



Regional Joint Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 14 October 2021; 11am
Meeting Number: RJDAP/31
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 Gene Koltasz (A/Deputy Presiding Member) – *item 8.2*
Mr Jason Hick (A/Third Specialist Member)

Item 8.1

Cr Kerry White (Local Government Member, Shire of Ashburton)

Item 8.2

Cr Jan Court (Local Government Member, Shire of Gingin)
Cr Frank Johnson (Local Government Member, Shire of Gingin)

Officers in attendance

Item 8.1

Mr Benjamin Leavy (Shire of Ashburton)

Item 8.2

Mr James Bayliss (Shire of Gingin)
Mr Bob Kelly (Shire of Gingin)
Mr Matthew Tallon (Shire of Gingin)

Minute Secretary

Ms Adele McMahon (DAP Secretariat)
Ms Megan Ventris (DAP Secretariat)

Applicants and Submitters

Item 8.1

Ms Rachel Chapman (Taylor Burrell Barnett)
Ms Bec Didcoe (Taylor Burrell Barnett)

Item 8.2

Ms Denise Morgan (CDP Town Planning & Urban Design)
Mr Bill Williams (ProTen)
Mr Tony Young (Santrev)
Mr David Chidlow (Shire of Dandaragan)
Ms Norma Carruthers – written submission

Members of the Public / Media

There was 1 member of the public in attendance.



1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 11:04am on 14 October 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

Mr Justin Page (Third Specialist Member)
Cr Ivan Dias (Local Government Member, Shire of Ashburton)
Cr Linton Rumble (Local Government Member, Shire of Ashburton)

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

DAP Member, Mr Justin Page, declared an Indirect Pecuniary Interest in item 8.1. Mr Page's employer (Element Advisory) is appointed on another project in the Pilbara Region for a company owned by Rio Tinto. In this case the landowner Hamersley Iron Pty Ltd is a wholly owned subsidiary of Rio Tinto

DAP Member, Cr Linton Rumble, declared an Indirect Pecuniary Interest in item 8.1. Cr Rumble is a shareholder of Rio Tinto in excess of \$10 000. These shares were purchased over 36 years ago and part of a retirement fund, never sold at any point.

Mr Paul Kotsoglo
Presiding Member, Regional JDAP



In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member determined that the members listed above, who had disclosed an Indirect Pecuniary Interests, were not permitted to participate in the discussion and voting on the item.

DAP Member, Mr Paul Kotsoglo, declared an Impartiality Interest in item 8.2. Mr Paul Kotsoglo is the Managing Director of Planning Solutions. Planning Solutions have recently lodged a development application for a Proposed Animal Husbandry – Intensive (Boiler Farm) at Lot 200 (594) Sappers Road, Nilgen located within the Shire of Gingin.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the A/Presiding Member determined that the member listed above, who had disclosed an Impartiality Interest, was not permitted to participate in the discussion and voting on the item.

7. Deputations and Presentations

- 7.1 Ms Rachel Chapman (Taylor Burrell Barnett) addressed the DAP in support of the recommendation for 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 Ms Denise Morgan (CDP Town Planning and Urban design) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.

- 7.3 Mr Tony Young (Santrev) responded to questions from the panel in relation to item 8.2.

- 7.4 Ms Norma Carruthers provided a written submission, noted by the panel in relation to item 8.2.

- 7.5 Shire of Gingin officers addressed the DAP in relation to the application at Item 8.2 and responded to questions from the panel.

The presentations at Items 7.2 - 7.5 were heard prior to the application at Item 8.2.



8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 61, Lot 603, Lot 605, Lot 623 Rocklea Road and McRae Avenue, Paraburdoon

Development Description: 262 Transient Workforce Accommodation Units and Supporting Facilities
Applicant: Taylor Burrell Barnett
Owner: Hamersley Iron Pty Ltd
Responsible Authority: Shire of Ashburton
DAP File No: DAP/21/02051

REPORT RECOMMENDATION

Moved by: Cr Kerry White

Seconded by: Ms Kanella Hope

It is recommended that the Regional Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/21/02051 is appropriate for consideration as a “Transient Workforce Accommodation” land use and compatible with the objectives of the zoning table in accordance with Clause 4.2 of the Shire of Ashburton Local Planning Scheme No.7.
2. **Approve** DAP Application reference DAP/21/02051 and accompanying plans 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 Shire of Ashburton Local Planning Scheme No. 7, subject to the following details:

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. Development shall be in accordance with the attached approved plans and subject to any modifications required as a consequence of any condition(s) of this approval.
3. Prior to lodging an application for a building permit, stormwater disposal plans, details and calculations must be submitted for approval by the Local Government and thereafter implemented, constructed and maintained to the satisfaction of the Local Government.

