



Mid-West Wheatbelt Development Assessment Panel Minutes

Meeting Date and Time: 15 October 2019; 10:30 AM
Meeting Number: MWWJDAP/43
Meeting Venue: Department of Planning, Lands and Heritage
140 William Street
Perth

Attendance

DAP Members

Mr Eugene Koltasz (Presiding Member)
Mr Clayton Higham (A/Deputy Presiding Member)
Mr Andrew Macliver (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)
Mr Peter Stuart (Shire of Chittering)

Minute Secretary

Mr Phil Goodwin (DAP Secretariat)

Applicants and Submitters

Mr Jeff Malcolm (MGA Town Planners)
Mr Wesley Widjaja (Claire Davis Co. Pty Ltd)
Mr Philip Stejskal (Philip Stejskal Architects)
Mr Yang Yang (Philip Stejskal Architects)
Mr Ryan Lawrence (Pendragon Environmental Solutions)
Mr Michael Cook (Porter Consulting Engineers)
Mr Brad Harris (Porter Consulting Engineers)
Ms Tanya Moran (GTA Traffic Consultants)
Mr Rodney Ding (GTA Traffic Consultants)
Mr Mike Wynne (Mike Wynne & Associates)

Members of the Public / Media

There was 1 member of the public in attendance.

1. Declaration of Opening

The Presiding Member declared the meeting open at 10:40am on 15 October 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 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 panel members may refer to technical devices, such as phones and laptops, throughout the meeting to assist them in considering the information before them.

2. Apologies

Mr Paul Kotsoglo (Presiding Member)
Ms Jaqueline 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

DAP Member, Mr Paul Kotsoglo, declared an direct pecuniary interest in item 8.1. Mr Kotsoglo is an owner of Planning Solutions whom Claire Davis Co. Pty Ltd consulted.

In accordance with section 6.3.1 of the DAP Standing Orders 2017, the Presiding Member, Mr Eugene Koltasz, determined that the member listed above, who had disclosed a pecuniary interest, was not permitted to participate in the discussion or voting on the items.

7. Deputations and Presentations

7.1 Mr Wesley Widjaja (Claire Davis Co. Pty Ltd) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.

7.2 Mr Jeff Malcolm (MGA Town Planners) addressed the DAP in support of the application at Item 8.1.



8. Form 1 – Responsible Authority Reports – DAP Application

8.1 Property Location:	Lot 4 (1201) Mooliabeenee Road, Bindoon
Development Description:	Private Recreation Facility
Applicant:	MGA Town Planners
Owner:	Claire Davis Co. Pty Ltd
Responsible Authority:	Shire of Chittering
DAP File No:	DAP/19/01621

REPORT RECOMMENDATION

Moved by: Cr Gordon Houston

Seconded by: Cr Peter Osborn

That the Mid-West/Wheatbelt JDAP resolves to:

Approve DAP Application DAP/19/01621 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 as a 'Recreation – Private' land use, subject to the following conditions as follows:

Conditions:

1. All development shall be in accordance with the approved plans.
2. Prior to commencement of any works on-site, a stormwater management plan shall be prepared by a suitably qualified engineer and submitted to the Shire of Chittering for approval to demonstrate the capture, treatment and disposal of stormwater from the development area. The approved Stormwater Management Plan shall be implemented prior to use of the proposed development and thereafter maintained to the satisfaction of the Shire of Chittering.
3. Prior to commencement of any works on-site, a cockatoo habitat tree identification and protection plan prepared by a suitably qualified consultant shall be submitted to the Shire of Chittering for approval. The Plan shall be implemented throughout the construction of the development and for the life of the development thereafter, to the satisfaction of the Shire of Chittering.
4. Prior to commencement of any works on-site, a construction management plan shall be submitted for approval by the Shire of Chittering and implemented for the duration of the construction of the development to the satisfaction of the Shire of Chittering. The Construction Management Plan shall include the following, but not limited to:
 - Management of construction vehicles on the local road network;
 - Management of construction noise and dust; and
 - Management of waste/litter.
5. Prior to occupation or use of the proposed development a stage 2 (preliminary design) road safety audit on the proposed development crossover intersection on Mooliabeenee Road shall be conducted in accordance with Main Roads WA's 'Policy and Guidelines for Road Safety Audit' to the satisfaction of the Shire of Chittering and at the full cost of the proponent. The selection of the road safety



auditor will be through consultation with and to the satisfaction of the Shire of Chittering. All recommendations of the Road Safety Audit shall be implemented prior to the use or occupation of the proposed development, in consultation with the Shire of Gingin to the satisfaction of the Shire of Chittering.

