



Mid-West/Wheatbelt Joint Development Assessment Panel Minutes

Meeting Date and Time: 12 December 2019, 9:30 AM
Meeting Number: MWWJDAP/45
Meeting Venue: Department of Planning, Lands and Heritage
140 William Street, Perth via teleconference

Attendance

DAP Members

Ms Jacqueline Jurmann (A/Presiding Member) - *via Teleconference*
Mr Vernon Butterly (A/Deputy Presiding Member)
Mr Jason Hick (A/Specialist Member) - *via Teleconference*

Officers in attendance

Ms Tory Young (Shire of Kondinin) - *via Teleconference*
Ms Mia Dohnt (Shire of Kondinin) - *via Teleconference*
Mr Ian Holland (Shire of Kondinin) - *via Teleconference*

Minute Secretary

Ms Adele McMahon (DAP Secretariat)
Ms Zoe Hendry (DAP Secretariat)

Applicants and Submitters

Mr David Deany (CBH)
Mr Tim Dolling (CBH)
Ms Helen Ainsworth (CBH)
Mr Chris Poot (CBH) - *via Teleconference*

Members of the Public / Media

Nil

1. Declaration of Opening

The A/Presiding Member declared the meeting open at 9:30am on 12 December 2019 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

The A/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 A/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 A/Presiding Member has given permission to do so., the meeting would not be recorded.

2. Apologies

Mr Paul Kotsoglo (Presiding Member)
Mr Andrew Mack (Specialist Member)
Cr Allen Smoker (Local Government 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

DAP Member, Mr Paul Kotsoglo, declared a direct pecuniary interest in item 8.1. CBH is a client of Planning Solutions.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2017, the Deputy Presiding Member determined that the member listed above, who had disclosed a direct pecuniary interest, was not permitted to participate in the discussion and voting on the item.

7. Deputations and Presentations

7.1 Mr David Deany, Mr Tim Dolling and Ms Helen Ainsworth (CBH) responded to questions from the panel.

7.2 Ms Tory Young 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:	Lot 201 & 178 Marshall Street, Hyden and Part Lot 202 Aylmore Road, Hyden
Development Description:	Improve truck marshalling & weighing, access to, additional grain receipt & storage facilities
Applicant:	Cooperative Bulk Handling Limited
Owner:	Cooperative Bulk Handling Limited, Public Transport Authority, Vernon Stanley Brown
Responsible Authority:	Shire of Kondinin
DAP File No:	DAP/19/01672



REPORT RECOMMENDATION

Moved by: Mr Vernon Butterly

Seconded by: Mr Jason Hick

With the approval of the mover and seconder the preamble was amended to include a detailed list of plans to be approved and Condition 9 to read as follows;

A 1:20 taper of the edge of the bitumen onto the Brookton Highway seal is to be installed at the westbound approach to the CBH entry only driveway and the overhanging vegetation to be lopped back to a minimum of 4m from the seal edge at the applicant's cost prior to operation of the proposed new development on-site; and

REASON: To provide clarity on the plans and supporting documents being approved and the requirements of the condition.

That the Mid-West Wheatbelt JDAP resolves to:

1. **Approve** DAP Application reference DAP/19/01672 and accompanying plans as outlined below;

Plans

- Title: Hyden Pre-Feasibility Study M/S/W upgrades Conceptual Layout No.1; Drawing No. 571-ENG-CI-DCO-0009 (stamp dated 18th November 2019)
- Title: Hyden Pre-Feasibility Study Additional 136,000 Storage & Site Upgrades Conceptual Layout No.6; Drawing No. 571-ENG-CI-DCO-0007 (stamp dated 18th November 2019)

Drawings

- Title: Typical Drawing Belt Conveyor 900W Belt CLS 300M OBH 9.7, V-Pit Elevator C/W Head Drive General Arrangement; Drawing No. 5000-ENG-ME-STD-0006 (stamp dated 3rd October 2019)
- Title: Typical Drawing Belt Conveyor 900W Belt CLS 300M OBH 400 Auger E-Pit C/W Head Drive General Arrangement; Drawing No. 5000-ENG-ME-STD-0002 (stamp dated 3rd October 2019)
- Title: Weighbridge Australian Steel Hut Layout General Arrangement; Drawing No. S-020-A0050 (stamp dated 3rd October 2019)
- Title: Weighbridge Australian Steel 36m Assembled Weighbridge General Arrangement; Drawing No. S-020-A0000 (stamp dated 3rd October 2019)
- Title: 1.8 Open Bulkhead Bulkhead Accessway Opening General Arrangement; Drawing No. S119-ENG-ST-DGA-0001 (stamp dated 3rd October 2019)

Supporting Documents

- Traffic Impact Statement for CBH Hyden Grain Receival Facility Expansion & Site Upgrade, Road West Engineering Group Pty Ltd (Issued on 15/11/2019 (R.2), Stamp dated 18th November 2019)
- Bushfire Management Plan, Greenstart Consulting (Issued on 15/11/2019 (R.3), Stamp dated 18th November 2019)
- Stormwater Management Plan, McDowall Affleck Pty Ltd (Issued on 14/11/2019 (R.C), Stamp dated 18th November 2019.

in accordance with Clause 68 of Schedule 2, of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of



Kondinin Local Planning Scheme No.1, for the expansion and upgrade of existing grain handling and storage facilities at Hyden Grain Receival Site on Lots 31 and 178 Marshall Street, Hyden subject to the conditions stated below:

Conditions

1. The proposed development shall be undertaken in accordance with the final revised information and plans submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval;
2. This decision constitutes planning approval only and is valid for a period of two (2) years from the date of approval. If the subject development is not substantially commenced within the two (2) year period, the approval shall lapse and be of no further effect;
3. Prior to any works being undertaken, and in consultation with and to the satisfaction of the Shire of Kondinin, the existing underground water pipe connecting the two (2) Shire public dams located on Lot 1 on DP 14141 and Lot 130 on DP 186278 respectively, shall be relocated to the perimeter of Lot 31;
4. Prior to any works being undertaken, and in consultation with the landowner of Lot 30, the existing fence line on the common boundary between former Lots 202 and 201 shall be removed and a new fence line installed around the perimeter of Lots 31 and 30;
5. The lots the subject of this approval shall be filled, stabilised, drained and/or graded as required to the satisfaction of the Shire of Kondinin to ensure that:
 - a) lots can accommodate their intended development and use;
 - b) the finished ground levels at the boundaries of the lot(s) the subject of this approval match or otherwise coordinate with the existing and/or proposed finished ground levels of the land abutting;
 - c) all stormwater generated from the proposed development that is captured in the drainage basin directly south of the (4) new bulkheads is re-directed to the new underground water pipeline as shown on the amended plans stamp dated 18th November 2019, to enable the captured stormwater to be re-distributed to the private dam located on the north-west corner of Lot 30 and the Shire of Kondinin public dams located at Lot 1 on DP 14141 and Lot 130 on DP 186278 to the west and east of the site respectively;
6. Engineering design drawings and associated capture and storage calculations for the proposed drainage basin are to be prepared with due consideration to the water tables and re-use potential of the captured water for stock and reticulation purposes, including options (if any) for managed overflow into adjacent landholdings, are to be submitted to the Shire of Kondinin for consideration and approval prior to any works being undertaken on the site;
7. The applicant/landowner shall continually monitor any dust generated by the works and use, approved by this application and implement suitable measures in accordance with any relevant Environmental Protection Authority and Department of Water and Environmental Regulation regulations, policies, guidance statements or guidelines to ensure any dust impacts are appropriately managed and controlled;



8. The applicant / landowner shall arrange the planting of a continuous double row of native shrubs endemic to the locality along the new southern boundary of Lot 31 to act as a buffer to the adjacent agriculture and residential land use on Lot 30;
9. A 1:20 taper of the edge of the bitumen onto the Brookton Highway seal is to be installed at the westbound approach to the CBH entry only driveway and the overhanging vegetation to be lopped back to a minimum of 4m from the seal edge at the applicant's cost prior to operation of the proposed new development on-site; and
10. The existing advance warning truck ahead signs on Brookton Highway for both the dedicated entry and exit driveways to be replaced with MR-WM-3/1 signs at the applicant's cost and approved by Main Roads WA prior to the operation of the proposed new development on site.

Advice Notes

1. This is a development approval only and not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/landowner to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws;
2. The applicant/landowner is reminded of their obligation to ensure a clearing permit approval is obtained from the Department of Water and Environmental Regulation as may be required pursuant to the specific requirements of the *Environmental Protection Act 1986* and *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* prior to the commencement of any proposed clearing works on Lot 31;
3. The applicant/landowner is reminded of their obligation to ensure compliance with the Shire of Kondinin Annual Firebreak Notice as this applies specifically to all rural land in the Shire to help guard against potential bushfire risk and cognisant of any other relevant recommendations of the amended Bushfire Management Plan stamp dated 18/11/2019 submitted as part of this development application;
4. The applicant / landowner is advised that the Shire of Kondinin supports the use of the local public road reserve that extends along the western boundary of the CBH Lot 31 if required to enable direct vehicle access between adjacent private Lot 2192 and the subject CBH Lot 31, subject to a written agreement formalising the arrangement between the respective owners of Lot 31 and Lot 2912;
5. The applicant / landowner is reminded of the advice received from Main Roads WA during the public advertising period that the existing Entry/Exit access road to the site off Brookton Highway 250m west of Meeking Crescent is a public rail crossing and therefore cannot be closed;
6. In accordance with the *Building Act 2011* and *Building Regulations 2012*, a building permit application must be submitted to and approved by the Shire of Kondinin prior to the commencement of any construction or earthworks on the land as may be required;



7. Any proposed new structures on the lots the subject of this approval that require a building permit approval are required to comply in all respects with the National Construction Code of Australia. Plans and specifications which reflect these requirements must be submitted to the Shire of Kondinin in support of any required building permit application;
8. The noise generated by any activities on-site including machinery motors or vehicles shall not exceed the levels as set out under the *Environmental (Noise) Regulations 1997*;
9. The applicant/landowner is reminded of their obligation to ensure compliance with relevant legislation relating to clearance requirements and electrical infrastructure;
10. No construction works shall commence on the land prior to 7.00am without the Shire's written approval. No construction works are permitted to be undertaken on Sundays or Public Holidays;
11. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the *Shire of Kondinin Local Planning Scheme No.1* and may result in legal action being initiated by the local government; and
12. If the applicant/landowner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005 Part 14*. An application must be submitted within 28 days of the determination.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

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

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 A/Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2017 only the A/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 A/Presiding Member declared the meeting closed at 9:45am.