



Regional Joint Development Assessment Panel Minutes

Meeting Date and Time: Tuesday, 11 October 2022; 11.00am
Meeting Number: RJDAP/70
Meeting Venue: Shire of Gingin
7 Brockman Street, Gingin

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Tony Arias

Mr Tony Arias
Presiding Member, Regional JDAP



Attendance

DAP Members

Mr Tony Arias (Presiding Member)
Ms Gabriela Poezyn (A/Deputy Presiding Member)
Mr Justin Page (Third Specialist Member)
Cr Frank Johnson (Local Government Member, Shire of Gingin)

Officers in attendance

Mr James Bayliss (Shire of Gingin)
Ms Natasha Jurmann (Shire of Gingin)
Cr Wayne Fewster (Shire of Gingin)
Cr Kim Rule (Shire of Gingin)

Minute Secretary

Ms Kailee Williams (Shire of Gingin)

Applicants and Submitters

Ms Denise Morgan (CDP Town Planning & Urban Design)
Mr Tony Young (Santrev)
Mr John Hurley (EAQ Consulting)
Mr Bill Williams (ProTen) – via Teams
Rory Mackay (Shire of Dandaragan)
Mr David Watts

Members of the Public / Media

There was one member of the public in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 10.59am on 11 October 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 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 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.





2. Apologies

Ms Kanella Hope (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

The Presiding Member noted that an addendum to the agenda was published to include details of a DAP direction for further information and responsible authority response in relation to Item 8.1, received on 6 October 2022.

All members declared that they had duly considered the documents.

6. Disclosure of Interests

Nil

7. Deputations and Presentations

- 7.1 Mr David Watts addressed the DAP against the recommendation for the application at Item 8.1 and responded to questions from the panel.
- 7.2 Mr John Hurley (EAQ Consulting) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions to panel.
- 7.3 Mr Tony Young (Santrev) and Ms Denise Morgan (CDP Town Planning & Urban Design) addressed the DAP and responded to questions to panel.
- 7.4 The Shire of Gingin officers addressed the DAP in relation to the application at Item 8.1 and responded to questions to panel.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 M1254 Hunter Road, Orange Springs

Development Description: Proposed Animal Husbandry Intensive (Poultry Broiler Farm and Associated Development)
Applicant: CDP Town Planning and Urban Design
Owner: ProTen Western Australia Pty Ltd
ProTen Western Australia Trust
Responsible Authority: Shire of Gingin
DAP File No: DAP/22/02263



REPORT RECOMMENDATION

Moved by: Cr Frank Johnson

Seconded by: Ms Gabriela Poezyn

That the Regional Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/22/02263 is appropriate for consideration as an "Animal Husbandry - Intensive" land use and is compatible with the objectives of the General Rural zone in accordance with Clause 3.2.7 of the Shire of Gingin's Local Planning Scheme No. 9;
2. **Approve** DAP Application reference DAP/22/02263 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, subject to the following conditions:

Conditions

1. This decision constitutes planning approval 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;
2. The development plans, as date stamped received by the Shire on 30 June 2022 and amended Site Plan date stamped received on 15 September 2022 and accompanying documentation (as amended), together with any requirements and annotations detailed thereon, are the plans approved as part of this application and shall form part of the development approval issued;
3. Prior to the commencement of site works, the landowner/applicant shall prepare and implement a revised Construction Management Plan (CMP) to the satisfaction of the Shire of Gingin, that at a minimum:
 - (i) Ensures site works, machinery and materials on the site do not generate unreasonable levels of noise, vibration, dust, wastewater or waste products.
4. Restricted Vehicles are prohibited from accessing the site until such time as the landowner/applicant can demonstrate to the Shire of Gingin that road intersection upgrades between Brand Highway and Hunter Road have been completed in consultation with and to the satisfaction of Main Roads Western Australia. The landowner/operator shall be responsible for all costs related to the intersection upgrades and any associated works or legal agreements;
5. Prior to the commencement of the approved use, the landowner/applicant shall demonstrate to the Shire of Gingin that Hunter Road upgrades have been completed in consultation with and to the satisfaction of the Shire of Dandaragan. The applicant/operator shall be responsible for all costs related to the road upgrades and any associated works or legal agreements;
6. Prior to the commencement of the approved use, the landowner/applicant shall demonstrate to the Shire of Gingin that a crossover upgrade from Hunter Road has been completed in consultation with and to the satisfaction of the Shire of Dandaragan. The applicant/operator shall be responsible for all costs related to the crossover upgrade and any associated works;