6. Prior to occupation or use of the proposed development a vehicle crossover in the location identified by the GTA Consultants 'Technical Note' dated 17 September 2019, shall be constructed to the specifications of the Shire of Gingin and in accordance with the recommendations of the approved Road Safety Audit to the satisfaction of the Shire of Chittering.
7. 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.
8. Prior to occupation or use of the proposed development an emergency response and recovery plan shall be submitted for approval by the Shire and thereafter implemented. The Plan shall identify risks associated with the proposed development and indicate response measures to the identified risks.
9. 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.

Advice Notes

1. The applicant is advised that compliance with the *Health (Public Buildings) Regulations 1992* is required. A Public Buildings Certificate should be obtained from the Shire prior to the development's operation.
2. 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.
3. The applicant is advised of the requirements of the *Health (Aquatic Facilities) Regulations 2007* and the associated Code of Practice, and the need for approval to be obtained from the Department of Health for the construction and maintenance of the proposed lagoon.

AMENDING MOTION

Moved by: Cr Gordon Houston

Seconded by: Cr Peter Osborn

The following amendments were made en bloc:

- (i) That a new Condition (Condition 10) be added to read as follows:

That an Operational and Environmental Management Plan shall be submitted to the Shire of Chittering, for approval by the Shire, prior to occupation or use of the site to address dust, noise, traffic, groundwater, lighting and the hours of operation.



- (ii) That a new Advice Note (Advice Note 4) be added to read as follows:

In addressing the requirements of Condition 10 the applicant's attention is drawn to the Environmental Management Plan Guidelines (2014) published by the Australian Government Department of Environment.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To address Operational and Environmental concerns that may not be fully addressed in the current conditions.

REPORT RECOMMENDATION (AS AMENDED)

That the Mid-West/Wheatbelt JDAP resolves to:

Approve DAP Application DAP/19/01621 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 as a 'Recreation – Private' land use, subject to the following conditions as follows:

Conditions:

1. All development shall be in accordance with the approved plans.
2. Prior to commencement of any works on-site, a stormwater management plan shall be prepared by a suitably qualified engineer and submitted to the Shire of Chittering for approval to demonstrate the capture, treatment and disposal of stormwater from the development area. The approved Stormwater Management Plan shall be implemented prior to use of the proposed development and thereafter maintained to the satisfaction of the Shire of Chittering.
3. Prior to commencement of any works on-site, a cockatoo habitat tree identification and protection plan prepared by a suitably qualified consultant shall be submitted to the Shire of Chittering for approval. The Plan shall be implemented throughout the construction of the development and for the life of the development thereafter, to the satisfaction of the Shire of Chittering.
4. Prior to commencement of any works on-site, a construction management plan shall be submitted for approval by the Shire of Chittering and implemented for the duration of the construction of the development to the satisfaction of the Shire of Chittering. The Construction Management Plan shall include the following, but not limited to:
 - Management of construction vehicles on the local road network;
 - Management of construction noise and dust; and
 - Management of waste/litter.
5. Prior to occupation or use of the proposed development a stage 2 (preliminary design) road safety audit on the proposed development crossover intersection on Mooliabeenee Road shall be conducted in accordance with Main Roads WA's 'Policy and Guidelines for Road Safety Audit' to the satisfaction of the Shire of Chittering and at the full cost of the proponent. The selection of the road safety



auditor will be through consultation with and to the satisfaction of the Shire of Chittering. All recommendations of the Road Safety Audit shall be implemented prior to the use or occupation of the proposed development, in consultation with the Shire of Gingin to the satisfaction of the Shire of Chittering.

6. Prior to occupation or use of the proposed development a vehicle crossover in the location identified by the GTA Consultants 'Technical Note' dated 17 September 2019, shall be constructed to the specifications of the Shire of Gingin and in accordance with the recommendations of the approved Road Safety Audit to the satisfaction of the Shire of Chittering.
7. 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.
8. Prior to occupation or use of the proposed development an emergency response and recovery plan shall be submitted for approval by the Shire and thereafter implemented. The Plan shall identify risks associated with the proposed development and indicate response measures to the identified risks.
9. 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.
10. That an Operational and Environmental Management Plan shall be submitted to the Shire of Chittering to address dust, noise, traffic, groundwater, lighting and hours of operation.

Advice Notes

1. The applicant is advised that compliance with the *Health (Public Buildings) Regulations 1992* is required. A Public Buildings Certificate should be obtained from the Shire prior to the development's operation.
2. 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.
3. The applicant is advised of the requirements of the *Health (Aquatic Facilities) Regulations 2007* and the associated Code of Practice, and the need for approval to be obtained from the Department of Health for the construction and maintenance of the proposed lagoon.
4. In addressing the requirements of Condition 10 the applicant's attention is drawn to the Environmental Management Plan Guidelines (2014) published by the Australian Government Department of Environment.

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

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



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 11:02am.