



**Minister for Planning; Culture & the Arts; Science & Innovation
Government of Western Australia**

Our ref: 33-16340

Hon. Alannah MacTiernan
Mayor
City of Vincent
244 Vincent Street
LEEDERVILLE WA 6007

Dear Mayor MacTiernan

**HANSON CONSTRUCTION MATERIALS PTY LTD AND CITY OF VINCENT: DR
264/2011**

I have considered the State Administrative Tribunal's recommendations as provided in DR 264/2011 and I agree with the Tribunal's recommendations. I have determined that the application for review is allowed, and the deemed refusal of the respondent is set aside and conditional approval is granted. I attach a notice which gives effect to my decision.

Pursuant to the requirements of s247(4)(a) of the *Planning and Development Act 2005*, you are advised that the reasons for my determination on the application are those set down in DR 264/2011.

In summary, I determined that Hanson Construction Materials Pty Ltd be given conditional approval to operate for a further five years, during which time the necessary strategic planning framework should be finalised to indicate clearly the ultimate development intent for the subject land. I have written to the Western Australian Planning Commission to request that this planning be commenced and carried out as a priority, in liaison with the City of Vincent, in order to provide certainty to all parties with an interest in the future of the area.

Yours sincerely

**JOHN DAY MLA
MINISTER FOR PLANNING;
CULTURE AND THE ARTS**

Att 2 2 MAY 2012

NOTICE OF DETERMINATION OF APPLICATION BY MINISTER

Pursuant to section 246 of the *Planning and Development Act*

The Minister for Planning has pursuant to the provisions of Section 246(2)(b) of the *Planning and Development Act 2005* in the matter of Hanson Construction Materials Pty Ltd and the City of Vincent determined the application for review as follows:

Planning approval be given for the development of the applicant's East Perth concrete batching plant, subject to the following conditions:

- 1) This approval is granted for a term expiring on 16 October 2017.
- 2) This approval limits concrete batching operations and access to the site by trucks and semi-trailers to any time between Monday and Saturday inclusive.
- 3) There is to be no access to the site by trucks and semi-trailers on Sundays or public holidays.
- 4) Within three calendar months of the issue of the approval, the Applicant shall update the Environmental Management Plan dated April 2010 or submit a management plan to the City of Vincent which addresses the following matters:
 - a. The identification of the noise attenuation measures contained in the development application;
 - b. Dust and cement waste management including regular washing down of trucks before exiting the site, dust control on-site and the contribution of half of the cost of the City sweeping dust from Edward Street once a week;
 - c. A traffic management plan for all vehicles entering and exiting the site, including driver education in regard to truck routes, vehicle speeds, and operations to minimise disturbance and public safety concerns;
 - d. Permanent and fixed dust monitoring equipment shall be installed on the perimeter of the site and independently audited to the satisfaction of the City of Vincent;
 - e. The implementation of a complaint handling system which provides:

- i. A manned 24 hour telephone number and email address to log complaints and enquiries; and
 - ii. A record of complaints and enquiries logged, and the applicant's response, shall be provided on a bi-annual basis to the City for its monitoring information; and
 - f. A review of the management plan after the first 12 months from the date of submission;
 - g. The use of Iveco trucks during the night/early morning operations;
 - h. The provision to the City of an updated training register;
 - i. No water spray from sprinklers in vegetated areas being permitted beyond the boundary of the site; and
 - j. Engaging in any discussions with the City regarding repairs to roads which have been potentially damaged by Hanson's trucks.
- 5) The development must be carried out in accordance with the recommendations of the SVT Engineering Consultants Environmental Noise Assessment for the East Perth Concrete Batching Plant dated 21 April 2011, or other Noise Management Plan endorsed by the City, including in particular, but without limitation:
 - a. Control/reduction of noise emitted from the site and activities associated with the site;
 - b. Maintenance of plant/mechanical equipment and application of inspection schedules to ensure optimal, quiet working order;
 - c. Selection of equipment for onsite operations, including both prospective equipment, and retrofitting of existing equipment, to minimise individual and accumulative noise impacts from the site;
 - d. Induction and training of workforce to promote compliant operation, in accordance with the noise management plan;

- e. Detail the methods of on-going self-monitoring, including testing equipment, locations, frequency, technical parameters, interpretation of results, and periodic evaluation of the monitoring method (to account for further encroachment of residential development and changes to surrounding built environment over time);
 - f. Complaint response methods, including short and long term abatement measures and record keeping; and
 - g. Details of staff member(s) accountable for overseeing compliance with the noise management plan.
- 6) Prior to the issue of a building licence for this development, the following shall be submitted to and approved by the City:
- a. An amended plan detailing a minimum of two significant design features being incorporated in the proposed façade of building fronting Lord Street to reduce the visual impact on the streetscape;
 - b. A construction management plan addressing the following issues:
 - i. Public safety, amenity and site security;
 - ii. Contact details of essential site personnel;
 - iii. Construction operating hours;
 - iv. Noise control and vibration management;
 - v. Waste management and materials re-use; and
 - vi. Parking arrangements for contractors and subcontractors; and
 - c. A detailed landscape and reticulation plan for the development site and adjoining road verge shall be submitted to the City's Parks and Property Services for assessment and approval.

For the purpose of this condition, a detailed landscape and reticulation plan shall be drawn to a scale of 1:100 and show the following:

- i. The location and type of existing and proposed trees and plants;

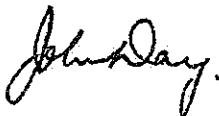
- ii. All vegetation including lawns;
- iii. Areas to be irrigated or reticulated and such method;
- iv. Proposed watering system to ensure the establishment of species and their survival during the hot and dry months; and
- v. Separate soft and hard landscaping plans (indicating details of materials to be used).

7) The following plans, as approved by the City, shall be implemented:

- a. The updated or new environmental management plan referred to in condition 4;
- b. The amended plan referred to in condition 6(a);
- c. The construction management plan referred to in condition 6(b);
- d. The landscape and reticulation plan referred to in condition 6(c).

8) Compliance with the requirements of the *Environmental Protection (Noise) Regulations 1997 (WA)* by ensuring that during the period:

- a. 0700 hours to 2200 hours Monday to Saturday two trucks are not simultaneously idling or moving between the filling and slumping stations for a period exceeding 24 minutes in any four hour period; and
- b. 2200 hours and 0700 hours Monday to Saturday only one truck is ever idling or moving between the filling and slumping stations at any one time and that such idling or movement does not exceed 24 minutes in any four hour period.



JOHN DAY
MINISTER FOR PLANNING;
CULTURE AND THE ARTS

21.5.2012.

Reasons for decision:

Hanson Construction Materials Pty Ltd applied for development approval to allow the continuing operation of an existing concrete batching plant in East Perth. Hanson Construction Materials Pty Ltd then sought review of the City of Vincent's deemed refusal of that decision by the State Administrative Tribunal. The Minister for Planning considered that the application to the Tribunal raised issues of such regional importance that it was appropriate for the application to be determined by the Minister. The Minister directed the Tribunal to hear the application but, without determining it, to refer it with recommendations to the Minister for determination.

The matter was heard before the Tribunal on 28-29 February and 1 March 2012 and the result and the reasons for the recommendations of the Tribunal are provided in DR 264 2011, which result and reasons are accepted by the Minister for Planning.

In summary, the Minister has determined that Hanson Construction Materials Pty Ltd be given conditional approval to operate for a further five years, during which time the necessary strategic planning framework should be finalised to indicate clearly the ultimate development intent for the subject land.