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7. Prior to the commencement of site works, a Landscaping Plan shall be submitted to and approved by the Shire of Gingin. The Landscaping Plan is to provide screening between Farm 3 and the northern lot boundary;
8. Prior to the commencement of the approved use, the landscaping as detailed in the Landscaping Plan shall be implemented and thereafter maintained to the satisfaction of the Shire of Gingin;
9. Prior to the commencement of the approved use, the landowner/applicant is required to submit a Farm Management Plan to the Shire of Gingin for approval and on advice from relevant state agencies, that at a minimum includes the following:
 - (i) Operating Strategy;
 - (ii) Waste Management, Soil Management, Stormwater Management, Nutrient Management, Dust Management, Vermin Management and Noise Management Plans; and
 - (iii) Soil and nutrient monitoring program.
10. The approved Farm Management Plan is to be implemented and adhered to thereafter to the satisfaction of the Shire of Gingin;
11. The landowner/applicant shall keep an up-to-date soil and nutrient monitoring log as per the approved Farm Management Plan, that is to be made available to the Shire of Gingin within 28 days upon written request;
12. Heavy haulage vehicles associated with the approved use are prohibited from accessing/egressing the site via Harris Street;
13. Prior to commencement of site works relating to the Staff/Worker's Accommodation, the landowner/applicant shall demonstrate to the Shire of Gingin that effluent disposal can be adequately disposed via a secondary treatment unit.
14. The Staff/Worker's Accommodation relates only to employees associated with the approved Animal Husbandry - Intensive use operating onsite, in accordance with the definition under Local Planning Scheme No. 9 (as amended);
15. The Staff/Worker's Accommodation is to accommodate no more than 16 persons at any one time;
16. Prior to the commencement of site works for the Staff/Worker's Accommodation and Caretakers Dwelling, the applicant shall demonstrate to the Shire of Gingin that an adequate potable water supply can service the developments, that consist of at least a 90,000-litre water tank that is capable of being replenished;
17. Where simultaneous approval has been granted for the Caretakers Dwelling and Staff/Workers Accommodation and the Animal Husbandry - Intensive use, the Animal Husbandry - Intensive use must be operational prior to occupation of the Caretakers Dwelling and Staff/Workers Accommodation;



18. Upon cessation of the Animal Husbandry – Intensive use, the right to occupy the Caretakers' Dwelling and Staff/Workers Accommodation expires and the development is not to be occupied;
19. Any external lighting located on all approved structures must be designed, baffled and located so as to comply with Australian Standard 4282:2019 'Control of the obtrusive effects of outdoor lighting'.

Advice Notes

1. If you are aggrieved by the conditions of this approval, you have the right to request that the State Administrative Tribunal (SAT) review the decision under Part 14 of the *Planning and Development Act 2005*;
2. Where an approval has lapsed, no development may be carried out without further approval of the RJADAP having first been sought and obtained;
3. Further to this approval, the applicant is required to submit working drawings and specifications to comply with the requirements of the *Building Act 2011* and *Health Act 2016*, which are to be approved by the Shire of Gingin;
4. It is advised that the proposal should at all times comply with the *Environmental Code of Practice for Poultry Farms (2004)*;
5. The operation is required to comply with the *Environmental Protection (Noise) Regulations 1997*;
6. It is advised that the species 'Banksia Woodland of the Swan Coastal Plain', is listed as an endangered threatened ecological community under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*. The removal of any vegetation may require referral to the Australian Government Department of the Environment and Energy for permission to do so;
7. Please liaise with the Heavy Vehicle Services division of Main Roads Western Australia in relation to obtaining a Restricted Vehicle Access (RAV) permit for Hunter Road;
8. Please be advised that the property may be re-rated to reflect the change in intensification and use approved as part of this application;
9. The approved Caretaker's Dwelling and Staff/Workers Accommodation is to have access to a sufficient supply of potable water that is of the quality specified under the Australian Drinking Water Quality Guidelines 2011;
10. Please be advised that the Caretakers Dwelling and Staff/Workers Accommodation is not a prescribed noise sensitive premises under the *Environmental Protection (Noise) Regulations 1997* and as such is not subject to the expected noise levels of a residential area.


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AMENDING MOTION 1

Moved by: Mr Justin Page

Seconded by: Cr Frank Johnson

That Condition No. 1 be amended to read as follows:

This decision constitutes planning approval only and is valid for a period of 2 4 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;

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To align this condition with the current Development Assessment Panel regulations.

AMENDING MOTION 2

Moved by: Mr Justin Page

Seconded by: Nil

That Condition No. 4 be deleted, and remaining conditions be renumbered accordingly.

