



Mid-West/Wheatbelt Joint Development Assessment Panel Minutes

Meeting Date and Time: 9 August 2019; 11.30am
Meeting Number: MWWJDAP/41
Meeting Venue: Department of Planning, Lands and Heritage
140 William Street
Perth

Attendance

DAP Members

Mr Eugene Koltasz (Presiding Member)
Ms Samantha Thompson (A/Deputy Presiding Member)
Mr Justin Page (A/Specialist Member)
Cr Peter Osborn (Local Government Member, Shire of Chittering) *via teleconference*
Cr Gordon Houston (Local Government Member, Shire of Chittering) *via teleconference*

Officers in attendance

Mr Jake Whistler (Shire of Chittering)

Minute Secretary

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

Applicants and Submitters

Mr Matt Brookes (BECA)
Mr Anthony Maurici (BECA) *via teleconference*
Ms Rebecca Epworth (Coterra Environment)
Mr Vladimir Baltic (Transcore)
Mr Timos Lolis (Inghams) *via teleconference*
Mr Paul McQueen (Lavan)
Mr Alexander Kingsbury (Lavan)
Ms Jane Bennett (CLE Town Planning & Design)
Mr Kelvin Flynn (Harvis)

Members of the Public / Media

Nil



1. Declaration of Opening

The Presiding Member declared the meeting open at 11.31am on 9 August 2019 and acknowledged the traditional owners and pay respect to Elders past and present of the land on which the meeting was being held.

Due to the conflict of interest of the Presiding Member and the unavailability of the Deputy Presiding Member, Mr Eugene Koltasz has been appointed as Presiding Member for this meeting in accordance with regulation 27(3A) of the *Planning and Development (Development Assessment Panel) Regulations 2011*.

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

Mr Paul Kotsoglo (Presiding Member)
Ms Jacky Jurmann (Deputy Presiding Member)
Mr Andrew Mack (Specialist Member)

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

Nil

7. Deputations and Presentations

7.1 Ms Jane Bennett (CLE Town Planning & Design) addressed the DAP against the application at Item 8.1 and responded to questions from the panel.

7.2 Mr Paul McQueen (Lavan) addressed the DAP against the application at Item 8.1 and responded to questions from the panel.



- 7.3 Mr Jake Whistler (Shire of Chittering) addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.
- 7.4 Mr Matt Brookes (BECA) responded to questions from the panel.
- 7.5 Ms Rebecca Epworth (Coterra Environment) responded to questions from the panel.

8. Form 1 – Responsible Authority Reports – DAP Application

8.1 Property Location:	Lot 1809 (757) Brand Highway, Muchea
Development Description:	Feed Mill
Applicant:	BECA
Owner:	White Toro Pty Ltd as trustee for The Valter Bruno Family Trust
Responsible Authority:	Shire of Chittering
DAP File No:	DAP/19/01611

REPORT RECOMMENDATION

Moved by: Cr Peter Osborn

Seconded by: Cr Gordon Houston

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 use for approval.*

Reason: *To clarify the specific use for approval and not just the plans under the local planning scheme.*

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

Reason: *To provide certainty as to the approval period.*

- (iii) *That a new Condition 12(e) (now Condition 13(e)) be added.*

Reason: *To supplement Proposed Landscaping to provide relief and enhance visual amenity from Brand Highway.*

- (iv) *That new Conditions 14, 15 and 16 (now Conditions 15, 16 and 17) be added.*

Reason: *For Condition 15 - Clause 4.9(b) and 4.9(c) of LPS6 requires an appropriate on-site wastewater disposal system. For Condition 16 - Clause 4.9(e) and 5.3.3(b) of LPS6 requires appropriate wastewater management for wastewater. For Condition 17 the existing vegetation on-site provides screening of the development from the Highway and neighbouring properties and all efforts to retain the existing vegetation should be made.*



REPORT RECOMMENDATION

Approve DAP Application DAP/19/01611 for a feed mill and other incidental uses and accompanying plans provided in Attachment 1 in accordance with Clause 68 Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of the Shire of Chittering Local Planning Scheme No. 6 subject to the following conditions as follows:

Conditions:

1. This decision constitutes development approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.
2. All development shall be in accordance with the approved plans.
3. Prior to occupation or use of the proposed development a pest management plan shall be submitted for approval by the Shire and thereafter implemented to the satisfaction of the Shire.
4. Prior to commencement of any works on-site, revised stormwater management plans, details and calculations shall be submitted for approval by the Shire and thereafter implemented, constructed and maintained to the satisfaction of the Shire.
5. Prior to commencement of any works on-site and before commencement of any upgrading works to Bore Road, a construction management plan shall be submitted for approval by the Shire and implemented for the duration of the construction of the development and upgrade to Bore Road and its intersection with Brand Highway to the satisfaction of the Shire.
6. Prior to commencement of any works on-site, a groundwater report prepared by a suitably qualified consultant shall be submitted for approval by the Shire to determine the actual maximum groundwater level at the development site. The Report shall include appropriate development design details demonstrating how adequate vertical separation between the development and the highest known groundwater level is achieved. The development shall be constructed in accordance with these design details to the satisfaction of the Shire.
7. Prior to occupation or use of the proposed development, an operational noise management plan shall be submitted for approval by the Shire and thereafter implemented to the satisfaction of the Shire.
8. Prior to occupation or use of the proposed development, engineering drawings and specifications shall be submitted for approval for the upgrade of Bore Road to a sealed standard to the extent illustrated on the approved development plan. Works shall be undertaken in accordance with the approved drawings and specifications and completed to the satisfaction of the Shire prior to occupation or use of the proposed development.
9. Prior to occupation or use of the proposed development, the intersection of Bore Road with Brand Highway shall be upgraded to the specifications of Main Roads WA and to the satisfaction of the Shire.



