



## Mid-West/Wheatbelt Joint Development Assessment Panel Minutes

**Meeting Date and Time:** 3 February 2020, 2:00 PM  
**Meeting Number:** MWWJDAP/48  
**Meeting Venue:** Department of Planning, Lands and Heritage  
140 William Street  
Perth via teleconference

### Attendance

#### DAP Members

Mr Paul Kotsoglo (Presiding Member)  
Mr Andrew Mack (Specialist Member)  
Cr Peter Scharf (Local Government Member, Shire of Dandaragan)  
Cr Annette Eyre (Local Government Member, Shire of Dandaragan)

#### Officers in attendance

Ms Victoria Johnson (Governance Officer, DAP Secretariat)  
Mr Rory McKay (Shire of Dandaragan)  
Mr David Chidlow (Shire of Dandaragan)

#### Minute Secretary

Ms Adele McMahon (DAP Secretariat)

#### Applicants and Submitters

Mr Dan Lees (element)  
Mr Kim McDougall (Harvest Road Group)  
Mr Joseph Shiels (Harvest Road Group)  
Mr Daniel Griffin (Minderoo)

#### Members of the Public / Media

Nil

### 1. Declaration of Opening

The Presiding Member declared the meeting open at 2:00pm on 3 February 2020 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 2017 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

Mr Paul Kotsoglo   
Presiding Member, Mid-West Wheatbelt JDAP



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**

Ms Jacqueline Jurmann (Deputy Presiding 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 impartiality interest in item 8.1. Mr Kotsoglo received a telephone call from Mr Tom Puddy who is employed by the organisation responsible for the application. Mr Puddy advised the contact was made to establish the process for making a presentation to the JDAP. Mr Kotsoglo advised Mr Puddy that it was inappropriate to have a conversation regarding the application as he is the Presiding Member. No further contact has been made.

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 an impartiality interest, was permitted to participate in the discussion and voting on the item.

## **7. Deputations and Presentations**

- 7.1** Mr Dan Lees (element) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.
- 7.2** Mr Kim McDougall (Harvest Road Group) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel.
- 7.3** Mr Daniel Griffin (Minderoo) and Mr Joseph Shiels (Harvest Road Group) responded to questions from the panel.
- 7.4** Officers of the Shire of Dandaragan addressed the DAP in relation to the application at Item 8.1 and responded to questions.



## 8. Form 1 – Responsible Authority Reports – DAP Application

8.1 Property Location:	Lot 3559 (No. 1131), Lots 102 and 103 (No. 1271), Boundary Road, and Lot 3556 (No. 1707) Barberton Road West, Yathroo
Development Description:	Intensive Cattle Feeding Facility
Applicant:	Element Advisory Pty Ltd
Owner:	Harvest Road Groy Pty Ltd; Koojan Downs Pty Ltd Greg Harvey
Responsible Authority:	Shire of Dandaragan
DAP File No:	DAP/19/01691

### REPORT RECOMMENDATION

**Moved by:** Cr Peter Scharf

**Seconded by:** Cr Annette Eyre

That the Midwest Wheatbelt JDAP resolves to:

**Approve** DAP Application reference DAP/19/01691 and accompanying plans (attachment 1) 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 Clause 3.3.3 of the *Shire of Dandaragan Local Planning Scheme No. 7*, subject to the following conditions.

### Conditions

1. The land use and development shall be in accordance with the approved plans and specifications unless otherwise conditioned by this approval.
2. The endorsed plans shall not be modified or altered without the prior written approval of either the Shire of Dandaragan or the Midwest Wheatbelt JDAP in accordance with Regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*.
3. The use when established shall at all times comply with the definition of 'animal husbandry – intensive (cattle feedlot)' contained within the *Shire of Dandaragan Local Planning Scheme No.7*.
4. This approval is for Stage 1 and 2 of the development with the maximum head of cattle not to exceed 40,000 at any one time.
5. The development at all times shall comply with the Works Approval Application prepared by EDC Engineers that was submitted with the development application and the future environmental management strategy and environmental management plans to be developed under this application, to the satisfaction of the local government. This is not limited to, but specific mention is made to the management and mitigation strategies, and contingency measures applicable to:
  - a. construction management;
  - b. wastewater effluent management;
  - c. solid waste management;
  - d. odour management;
  - e. fire management; and
  - f. environmental monitoring and reporting.



6. Prior to commencement of the use, crossovers, access and egress to the subject site and any associated road works shall be located and constructed to the satisfaction of the local government and include all necessary drainage and signage. Costs applicable to the construction of the access point/s onto the site and any related issues shall be borne by the proponent.
7. Prior to the commencement of the use, the road upgrades denoted in the Traffic Impact Assessment submitted by Roadswest Engineering Group are to be undertaken to the satisfaction of the responsible local government and Main Roads WA (where applicable). The apportionment of costs and responsibility for the road upgrades shall be agreed with the Shire of Dandaragan, on the advice of the responsible local government and Main Roads WA (where applicable).
8. A report detailing all activities and tonnages of livestock and materials transported to and from the facility for the financial year ending 30 June is to be submitted to each local government by 31 July each year.
9. The transportation of materials, goods and commodities to and from the development shall be conducted so that dust emissions have minimal impact on the locality.

