



Regional Joint Development Assessment Panel Minutes

Meeting Date and Time: Friday, 14 January 2022; 9:30am
Meeting Number: RJDAP/42
Meeting Venue: Electronic Means

This DAP meeting was conducted by electronic means (Zoom) open to the public rather than requiring attendance in person

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Attendance

DAP Members

Ms Kanella Hope (A/Presiding Member)
Mr Brian Curtis (A/Deputy Presiding Member)
Ms Shelley Shepherd (A/Third Specialist Member)
Cr Steve Penny (Local Government Member, Shire of Broomehill-Tambellup)

Officers in attendance

Ms Liz Bushby (Shire of Broomehill-Tambellup C/O Town Planning Innovations)
Mr Rob Stewart (Shire of Broomehill-Tambellup)

Minute Secretary

Ms Adele McMahon (DAP Secretariat)
Ms Sam Hansen (DAP Secretariat)

Applicants and Submitters

Mr Stephen Carter (CLE Town Planning + Design)
Mr Harry Norman (CLE Town Planning + Design)
Mr David Deany (CBH)
Mr Daniel Sicoe (CBH)
Ms Giselle Allix (CBH)
Mr Luke Zoontjens (SLR Consulting)

Members of the Public / Media

There were 2 members of the public in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The A/Presiding Member declared the meeting open at 9:34am on 14 January 2022 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 2020 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

1.1 Announcements by Presiding Member

The A/Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2020 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.

This meeting was convened via electronic means (Zoom). Members were reminded to announce their name and title prior to speaking.



2. Apologies

Mr Paul Kotsoglo (Presiding Member)
Mr Justin Page (Third Specialist Member)

3. Members on Leave of Absence

DAP Member, Mr Justin Page has been granted leave of absence by the Director General for the period of 23 December 2021 to 18 January 2022 inclusive.

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 Pecuniary Interest in item 8.1. Planning Solutions is engaged on several projects for the CBH Group. Mr Kotsoglo is the Managing Director of Planning Solutions.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the A/Presiding Member, Ms Kanella Hope determined that the member listed above, who had disclosed a Pecuniary Interest, was not permitted to participate in the discussion and voting on the item.

DAP Members, Cr Michael White and Cr Douglas Barritt, declared a Pecuniary Interest in item 8.1. Both Cr White and Cr Barritt are shareholders in CBH.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member, Mr Ray Haeren determined that the members listed above, who had disclosed a Pecuniary Interest, were not permitted to participate in the discussion and voting on the item.

7. Deputations and Presentations

7.1 Mr David Deany (CBH) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.2 Mr Daniel Sicoe (CBH) responded to questions from the panel in relation to the application at item 8.1.

7.3 Mr Stephen Carter (CLE Town Planning + Design) responded to questions from the panel in relation to the application at item 8.1.



7.4 Ms Liz Bushby (Shire of Broomehill-Tambellup C/O Town Planning Innovations) 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 Applications

8.1 Lots 2, 553 and 535 (333) Nardlah Road, Broomehill

Development Description: Proposed rural industry & associated rail infrastructure
Applicant: CLE Town Planning and Design
Owner: CBH Group & Minister for Railways
Responsible Authority: Shire of Broomehill-Tambellup
DAP File No: DAP/21/02104

REPORT RECOMMENDATION

Moved by: Ms Shelley Shepherd

Seconded by: Cr Steve Penny

That the Regional Development Assessment Panel resolves to:

1. **Note** the submissions in Attachment 7 and that the issues raised have been substantially addressed.
2. **Approve** DAP Application reference DAP/21/02104 in accordance with Clause 68 (2) of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and Clause 7.3.2 of the Shire of Broomehill Town Planning Scheme No. 1 subject to the following conditions and advice note:

Conditions

Substantial commencement

1. This decision constitutes planning approval for a rural Industry and associated rail infrastructure within Lots 2, 553 and 535 only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

Approved documents and plans

2. All development and construction activities shall be contained within the boundaries of Lots 2, 553 and 535 Nardlah Road, Broomehill. This approval should not be construed as an approval for any development or works in the railway reserve to the immediate west of Lot 2, as that land does not form part of the application subject of this approval.



3. The proposed development within Lots 2, 553 and 535 shall be in accordance with the following plans:
 - (i) The Broomehill Site Plan dated 4 November 2021 (Plan No 3244-41-01);
 - (ii) Sheet 1 of 1 (Drawing Number 558-ENG-C1-DCO-0007), Revision F dated 08.09.21;
 - (iii) Sheets 1 to 6 (Drawing Number 558-ENG-ST-DGA-001) Revision A dated 06.09.21.

4. The development application report by CLE Town Planning and Design dated September 2021 and accompanying documentation (as amended), including;
 - (i) Transport Impact Statement prepared by SMEC;
 - (ii) Power Supply Upgrade Feasibility report;
 - (iii) Dust Management Plan prepared by CBH;
 - (iv) Lighting Report prepared by TECS;
 - (v) Clearing Plan prepared by CBH

together with any requirements and recommendations detailed thereon, are the approved as part of this application and shall form part of the development approval issued. The operator, CBH, shall implement the approved plans as they relate to the operational phase of the development, during the life of the development.

