



Kimberley/Pilbara/Gascoyne Joint Development Assessment Panel Minutes

Meeting Date and Time: 11 June 2019; 11.00am
Meeting Number: KPGJDAP/20
Meeting Venue: Department of Planning, Lands and Heritage
140 William Street,
Perth

Attendance

DAP Members

Mr Eugene Koltasz (Presiding Member)
Ms Samantha Thompson (Deputy Presiding Member)
Mr Patrick Dick (Specialist Member)
Cr David Menzel (Local Government Member, Shire of Wyndham-East Kimberley) *via teleconference*

Officers in attendance

Mr Nick Kearns (Shire of Wyndham-East Kimberley) *via teleconference*
Ms Katherine Gilpin (Shire of Wyndham-East Kimberley) *via teleconference*
Mr Thomas Pucci (Shire of Wyndham-East Kimberley) *via teleconference*
Ms Jennifer Ninyette (Shire of Wyndham-East Kimberley) *via teleconference*

Minute Secretary

Ms Ashlee Kelly (DAP Secretariat)
Ms Andrea Dawson (DAP Secretariat)

Applicants and Submitters

Mr Paul Cunningham (Rowe Group)
Mr Harley Whitcombe (Seafarms)
Ms Kate McBean (CO2 Australia) *via teleconference*

Members of the Public / Media

Nil

1. Declaration of Opening

The Presiding Member declared the meeting open at 11.04am on 11 June 2019 and acknowledged the past and present traditional owners and custodians 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 2017 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.



The Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2017 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.

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

DAP Member, Cr David Menzel, noted an incorrect reference on page 137 of the Responsible Authority Report which shows Ord Irrigation Cooperative rather than Ord Irrigation Asset Mutual Cooperative Limited, which is a separate entity. Cr Cucel is the chairman of the Ord Irrigation Cooperative and wanted to ensure that no confusion was caused with the incorrect reference.

7. Deputations and Presentations

7.1 Mr Paul Cunningham (Rowe Group) addressed the DAP in support of the application at Item No 8.1 and responded to questions from the panel.

7.2 Ms Kate McBean (CO2 Australia) and Mr Harley Whitcombe (Seafarms) responded to questions from the panel in relation to Item 8.1.

7.3 Ms Jennifer Ninyette (Shire of Wyndham-East Kimberley) 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 Application

8.1 Property Location:	Various Lots, Research Station Road, Kununurra
Development Description:	Prawn Processing Facility & Wastewater Pipeline
Applicant:	Rowe Group
Owner:	Western Australian Agriculture Authority, Ord Irrigation Asset Mutual Co-operative Ltd, State of Western Australia
Responsible Authority:	Shire of Wyndham-East Kimberley
DAP File No:	DAP/19/01601

REPORT RECOMMENDATION

Moved by: Cr David Menzel

Seconded by: Mr Patrick Dick

With the agreement of the mover and seconder the following amendments were made to the report recommendation;

- (i) *The preamble be amended to reference the plans to be approved.*

Reason: To provide certainty for all as to the specific plans being approved for future reference.

- (ii) *That a new Condition 1 and a new Condition 9 be added and the conditions be renumbered accordingly.*

Reason: For Condition 1 to provide certainty as to the approval period: and for Condition 9 to ensure that a landscaping plan is provided and implemented as required by the Council.

- (iii) *That Condition 7 be deleted, and the remaining conditions be renumbered accordingly.*

Reason: Previous deleted Condition 7 requirements is covered by other legislation.

- (iv) *That Condition 2 (now Condition 3), Condition 3 (now Condition 4), Condition 4 (now Condition 5), Condition 5 (now Condition 6), Condition 6 (now Condition 7), Condition 8 (now Condition 7), Condition 9 (now Condition 8) be amended to insert “to the satisfaction of the Shire of Wyndham East Kimberley” and renumbered accordingly.*

Reason: To provide clarity that the Shire of Wyndham-East Kimberley is the authority for the compliance of conditions.