The Amending Motion was WITHDRAWN

AMENDING MOTION 3

Moved by: Mr Justin Page

Seconded by: Cr Frank Johnson

The following amendments were made en bloc:

(i) That Condition No.9 be amended to read as follows:

Prior to the commencement of the approved use, the landowner/applicant is required to submit a Farm Management Plan to the Shire of Gingin for approval and on advice from relevant State agencies, that at a minimum includes the following:

(i) *Operating Strategy;*

(ii) *Waste Management, Soil Management, Stormwater Management, Nutrient Management, Dust Management, Vermin Management and Noise Management Plans; and*

(iii) *Soil and nutrient monitoring program.*

(iv) ***Odour Management Plan detailing how offsite odour impacts will be managed.***

(ii) That Condition No.14 be amended to read as follows:

*The **Caretaker's Dwelling and Staff/Worker's Accommodation** relates only to employees associated with the approved Animal Husbandry - Intensive use operating onsite, in accordance with the definition under Local Planning Scheme No. 9 (as amended);*

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The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To ensure that adequate odour management conditions form part of the approval and to be consistent with the requirement for Management Plans to manage impacts proposed in the RAR. To correct a typing error in the word 'state'. To also restrict the use of the Caretaker's Dwelling to only accommodate employees associated with the Animal Husbandry – Intensive use approval and prevent it from being utilised as alternative accommodation relating inappropriately with the approved land use.

AMENDING MOTION 4

Moved by: Ms Gabriela Poezyn

Seconded by: Cr Frank Johnson

That a new Condition No.20 be added be imposed to restrict Farm 3 to 'free-range' use only to minimise poultry density, assuming lower odour levels.

The Amending Motion was WITHDRAWN.

AMENDING MOTION 5

Moved by: Mr Justin Page

Seconded by: Cr Frank Johnson

That Condition No.12 is deleted and is modified to becomes Advice Note 11, and remaining conditions be renumbered accordingly.

Harris Street is presently an ungazetted road and should not be proposed as public access road. Heavy haulage vehicles associated with the approved use from accessing/egressing the site via Harris Street is not supported.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Harris Street is an ungazetted road and therefore should not be conditionally noted as an accessible route, regardless of vehicle size and/or weight. Then panel were of the view that Harris Street should not be used until it is gazetted, and therefore the duty of care in accessing this road passes back to the applicant.

REPORT RECOMMENDATION (AS AMENDED)

That the Regional Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/22/02263 is appropriate for consideration as an "Animal Husbandry - Intensive" land use and is compatible with the objectives of the General Rural zone in accordance with Clause 3.2.7 of the Shire of Gingin's Local Planning Scheme No. 9;
2. **Approve** DAP Application reference DAP/22/02263 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, subject to the following conditions:



Conditions

1. This decision constitutes planning approval only and is valid for a period of 4 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;
2. The development plans, as date stamped received by the Shire on 30 June 2022 and amended Site Plan date stamped received on 15 September 2022 and accompanying documentation (as amended), together with any requirements and annotations detailed thereon, are the plans approved as part of this application and shall form part of the development approval issued;
3. Prior to the commencement of site works, the landowner/applicant shall prepare and implement a revised Construction Management Plan (CMP) to the satisfaction of the Shire of Gingin, that at a minimum:
 - (i) Ensures site works, machinery and materials on the site do not generate unreasonable levels of noise, vibration, dust, wastewater or waste products.
4. Restricted Vehicles are prohibited from accessing the site until such time as the landowner/applicant can demonstrate to the Shire of Gingin that road intersection upgrades between Brand Highway and Hunter Road have been completed in consultation with and to the satisfaction of Main Roads Western Australia. The landowner/operator shall be responsible for all costs related to the intersection upgrades and any associated works or legal agreements;
5. Prior to the commencement of the approved use, the landowner/applicant shall demonstrate to the Shire of Gingin that Hunter Road upgrades have been completed in consultation with and to the satisfaction of the Shire of Dandaragan. The applicant/operator shall be responsible for all costs related to the road upgrades and any associated works or legal agreements;
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7. Prior to the commencement of site works, a Landscaping Plan shall be submitted to and approved by the Shire of Gingin. The Landscaping Plan is to provide screening between Farm 3 and the northern lot boundary;
8. Prior to the commencement of the approved use, the landscaping as detailed in the Landscaping Plan shall be implemented and thereafter maintained to the satisfaction of the Shire of Gingin;