Mr Paul Kotsoglo
Presiding Member, Regional JDAP



4. Prior to lodging an application for a building permit, the applicant must submit and have approved by the Local Government, and thereafter implement to the satisfaction of the Local Government, a Construction Management Plan addressing the following matters:
 - (a) How materials and equipment will be delivered and removed from the site;
 - (b) How materials and equipment will be stored on the site;
 - (c) Parking arrangements for contractors;
 - (d) Construction waste disposal strategy and location of waste disposal bins;
 - (e) Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;
 - (f) How risks of wind and/or water borne erosion and sedimentation will be minimised during and after the works; and
 - (g) Other matters likely to impact on the surrounding properties.

5. A Waste Management Plan must be submitted to and approved by the Local Government prior to lodging an application for a building permit. The plan must include the following details to the satisfaction and specification of the Local Government:
 - (a) the location of bin storage areas and bin collection areas;
 - (b) the number, volume and type of bins, and the type of waste to be placed in the bins;
 - (c) details on the future ongoing management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas; and
 - (d) frequency of bin collections.

The Waste Management Plan must be implemented at all times to the satisfaction of the Local Government.

6. Prior to occupation of the development, the existing Landscaping must be upgraded, reticulated or irrigated in accordance with the approved landscaping plan and maintained thereafter to the satisfaction of the Local Government.

7. Prior to the commencement of any site works, a Construction Waste Management Plan prepared by a suitably qualified person in consultation with the Local Government, must be submitted to the Local Government. The Plan must address, but not be limited to, the following matters:
 - (a) Recycling of demolition materials including concrete;
 - (b) Removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works;
 - (c) Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the Local Government prior to the removal of any hazardous materials.



8. Prior to the occupation of the development, all vehicle crossover are to be constructed to the specification and satisfaction of the Local Government.
 - (a) All crossovers to be constructed with concrete layback, not kerb returns
 - (b) Any path existing or to be constructed in vicinity of crossovers shall be constructed continuous through the crossover.
9. Prior to occupation or use of the development, the redundant crossover/s as shown on the approved plans, must be removed and the verge and kerb reinstated to the specification and satisfaction of the Local Government.
10. Existing trees located within the verge are a Local Government asset and as such must be retained except where otherwise approved for removal by the Local Government. Existing trees identified on the approved site plan must be retained and protected in accordance with AS 4970-2009 and to the satisfaction of the Local Government.
11. All vehicle parking, access ways, footpaths and external lighting shall be constructed and maintained in accordance with the Australian Standards AS2890 in the form and layout depicted on the approved plans to the satisfaction of the Shire of Ashburton.

Advice Notes

- A. With regard to Condition 3, all stormwater drainage shall be designed in accordance with the document entitled "Australian Rainfall and Runoff" 1987 (where amended) produced by the Institute of Engineers, Australia, and the design is to be certified by a suitably qualified practicing Engineer or the like, to the satisfaction of the Shire of Ashburton, and to be designed on the basis of a 1:100 year storm event. This is to be provided with the associated Building Permit Application.
- B. The Shire of Ashburton contains many places of Aboriginal Heritage significance. Proponents are advised to consider Aboriginal heritage issues and their obligations under the *Aboriginal Heritage Act 1972* at an early stage of planning. Further information can be obtained from the Department of Planning, Lands and Heritage on (08) 6551 8002 or at the following website www.dplh.wa.gov.au.

