Port Authority and City of Cockburn. The approved Plan shall be implemented and adhered to at all times during the construction phase, unless otherwise approved by the Western Australian Planning Commission on advice from the City of Cockburn and Fremantle Port Authority.*
6. *Prior to the commencement of works, the Dredging Management Plan prepared by Advisian dated 16 April 2021 (Ref: 311012-00196-EN-REP-003) is to be updated, submitted to, and approved by, the Western Australian Planning Commission on advice from the Fremantle Port Authority and the City of Cockburn. The approved Plan shall be implemented and adhered to at all times during the construction phase, unless otherwise approved by the Western Australian Planning Commission on advice from the City of Cockburn and Fremantle Port Authority.*

Water Management

7. *Prior to the commencement of works, a Stormwater Management Plan certified by a suitably qualified person shall be submitted to and approved by the Western Australian Planning Commission, on advice from the Department of Water and Environmental Regulation and City of Cockburn, and thereafter implemented.*

Other

8. *Prior to the commencement of works, a detailed lighting plan for the proposed development being submitted to, and approved by, the Western Australian Planning Commission on advice from the Fremantle Port Authority, demonstrating that the lighting is generally contained within the immediate development area and positioned to minimise adverse impact on water users.*

9. *Prior to commencement of development works, investigation for soil and groundwater contamination is to be carried out at Lot 804 and in sediments of the adjacent Lot 4552 to determine if remediation is required. Any remediation required shall be completed prior to completion of construction to the satisfaction of the Western Australian Planning Commission on advice from the Department of Water and Environmental Regulation. Prior to the commencement of use, a report, or reports, shall be prepared by a suitably qualified person to demonstrate that the investigations and remediation have been carried out in compliance with the Contaminated Sites Act 2003 and current Department of Water and Environmental Regulation contaminated sites guidelines, and to ensure that the site is suitable for the proposed use.*

Advice Notes

- a) *With regard to condition 1, and in accordance with s.279(4) of the Planning and Development Act 2005, the Western Australian Planning Commission cannot do anything that would have the effect of extending the period within which the development must be substantially commenced.*

- b) *With regard to condition 3:*

- i. *the final working drawings are to comply with all of the relevant conditions of development approval, as confirmed by the Western Australian Planning Commission, and any variations from the approved plans are required to be clearly identified. Once the Western Australian Planning Commission is satisfied that the working drawings are consistent with the approved development plans and any reports and information submitted have adequately addressed the conditions of approval, the Commission will provide a clearance letter and copies of the working drawings to the City of Cockburn to assist with the issuing of a building permit.*

Where works and/or building permits are proposed to be staged, the Commission may agree to a staged clearance of working drawings and associated conditions of approval. In such cases a Conditions Staging Matrix will need to be completed and submitted for the Western Australian Planning Commission's approval.

Interim documentation and/or plans may be acceptable for the clearance of some conditions for the initial stages of the development, in accordance with an approved Conditions Staging Matrix. In the instance where interim documents or plans are accepted by the Western Australian Planning Commission, the documentation is required to identify the time or stage for the delivery of the final documents and/or plans.

- ii. *Approval for any substantive changes to the approved plans will need to be obtained in writing from the Western Australian Planning Commission, via an Amended Application process*

(Form 17C). Please be advised that modifications to proposal may require further approval from the Fremantle Port Authority.

- iii. *As-constructed plans are to be submitted, in PDF and CAD formats, to the Fremantle Port Authority within two months of the development being completed.*
- iv. *The applicant is to liaise with the City of Cockburn to ensure their requirements regarding interfaces with the Primary Routes in the Long-Term Cycling Network are met.*
- c) *With regard to condition 5, the Construction Environmental Management Plan is to be updated to*
 - i. *reflect Stage 1 works which are the subject of this approval;*
 - ii. *provide in depth details inclusive of detailed construction methodology, task specific risk assessment relevant to the contactors scope of works, copy of environmental policy, key staff personal, detailed contractor's incident management system (including procedure/timeframe for reporting incidents, contractor's complaint management process, audit schedule and contents);*
 - iii. *include hydrocarbon spills, invasive marine pest identification and complaint handling to Section 7.1 and additional notifications to Department of Water and Environmental Regulations and Department of Primary Industries and Regional Development as relevant.*
- d) *With regard to condition 6, the Dredging Management Plan is to be updated to reflect Stage 1 works only which are the subject of this approval and any further changes which may arise from the associated Construction Environmental Management Plan.*
- e) *With regard to condition 9,*
 - i. *In accordance with regulation 31(1)(c) of the Contaminated Sites Regulations 2006, a mandatory auditor's report, prepared by an accredited contaminated sites auditor, will need to be submitted to the Department of Water and Environmental Regulation as evidence of compliance. A current list of accredited auditors is available from www.dwer.wa.gov.au.*
 - ii. *The auditor may submit, as appropriate, interim reports throughout the construction process, with the final report being submitted prior to the commencement of use*
- f) *The applicant is advised that any works that require the abstraction of groundwater, including dewatering activities, will be required to be licenced by the Department of Water and Environmental Regulation under the Rights in Water Irrigation Act 1914.*
- g) *It is noted that water supply and wastewater services are currently available to the site. Further approvals from the Water Corporation and infrastructure contributions and fees, may be required. Contact*

the Water Corporation - Building Services section prior to commencement of works.

- h) *If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with Part 17 of the Planning and Development Act 2005.*

The motion was put and carried

8. State Administrative Tribunal applications

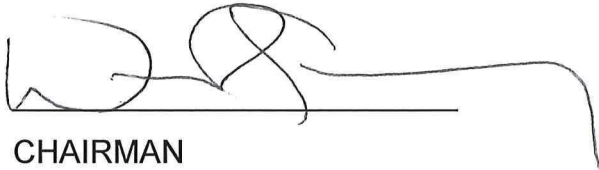
Nil.

9. General business

Nil.

10. Meeting closure

There being no further business before the Board, the Chairman thanked members for their attendance and declared the meeting closed at 2.12pm.



CHAIRMAN

21.07.21

DATE