REPORT RECOMMENDATION (AS AMENDED)

That the Kimberley/Pilbara/Gascoyne JDAP resolves to:

Approve DAP Application reference DAP/19/01601 and accompanying plans as listed below:

- Project Layout dated 11/Feb/2019
- 00SK001-4 dated 8/Feb/2019
- 00SK002-4 dated 8/Feb/2019
- 00SK003-5 dated 8/Feb/2019
- 01SK017 dated 19/Sept/2018
- 00A203 dated 19/Sept/2018
- 00A201 dated 5/Sept/2018
- 00A202 dated 5/Sept/2018
- 00A2303 dated 19/Sept/2018
- 00A204 dated 19/Sept/2018
- 00A205 dated 5/Sept/2018
- D6 Drain alignment dated 11/Mar/2019

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 Wyndham East Kimberley Local Planning Scheme No. 9, subject to the following conditions:

Conditions

1. This decision constitutes development approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the four year period, the approval shall lapse and be of no further effect.
2. The Applicant is required to obtain Works Approval(s) under the *Environmental Protection Act 1986* for the nominated prescribed premises, including approval(s) for:
 - a. Discharge of waste water into the environment
 - b. Discharge of other wastes
 - c. Noise and dust emissions
 - d. Odour emissions
 - e. Production of salt by solar evaporationto the satisfaction of the Shire of Wyndham-East Kimberley.
3. Prior to commencement of operation, the applicant is to ensure all waste generated onsite is appropriately stored, managed and disposed of to the satisfaction of the Shire of Wyndham-East Kimberley.
4. Prior to commencement of construction the applicant is required to undertake a Road Safety Audit and a Construction Traffic Management Plan for adoption and implementation to the satisfaction of the Shire of Wyndham-East Kimberley.



5. Prior to commencement of operations the applicant is required to submit an Operations Traffic Management Plan for approval to the satisfaction of the Shire of Wyndham-East Kimberley.
6. Prior to commencement of operation, proposed modifications to the Research Station Road and Durack Drive intersection, and sections of Durack Drive between the intersection and access roads, are to be designed and constructed in accordance with requirements of Austroads and Main Roads Western Australia to the satisfaction of the Shire of Wyndham-East Kimberley.
7. Prior to commencement, all-weather access roads within the site shall be designed and constructed to the current requirements of Austroads and Main Roads Western Australia and include all necessary road signage. Within the site speeds will be limited to 30km per hour, or 10km per hour around sensitive areas (i.e. car parks and pedestrian areas) to the satisfaction of the Shire of Wyndham-East Kimberley.
8. Applicant to take all practicable measures to prevent or reduce dust impacts on surrounding properties during both facility construction and daily operations and submit proposals on how this is to be achieved to the satisfaction of the Shire of Wyndham-East Kimberley.
9. Prior to commencement of construction, a detailed landscape plan shall be submitted to and approved by the Shire of Wyndham-East Kimberley. Landscaping is to be planted and installed in accordance with the approved plan and ongoing maintenance of the landscaping it to be undertaken by the proponent to the satisfaction of the Shire of Wyndham-East Kimberley.

Advice Notes

1. An Application to Construct or Install an Apparatus for the Treatment of Sewage in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* is to be lodged with the local government for the treatment and disposal of wastes from staff amenities.
2. The premises are required to be registered with the Local Government in accordance with the Food Act 2008; the applicant is required to submit a "Food Business Registration Form".
3. Applicant to submit copies detailed plans of the proposed food premises for assessment. Additionally, a Food Act 2008 Notification Registration Form is required to be submitted to the Shire prior to the commencement of any food processing/handling activities onsite.
4. Activities from the site are required to comply with the *Environmental Protection (Noise) Regulations 1997* at all times.

REASON: In accordance with details contained in the Responsible Authority Report and Amending Motion.

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



9. Form 2 – Responsible Authority Reports – Amending or cancelling DAP development approval

Nil

10. Appeals to the State Administrative Tribunal

Nil

11. General Business / Meeting Close

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2017 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.

There being no further business, the Presiding Member declared the meeting closed at 11.40am