Mr Paul Kotsoglo
Presiding Member, Regional JDAP



- C. The applicant is responsible for securing all necessary approvals and tenure, providing statutory notifications and complying with all relevant laws. Nothing in this determination notice alleviates the need for the applicant to comply with all relevant local, State and Commonwealth laws and to ensure appropriate tenure arrangements have been made where the use of/reliance upon land other than that owned by the applicant is involved. Without this obligation, the applicant is responsible for:
- (a) Obtaining all other/further necessary approvals, licences, permits, resource entitlements etc by whatever name called required by law before the development the subject of this development approval can be lawfully commenced and to carry out the activity for its duration;
 - (b) Providing any notifications;
 - (c) Securing tenure/permission from the relevant owner to use private or public land not owned by the applicant (including for access required by conditions of approval);
 - (d) Ensuring the correct siting of structure on the land. An identification survey demonstrating correct siting and setbacks of structures may be requested of the applicant to ensure compliance with this determination notices and applicable provisions.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The panel supported the recommendation in the Responsible Authority Report to approve the application for the reasons outlined in the RAR. The panel was satisfied this was a well resolved design that is suited to the context and consistent with the planning framework and is a considerable and welcomed improvement on what exists now. The application and discussion during the meeting demonstrated working relationship with the Shire and the Paraburdoo community which mitigated need for further operational conditions of approval, this included measures under an Operational Management Plan or Traffic Management.



*Mr Paul Kotsoglo (Presiding Member) left the panel at 11:45am.
Cr Kerry White (Shire of Ashburton) left the panel at 11:45am*

Ms Kanella Hope assumed the role as A/Presiding Member for item 8.2 at 11:45am

In accordance with regulation 27(2) of the Planning and Development (Development Assessment Panel) Regulations 2011, Ms Kanella Hope, Deputy Presiding Member assumed the role of A/Presiding Member for item 8.2 at 11:45am as Mr Paul Kotsoglo declared an impartiality interest that precluded him from the item.

*Mr Gene Koltasz (A/Deputy Presiding Member) joined the panel at 11:45am.
Cr Jan Court and Cr Frank Johnson (Shire of Gingin) joined the panel at 11:45am*

8.2 Lot M1254 Hunter Road, Orange Springs

Development Description: Proposed Animal Husbandry Intensive (Poultry Broiler Farm and Associated Development)
Applicant: CDP Town Planning and Urban Design
Owner: ProTen Western Australia Pty Ltd
ProTen Western Australia Trust
Responsible Authority: Shire of Gingin
DAP File No: DAP/21/02040

REPORT RECOMMENDATION

Moved by: Cr Frank Johnson

Seconded by: Cr Jan Court

That the Regional Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/21/02040 is appropriate for consideration as an "Animal Husbandry - Intensive" land use and is compatible with the objectives of the General Rural zone in accordance with Clause 3.2.7 of the Shire of Gingin's Local Planning Scheme No. 9;
2. **Approve** DAP Application reference DAP/21/02040 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of 2 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. The development plans, as date stamped received by the Shire on 16 July 2021 and accompanying documentation (as amended), together with any requirements and annotations detailed thereon, are the plans approved as part of this application and shall form part of the development approval issued;



3. Prior to the commencement of site works, the landowner/applicant shall prepare and implement a Construction Management Plan (CMP) for the construction phase of the development to the satisfaction of the Shire of Gingin, that at a minimum:
 - (i) Ensures site works, machinery and materials on the site do not generate unreasonable levels of noise, vibration, dust, wastewater or waste products.
 - (ii) Provides a traffic statement confirming the type of vehicles accessing the property until such time as the intersection upgrades between Brand Highway and Hunter Road have been completed.
4. Prior to the commencement of site works, the landowner/applicant shall demonstrate to the Shire of Gingin that an agreement has been entered into with Main Roads to ensure any damage to the Brand Highway road pavement or any Main Roads assets attributable to the approved use, prior to the Brand Highway intersection upgrades being completed, shall be repaired at the cost of the applicant to the satisfaction of Main Roads as soon as practicable.
5. Restricted Vehicles are prohibited from accessing the site until such time as the landowner/applicant can demonstrate to the Shire of Gingin that road intersection upgrades between Brand Highway and Hunter Road have been completed in consultation with and to the satisfaction of Main Roads Western Australia. The landowner/operator shall be responsible for all costs related to the intersection upgrades and any associated works or legal agreements;
6. Prior to the commencement of the approved use, the landowner/applicant shall demonstrate to the Shire of Gingin that Hunter Road upgrades have been completed in consultation with and to the satisfaction of the Shire of Dandaragan. The applicant/operator shall be responsible for all costs related to the road upgrades and any associated works or legal agreements;
7. Prior to the commencement of the approved use, the landowner/applicant shall demonstrate to the Shire of Gingin that a crossover upgrade from Hunter Road has been completed in consultation with and to the satisfaction of the Shire of Dandaragan. The applicant/operator shall be responsible for all costs related to the crossover upgrade and any associated works;
8. Prior to the commencement of the approved use, the landowner/applicant shall demonstrate to the Shire of Gingin that an adequate water licence to service the development has been obtained from the Department of Water and Environmental Regulation;
9. Prior to the commencement of site works, a Landscaping Plan shall be submitted to and approved by the Shire of Gingin. The Landscaping Plan is to provide screening along a portion of the northern boundary adjacent to the internal access way in addition to surrounding the dead bird freezer;
10. Prior to the commencement of the approved use, the landscaping as detailed in the Landscaping Plan shall be implemented and thereafter maintained to the satisfaction of the Shire of Gingin;



