



Regional Joint Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 12 November 2020; 1pm
Meeting Number: RJDAP/15
Meeting Venue: via electronic means

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

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Attendance

DAP Members

Mr Paul Kotsoglo (Presiding Member)
Ms Kanella Hope (Deputy Presiding Member)
Mr Justin Page (Third Specialist Member)
Cr Mark Conley (Local Government Member, Shire of Cuballing)
Cr Eliza Dowling (Local Government Member, Shire of Cuballing)

Officers in attendance

Mr Gary Sherry (Shire of Cuballing)
Ms Bronwyn Dew (Shire of Cuballing)

Minute Secretary

Ms Adele McMahon (DAP Secretariat)
Ms Ashlee Kelly (DAP Secretariat)

Applicants and Submitters

Mr Ray Haeren (Urbis)
Mr Dean Toovey (Patmore Feeds)

Members of the Public / Media

Nil

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 1:07pm on 12 November 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 2020 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

1.1 Announcements by Presiding Member

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.

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.

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

Mr Paul Kotsoglo
Presiding Member, Regional JDAP



2. Apologies

Nil

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 12 November 2020.

All members declared that they had duly considered the documents.

6. Disclosure of Interests

Nil

7. Deputations and Presentations

- 7.1 Mr Ray Haeren (Urbis) 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 Gary Sherry (Shire of Cuballing) 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 Lot 2 on Diagram 72792 and Lot 8 on Deposited Plan 52749 Springhill Road, Cuballing

Development Description: Bulk Feed Mill
Applicant: Urbis
Owner: William John Patmore
Responsible Authority: Shire of Cuballing
DAP File No: DAP/20/01839

REPORT RECOMMENDATION

Moved by: Mr Justin Page

Seconded by: Cr Eliza Dowling

The following amendment was made administratively to correct typo;

- (i) Amendment to the preamble point 3 to correctly reflect the DAP reference number;

***Approve** DAP Application DAP/20/40/01839 and accompanying plans provided in 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 Shire of Cuballing Local Planning Scheme No. 2, subject to the following conditions:*

REASON: To correctly reflect the DAP reference number

That the Regional Joint Development Assessment Panel resolves to:

1. **Note** the Schedule of Submissions and the associated Applicant Responses.
2. **Accept** that the DAP Application reference DAP/20/01839 is appropriate for consideration as an 'industry' land use and compatible with the objectives of the zoning table in accordance with the *Shire of Cuballing Local Planning Scheme No. 2*.
3. **Approve** DAP Application DAP/20/01839 and accompanying plans provided in 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 *Shire of Cuballing Local Planning Scheme No. 2*, subject to the following conditions:

Conditions

1. Development/land use shall be in accordance with the attached approved plan(s) and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
2. This decision constitutes development approval only and is valid for a period of 3 years from the date of approval. If the subject development is not substantially commenced within the 3 year period, the approval shall lapse and be of no further effect.

Mr Paul Kotsoglo
Presiding Member, Regional JDAP



3. The facility is permitted to operate 24 hours a day on Mondays to Sundays;
4. Prior to commencement of any works, a Stormwater Management Plan shall be submitted for approval by the local government and thereafter implemented and maintained to the satisfaction of the local government. Amongst matters, the Plan should:
 - (a) Ensure that all stormwater from buildings, vehicle access ways, manoeuvring and parking areas, vehicle wash down areas and other impervious areas are collected, detained and suitably treated on site for the 1 in 1 year, 1 hour average recurrence interval (ARI) storm event;
 - (b) Address surface water management for larger 1 in 20 year and 1 in 50 year storm events to prevent stormwater causing soil erosion on the application site, on neighbouring properties and on public infrastructure; and
 - (c) Be designed in accordance with the *Stormwater Management Manual for Western Australia*.
5. The access ways, vehicle manoeuvring areas and vehicle parking spaces are to be designed, constructed, sealed and drained prior to occupation. Thereafter, the operator shall appropriately maintain these areas to the satisfaction of the local government.
6. Prior to occupation or use of the development, the vehicular crossovers onto Springhill Road are to be located, designed, constructed, sealed and drained to the satisfaction of the local government. In particular, Access 'A' (northern crossover) is to be designed as per Safe Intersection Sight Distance (SISD) formula provided in Equation 2 in section 3.2.2 of the *Austroads : Guide to Road Design Part 4A*.
7. Prior to occupation or use of the development, engineering drawings and specifications shall be submitted for approval for the upgrade of Springhill Road within 30 metres of either side of the approved Access 'A' (northern crossover) location. Works shall be undertaken in accordance with the approved drawings and specifications and completed to the satisfaction of the local government prior to occupation or use of the development.
8. Before commencement of any upgrading works to Springhill Road, a Construction Management Plan shall be submitted for approval by the local government and implemented for the duration of the construction of the development and upgrade to Springhill Road to the satisfaction of the local government.
9. Prior to occupation or use of the development, a Landscaping Plan shall be submitted to and approved by the local government, and shall include the following:
 - (a) The location, number and type of proposed trees and shrubs including species and density;
 - (b) Planting for filtration purposes for all drainage swales and drainage infrastructure;
 - (c) Promoting the use of locally indigenous species; and
 - (d) Addressing the approved Bushfire Management Plan.