#### **Advice Notes**

1. This is a development approval only. The applicant / landowner is advised that it is their responsibility to ensure that the proposed development complies with all other applicable legislation, local laws, licensing requirements and/or legal agreements that may relate to the development.
2. It is advised that the cattle feedlot should at all times comply with the *Biosecurity & Agriculture (Stable Fly) Management Plan 2013* in order to minimise the effects of stable flies on the community.
3. The design and operation of the cattle feedlot is to be generally in accordance with the *National Guidelines for Beef Cattle Feedlots in Australia* and *National Beef Cattle Feedlot Environmental Code of Practice*.

#### **AMENDING MOTION 1**

**Moved by:** Mr Andrew Mack

**Seconded by:** Cr Peter Scharf

That condition 5 be amended to read as follows:

***Prior to the commencement of the use, the applicant shall supply, to the satisfaction of the responsible local government authority the following plans;***

~~*The development at all times shall comply with the Works Approval Application prepared by EDC Engineers that was submitted with the development application and the future environmental management strategy and environmental management plans to be developed under this application, to the satisfaction of the local government. This is not limited to, but specific mention is made to the management and mitigation strategies, and contingency measures applicable to:*~~



- a. *construction management plan*;
- b. *nutrient and irrigation management plan (including wastewater effluent management)*;
- c. *solid waste management plan*;
- d. *air quality management plan (including dust and odour management)*;
- e. *fire management plan*; and
- f. *environmental monitoring and reporting plan*

**for approval by the responsible authority, on the advice of the relevant state government agency.**

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** The JDAP did not consider Condition 5 as originally drafted met the legal requirements for the condition to be valid. The condition was reworded by the JDAP to meet the intent and the legal requirements of the condition.

#### **REPORT RECOMMENDATION (AS AMENDED)**

That the Midwest Wheatbelt JDAP resolves to:

**Approve** DAP Application reference DAP/19/01691 and accompanying plans (attachment 1) 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 Clause 3.3.3 of the *Shire of Dandaragan Local Planning Scheme No. 7*, subject to the following conditions.

#### **Conditions**

1. The land use and development shall be in accordance with the approved plans and specifications unless otherwise conditioned by this approval.
2. The endorsed plans shall not be modified or altered without the prior written approval of either the Shire of Dandaragan or the Midwest Wheatbelt JDAP in accordance with Regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*.
3. The use when established shall at all times comply with the definition of 'animal husbandry – intensive (cattle feedlot)' contained within the *Shire of Dandaragan Local Planning Scheme No.7*.
4. This approval is for Stage 1 and 2 of the development with the maximum head of cattle not to exceed 40,000 at any one time.



5. Prior to the completion of the use, the applicant shall supply, to the satisfaction of the responsible local government authority the following plans;
  - a. construction management plan;
  - b. nutrient and irrigation management plan (including wastewater effluent management);
  - c. solid waste management plan;
  - d. air quality management plan (including dust and odour management);
  - e. fire management plan; and
  - f. environmental monitoring and reporting plan;on the advice of the relevant state government agency.
6. Prior to commencement of the use, crossovers, access and egress to the subject site and any associated road works shall be located and constructed to the satisfaction of the local government and include all necessary drainage and signage. Costs applicable to the construction of the access point/s onto the site and any related issues shall be borne by the proponent.
7. Prior to the commencement of the use, the road upgrades denoted in the Traffic Impact Assessment submitted by Roadswest Engineering Group are to be undertaken to the satisfaction of the responsible local government and Main Roads WA (where applicable). The apportionment of costs and responsibility for the road upgrades shall be agreed with the Shire of Dandaragan, on the advice of the responsible local government and Main Roads WA (where applicable).
8. A report detailing all activities and tonnages of livestock and materials transported to and from the facility for the financial year ending 30 June is to be submitted to each local government by 31 July each year.
9. The transportation of materials, goods and commodities to and from the development shall be conducted so that dust emissions have minimal impact on the locality.

#### **Advice Notes**

1. This is a development approval only. The applicant / landowner is advised that it is their responsibility to ensure that the proposed development complies with all other applicable legislation, local laws, licensing requirements and/or legal agreements that may relate to the development.
2. It is advised that the cattle feedlot should at all times comply with the *Biosecurity & Agriculture (Stable Fly) Management Plan 2013* in order to minimise the effects of stable flies on the community.
3. The design and operation of the cattle feedlot is to be generally in accordance with the *National Guidelines for Beef Cattle Feedlots in Australia* and *National Beef Cattle Feedlot Environmental Code of Practice*.

**REASON:** The JDAP did not consider Condition 5 as originally drafted met the legal requirements for the condition to be valid. The condition was reworded by the JDAP to meet the intent and the legal requirements of the condition.

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



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**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 3:18pm.