Noise

5. The operator (CBH) shall ensure at all times that the operation of the development complies with and will not exceed with the following assigned noise levels at noise sensitive premises –
 - (i) LA10 45dBA during day hours; and
 - (ii) LA1 40dBA during evening hours; and
 - (iii) LA1 35dBA during night hours,

in accordance with Table 1 of the Noise Impact Assessment Report (SLR Ref: 675.30030-R01 Version 3.3 dated November 2021).

6. Noise mitigation measures are to be implemented to the satisfaction of the local government where required to demonstrate compliance with Condition 5 including and not limited to:
 - (i) Future short term noise monitoring of activities operational at night hours during major peak harvest seasons; and/or
 - (ii) Review activities that can be undertaken during day hours and minimise noise generating operations during night or evening hours; and /or
 - (iii) Implement a system to record, manage and report on complaints during the life of the development.



7. The operator shall implement the recommendations of the Noise Impact Assessment Report (SLR Ref: 675.30030-R01 Version 3.3 dated November 2021) including:
 - (i) Undertake, complete and lodge a separate short term noise monitoring survey to the local government. The survey of noise levels emitting from the development site shall be completed within 6 months of commencement of operations to determine post-operation noise levels at nearby sensitive receivers;
 - (ii) Monitoring should include any operations and activities that occur during the day, evening and night hours; and
 - (iii) Reduction in noise emissions through detailed design, commissioning and treatment of plant conveyor systems or individual fans; and
 - (iv) Vibration levels to comply with Australian Standard 2670.2:1990.

Drainage

8. The Operator (CBH) to lodge detailed drainage design drawings to the local government for separate approval prior to the commencement of development.

Construction

9. The operator (CBH) shall ensure at all times that construction noise is limited to between 7am and 7pm Monday to Saturday (excluding public holidays) and that the works are carried out in accordance with Australian Standard 2436:2010.
10. The Operator (CBH) is to lodge a Construction Management Plan for approval by the local government. The Construction Management Plan must include the following –
 - (a) Adequate space within the development site for the parking of construction vehicles, workers vehicles, loading areas, and for the delivery and storage of building materials;
 - (b) The location of any required hardstand areas or areas for specific construction activities;
 - (c) Temporary buildings;
 - (d) The location of any fenced construction compounds and materials storage / laydown areas;
 - (e) A general timetable for construction phases and the removal of temporary development after completion of the construction phase;
 - (f) The management of dust and other construction impacts;
 - (g) Watering capabilities and practices for dust management during/after clearing; and
 - (h) Limited hours for construction noise to ensure compliance with Condition 9;
 - (i) Haulage routes;
 - (j) A Pre-Construction Road Condition Report along the proposed haulage routes, and the obligation to prepare a Post-Construction Road Condition Report once construction is complete.

The Construction Management Plan is to be submitted to and approved by the local government prior to the commencement of any development, clearing or site works.



11. The Applicant is to implement the approved Construction Management Plan required by condition 10.
12. Any damage caused to the roads attributable to the construction phase of the development is to be rectified by the Operator to the standard identified in the Pre-Construction Road Condition Report.
13. The development approval also grants temporary development approval for the following –
 - (i) a construction workshop;
 - (ii) asphalt batching plant
 - (iii) any other construction related infrastructureshown on the Construction Management Plan required by condition 10.
14. The silos are to be constructed utilising a light grey colour.

Lighting

15. Lighting shall be installed to pathways and car parking areas, be designed in accordance with the Australian Standards for the Control of Obtrusive Effects of Outdoor Lighting (AS4282) and shall be internally directed to the development. All floodlights shall be oriented to eliminate disturbance to occupants on the surrounding properties and all light spill shall be contained within Lots 2, 553 and 535 or any adjacent railway reserve.

Advice Notes

1. Any clearing may necessitate separate approval or a clearing permit from the Department of Water and Environmental Regulation.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The panel was satisfied that the proposal had been thoroughly assessed, met the planning framework requirements and resulted in a net benefit, including moving the operations further out of town and reducing the number of trucks on the roads. The panel supported the conditions as set out, agreeing that these would sufficiently manage the construction and ongoing operation of the facility. This includes potential off site amenity impacts upon neighbours, noting these are expected to be reduced when compared to older, existing similar facilities given the operations involve technological advancements to reduce noise generation and an enclosed system to reduce dust and ensure product quality. The willingness of CBH to work with the Shire and local community was also noted.

9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval

Nil



10. State Administrative Tribunal Applications and Supreme Court Appeals

The Presiding Member noted the following SAT Applications -

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DP/14/00039 DR 65/2020	Shire of York	Lots 4869 (2256), 5931, 9926 (2948) and 26934 Great Southern Highway, St Ronans	Construction and Use of Allawuna Farm for the purposes of a Class II Landfill	28 July 2020
DAP/21/02063 DR241/2021	Shire of Dardanup	Lot 2 Banksia Road, Crooked Brook	Cleanaway Dardanup Landfill Facility	5 November 2021

11. General Business

The A/Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2020 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.

12. Meeting Closure

There being no further business, the A/Presiding Member declared the meeting closed at 10:12am.