11. Prior to the commencement of the approved use, the landowner/applicant is required to submit a Farm Management Plan to the Shire of Gingin for approval and on advice from relevant stage agencies, that at a minimum includes the following:
 - (i) Operating Strategy;
 - (ii) Waste Management, Soil Management, Stormwater Management, Nutrient Management, Dust Management, Vermin Management and Noise Management Plans; and
 - (iii) Soil and nutrient monitoring program.
12. The approved Farm Management Plan is to be implemented and adhered to thereafter to the satisfaction of the Shire of Gingin;
13. The landowner/applicant shall keep an up-to-date soil and nutrient monitoring log as per the approved Farm Management Plan, that is to be made available to the Shire of Gingin within 28 days upon written request; and
14. Heavy haulage vehicles associated with the approved use are prohibited from accessing/egressing the site via Harris Street.

Advice Notes

1. If you are aggrieved by the conditions of this approval you have the right to request that the State Administrative Tribunal (SAT) review the decision under Part 14 of the *Planning and Development Act 2005*;
2. Where an approval has lapsed, no development may be carried out without further approval of the RJADAP having first been sought and obtained;
3. Further to this approval, the applicant is required to submit working drawings and specifications to comply with the requirements of the *Building Act 2011* and *Health Act 2016*, which are to be approved by the Shire of Gingin;
4. It is advised that the proposal should at all times comply with the *Environmental Code of Practice for Poultry Farms (2004)*;
5. The operation is required to comply with the *Environmental Protection (Noise) Regulations 1997*;
6. It is advised that the species 'Banksia Woodland of the Swan Coastal Plain', is listed as an endangered threatened ecological community under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*. The removal of any vegetation may require referral to the Australian Government Department of the Environment and Energy for permission to do so;



7. In relation to the required upgrade to Hunter Road, the specifications denoted under Clause 4.1 of the Traffic Impact Assessment prepared by Cardno dated 7 July 2021 are the anticipated construction standards, subject to detailed design. The applicant/landowner may be required to enter into a deed of agreement with the Shire of Dandaragan prior to works commencing;
8. In relation to the required intersection upgrade between Brand Highway and Hunter Road, the concept plans under Appendix B of the Traffic Impact Assessment prepared by Cardno dated 7 July 2021 are the anticipated construction standards, subject to detailed design. The applicant/landowner is required to obtain MRWA approval to undertake works within the Brand Highway road reserve. Application forms and supporting information can be found on the Main Roads website: <https://www.mainroads.wa.gov.au/technical-commercial/working-on-roads/>.
9. Please liaise with the Heavy Vehicle Services division of Main Roads Western Australia in relation to obtaining a Restricted Vehicle Access (RAV) permit for Hunter Road;
10. Please be advised that the property may be re-rated to reflect the change in intensification and use approved as part of this application;
11. The approved caretaker's dwelling is to have access to a sufficient supply of potable water that is of the quality specified under the Australian Drinking Water Quality Guidelines 2011.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: Whilst the Panel acknowledged there can be potential impacts that can arise from this type of use, the Panel was ultimately satisfied that the applicant had carefully designed the proposal, and the Shire had diligently considered and applied the planning framework, including response to concerns raised through public submissions. This included access arrangements, potential for odour, potential for stable fly from waste, as well as other operational and visual impacts that may have impact on surrounding properties.

The Panel was satisfied that potential impacts on Regans Ford were minimal given separation distance, topography and intervening vegetation, and importantly, if concerns were to arise in the future, that the Farm Management Plan and other conditions of approval would be appropriate mechanisms to manage and address complaints.

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

Nil



10. State Administrative Tribunal Applications and Supreme Court Appeals

The A/Presiding Member noted the following SAT Applications -

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
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 -

Current Supreme Court Appeals				
File No.	LG Name	Property Location	Application Description	Date Lodged
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

11. General Business

The A/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 A/Presiding Member declared the meeting closed at 12:16pm.