9. Prior to the commencement of the approved use, the landowner/applicant is required to submit a Farm Management Plan to the Shire of Gingin for approval and on advice from relevant State agencies, that at a minimum includes the following:
 - (i) Operating Strategy;
 - (ii) Waste Management, Soil Management, Stormwater Management, Nutrient Management, Dust Management, Vermin Management and Noise Management Plans; and
 - (iii) Soil and nutrient monitoring program.
 - (iv) Odour Management Plan detailing how offsite odour impacts will be managed.
10. The approved Farm Management Plan is to be implemented and adhered to thereafter to the satisfaction of the Shire of Gingin;
11. The landowner/applicant shall keep an up-to-date soil and nutrient monitoring log as per the approved Farm Management Plan, that is to be made available to the Shire of Gingin within 28 days upon written request;
12. Prior to commencement of site works relating to the Staff/Worker's Accommodation, the landowner/applicant shall demonstrate to the Shire of Gingin that effluent disposal can be adequately disposed via a secondary treatment unit.
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14. The Staff/Worker's Accommodation is to accommodate no more than 16 persons at any one time;
15. Prior to the commencement of site works for the Staff/Worker's Accommodation and Caretakers Dwelling, the applicant shall demonstrate to the Shire of Gingin that an adequate potable water supply can service the developments, that consist of at least a 90,000-litre water tank that is capable of being replenished;
16. Where simultaneous approval has been granted for the Caretakers Dwelling and Staff/Workers Accommodation and the Animal Husbandry - Intensive use, the Animal Husbandry - Intensive use must be operational prior to occupation of the Caretakers Dwelling and Staff/Workers Accommodation;
17. Upon cessation of the Animal Husbandry – Intensive use, the right to occupy the Caretakers' Dwelling and Staff/Workers Accommodation expires and the development is not to be occupied;
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Advice Notes

1. If you are aggrieved by the conditions of this approval, you have the right to request that the State Administrative Tribunal (SAT) review the decision under Part 14 of the *Planning and Development Act 2005*;
2. Where an approval has lapsed, no development may be carried out without further approval of the RJDAP having first been sought and obtained;
3. Further to this approval, the applicant is required to submit working drawings and specifications to comply with the requirements of the *Building Act 2011* and *Health Act 2016*, which are to be approved by the Shire of Gingin;
4. It is advised that the proposal should at all times comply with the *Environmental Code of Practice for Poultry Farms (2004)*;
5. The operation is required to comply with the *Environmental Protection (Noise) Regulations 1997*;
6. It is advised that the species 'Banksia Woodland of the Swan Coastal Plain', is listed as an endangered threatened ecological community under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*. The removal of any vegetation may require referral to the Australian Government Department of the Environment and Energy for permission to do so;
7. Please liaise with the Heavy Vehicle Services division of Main Roads Western Australia in relation to obtaining a Restricted Vehicle Access (RAV) permit for Hunter Road;
8. Please be advised that the property may be re-rated to reflect the change in intensification and use approved as part of this application;
9. The approved Caretaker's Dwelling and Staff/Workers Accommodation is to have access to a sufficient supply of potable water that is of the quality specified under the Australian Drinking Water Quality Guidelines 2011;
10. Please be advised that the Caretakers Dwelling and Staff/Workers Accommodation is not a prescribed noise sensitive premises under the *Environmental Protection (Noise) Regulations 1997* and as such is not subject to the expected noise levels of a residential area.
11. Harris Street is presently an ungazetted road and should not be proposed as public access road. Heavy haulage vehicles associated with the approved use from accessing/egressing the site via Harris Street is not supported.

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

REASON: Having considered the Responsible Authority Report and all materials and information presented, the Panel was satisfied the proposal is suitable, subject to the various conditions set out (and as amended).


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There was significant discussion on the required buffer distance between the Broiler Farm and residential dwellings. The EPA Guidance Statement, referred to in the RAR, recommends a buffer distance of between 300 - 1000 metres depending on size of the operation, which the proposal generally met this policy requirement. The Panel was satisfied that potential odour impacts on nearby sensitive receptors were minimal given meteorological characteristics, separation distance between internal poultry farms (i.e. reduction in cumulative impacts), separation distance to surrounding sensitive receptors, topography and intervening vegetation.

The Panel was satisfied that all relevant planning considerations had been appropriately addressed. The conditions proposed are suitable to mitigate potential environmental impacts such as traffic, noise, dust and odour arising from the proposal.

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
DAP/21/02120 DR49/2022	City of Busselton	Lot 400 (No.24) Dunn Bay Road, Dunsborough	Proposed six storey mixed use (Restaurant/Cafe and Multiple Dwellings) Development	23 March 2022

11. General Business

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

12. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 12.39pm.