The approved Landscaping Plan shall be implemented prior to occupation or use of the development and maintained thereafter to the satisfaction of the local government.



10. Toxic and hazardous chemicals are to be stored within contained compounds to the satisfaction of the local government.
11. The Environmental Noise Assessment dated 17 August 2020 shall be implemented to the satisfaction of the local government.
12. A Dust Contingency Plan shall be submitted to and approved by the local government prior to the commencement of any site works. Dust control measures for site works and all operations are to be implemented to the satisfaction of the local government.
13. A Pest Management Plan is submitted and implemented to the satisfaction of the local government prior to occupation. Following this, the Plan is implemented to the satisfaction of the local government.
14. The Bushfire Management Plan dated 14 August 2020 and all the recommendations contained within shall be implemented to the satisfaction of the local government.
15. Prior to occupation or use of the development, a Section 70A Notification pursuant to the *Transfer of Land Act 1893* (or as amended) must be registered against the Certificate of Title(s) advising the owners and successors in title that a Bushfire Management Plan has been prepared and contains measures required to be maintained by the landowner/operator.
16. Any lighting device shall be positioned and shielded so as not to cause any direct, reflected or incidental light beyond the property boundaries. Lighting should be designed in accordance with *AS 4282-2019 Control of the Obtrusive Effects of Outdoor Lighting*.
17. The buildings and structures are clad in Colourbond colours on external walls and the roofs to the satisfaction of the local government.
18. The Environmental Management Plan be updated to clearly set out that the burning of wastes, including waste straw, will not occur and the Environmental Management Plan shall be implemented and maintained to the satisfaction of the local government

Advice Notes

1. In relation to proposed crossovers, any gates should be off set to ensure heavy vehicles or other vehicles are not blocking Springhill Road when entering the site.
2. In relation to the Landscape Plan, the local government will accept a suitable bond to enable occupation prior to the complete establishment of the landscaping.
3. Regarding the Pest Management Plan, the applicant is advised that pests to be controlled include, but are not limited to, insects, weeds, vectors, vermin, feral animals and birds.



4. The local government encourages the operator to:
 - (a) Liaise with the school bus operator who accesses Springhill Road to establish a traffic schedule to avoid potential conflict with school bus operations;
 - (b) Install low speed signage within the site;
 - (c) Ensure that all technical reports associated with the facility are maintained on the operator’s website;
 - (d) Establish and maintain a complaints management system; and
 - (e) Report any environmental incident promptly to the Department of Water and Environmental Regulation and to the local government.
5. Any additions to or change of use of any part of the building or land (not the subject of this approval) requires further application and development approval.
6. Occupation of the premises is not permitted until all conditions are appropriately addressed to the satisfaction of the local government.
7. If an applicant is aggrieved by this determination there is a right (pursuant to the *Planning and Development Act 2005*) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The JDAP adopted the Officer Recommendation contained in the Responsible Authority Report as it was considered to reflect the necessary requirements applicable to the proposed development under the provisions of the planning framework

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

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 1:45pm.

A handwritten signature in black ink, appearing to be 'P. Kotsoglo'.

Mr Paul Kotsoglo
Presiding Member, Regional JDAP