10. Prior to occupation or use of the development, a vehicle crossover shall be constructed to the specifications and satisfaction of the Shire.
11. The Bushfire Management Plan prepared by Bushfire Prone Planning dated 20 February 2019 and all of the recommendations contained within shall be implemented for the duration of the development to the satisfaction of the Shire.
12. Prior to occupation or use of the development, a Section 70A Notification pursuant to the *Transfer of Land Act 1893* (or as amended) must be placed on the title of Lot 1809 Bore Road, Muchea, at the full cost of the applicant, alerting landowners to the existence of the approved Bushfire Management Plan and advising landowners of their obligations in respect to the use and ongoing management of the land to the satisfaction of the Shire.
13. Prior to occupation or use of the development, a detailed landscaping plan for the subject site shall be submitted to and approved by the Shire, and shall include the following:
 - (a) the location, number and type of proposed trees and shrubs including plant/tree species and density;
 - (b) Planting for filtration purposes for all drainage swales and drainage infrastructure;
 - (c) details of any fencing proposed being provided behind perimeter landscaping;
 - (d) shade trees being provided within car parking areas at a minimum ratio of one shade tree for every four car parking bays or part thereof.
 - (e) screen planting be provided along the Brand Highway frontage consistent with screen planting along the eastern side of Brand Highway.

The approved Landscaping Plan shall be fully implemented prior to occupation or use of the development and maintained thereafter to the satisfaction of the Shire.

14. All exterior lighting associated with the development shall comply with Australian Standard 4282:2019 'Control of the obtrusive effects of outdoor lighting' for the duration of the development to the satisfaction of the Shire.
15. Prior to the occupation or use of the proposed development, a Land Capability Assessment be provided to determine a suitable Aerobic Treatment Unit (ATU) for on-site effluent disposal to the specifications of the Department of Health and satisfaction of the Shire.
16. Prior to the occupation or use of the proposed development, the design and construction of the evaporation pond and preparation and implementation of a Wastewater Management Plan are to be to the specifications of the Department of Health and satisfaction of the Shire.
17. Prior to the occupation or use of the proposed development, a Vegetation and Tree Retention Management Plan be prepared and implemented to the satisfaction of the Shire.



Advice Notes

1. With regard to the pest management plan, the applicant is advised that pests to be controlled include, but are not limited to, insects, weeds, vectors, vermin, feral animals and birds.
2. With regard to the Stormwater Management Plan, the applicant is advised that location details of conveyance swales and basins are required in addition to detailed sectional diagrams of the swales and basins which should demonstrate water treatment (biofiltration) measures. Details of the water management associated with the truck wash shall also be included in the Stormwater Management Plan.
3. With regard to the construction management plan, the applicant is advised to ensure measures are proposed to allow continual access of Bore Road to the general public and include measures to appropriately manage construction waste, dust, and noise.
4. With regard to the Groundwater Report, the applicant is advised that the development should be designed to consider the Western Australian Planning Commission's 'Better Urban Water Management' which recommends a 1.2m horizontal separation distance between the highest known groundwater level and building floor slabs.
5. With regard to the operational noise management plan, the applicant is advised that the Plan shall include noise suppression measures including, but not limited to those recommended in the Environmental Noise Impact Assessment prepared by Talis dated April 2019, to ensure ongoing compliance with the *Environmental Protection (Noise) Regulations 1997* is achieved.
6. With regard to the upgrade to the intersection of Bore Road with Brand Highway, it is advised that engineering drawings and specifications are to be submitted to Main Roads WA for approval. The upgrade to the intersection is to be in accordance with the approved engineering drawings and specifications.
7. With regard to the use of Bore Road by Restricted Access Vehicles (RAVs) associated with the approved development, the applicant is advised that all applications to allow RAV access on local roads are to be submitted and approved by Main Roads WA.
8. The applicant is advised to comply with all relevant laws relating to works associated with power infrastructure. The applicant is encouraged to contact Western Power for further details.

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

The Report Recommendation was put and **CARRIED (4/1)**

For: Mr Eugene Koltasz
Mr Justin Page
Cr Peter Osborn
Cr Gordon Houston



Against: Ms Samantha Thompson

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 12.58pm.