

Regional Joint Development Assessment Panel Minutes

Meeting Date and Time: Monday, 28 August 2023; 9.30am

Meeting Number:RJDAP/111Meeting 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

Tony Arias (Presiding Member) Lindsay Baxter (A/Deputy Presiding Member) Justin Page (Third Specialist Member)

Item 8.1

Cr Lee Casson (Local Government Member, Shire of Cranbrook) Cr Peter Slater (Local Government Member, Shire of Cranbrook)

Item 9.1

Cr Kerry White (Local Government Member, Shire of Ashburton)

Officers in attendance

Item 8.1 Liz Bushby (Shire of Cranbrook) Linda Gray (Shire of Cranbrook)

Minute Secretary

Tenielle Brownfield (DAP Secretariat)

Applicants and Submitters

Item 8.1

Eleni Thorman (CLE Town Planning and Design) Chris Hall (CBH) Aaron Lohman (CBH) Haylee Morton – CBH) Matt Wright (CBH) James Bridge (Shawmac) Luke Zoontjens (SLR Consulting)

Bec Didcoe (Taylor Burrell Barnett)

Members of the Public / Media

Nil





1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.34am on 25 August 2023 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.

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

2. Apologies

Kanella Hope (Deputy Presiding Member)

Cr Linton Rumble (Local Government Member, Shire of Ashburton)

Cr Matthew Lynch (Local Government Member, Shire of Ashburton)

Cr Rory de Pledge (Local Government Member, Shire of Ashburton)

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, Justin Page, declared an impartiality interest in item 8.1. Aaron Lohman representing CBH Group is a former employee of Justin Page's employer (Element). His familiarity with Mr Lohman will not impact his ability to be impartial in determining this application.



Tony Arias Presiding Member, Regional JDAP



In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member determined that the member listed above, who had disclosed a impartiality interest, was permitted to participate in the discussion and voting on the item.

DAP Member, Cr Linton Rumble, declared a direct pecuniary interest in item 9.1. Cr Rumble is a Shareholder.

DAP Member, Cr Matthew Lynch, declared an indirect pecuniary interest in item 9.1. Cr Lynch is an employee of Rio Tinto and receives a salary.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member determined that the members listed above, who have disclosed a direct and indirect pecuniary interest, are not permitted to participate in the discussion and voting on the item.

7. Deputations and Presentations

- **7.1** Chris Hall (CBH) addressed the DAP in support of the recommendation for the application at Item 8.1.
- **7.2** Aaron Lohman (CBH) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.
- **7.3** Shire of Cranbrook addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

The presentation at Item 7.1 - 7.3 were heard prior to the application at Item 8.1.

7.4 Bec Didcoe (Taylor Burrell Barnett) addressed the DAP in support of the recommendation for the application at Item 9.1.

The presentation at Item 7.4 was heard prior to the application at Item 9.1.

- 8. Form 1 Responsible Authority Reports DAP Applications
- 8.1 Lot 63 (Reserve 10315), Lot 290 (Reserve 35969), Location 2358 (Reserve 16969), Hardy Road (ID 3753980), Carlisle Road (ID 3464480) & Lot 1505 Johnson Street, Cranbrook

Development Description: Proposed New Rail Siding and Fixed Rail Loading

Facility

Applicant: CLE Town Planning and Design

Owner: CBH Group and Public Transport Authority

Responsible Authority: Shire of Cranbrook DAP File No: DAP/23/02502



Tony Arias Presiding Member, Regional JDAP



REPORT RECOMMENDATION

Moved by: Cr Peter Slater Seconded by: Lindsay Baxter

The following amendment was made administratively to Condition No. 3:

The development application report by CLE Town Planning and Design dated 10 May 2023 and accompanying documentation (as amended), including;

- (i) Bushfire Management Plan prepared by Green Start Consulting;
- (ii) Transport Impact Statement prepared by SMEC Shawmac;
- (iii) Dust Management Plan prepared by CBH;
- (iv) Drainage Investigation report prepared by BG&E Resources.

together with any requirements and recommendations detailed thereon, are 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.

REASON: To reflect the correct consultant.

That the Regional Development Assessment Panel resolves to:

- 1. **Accept** that the DAP Application reference DAP/23/02502 is appropriate for consideration as a 'rural industry' land use and compatible with the objectives of the zoning table in accordance with Clause 4.4.2 of the Shire of Cranbrook Town Planning Scheme No 4.
- 2. **Approve** DAP Application reference DAP/23/02502 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause 10.3 of the Shire of Cranbrook Town Planning Scheme No 4 subject to the following conditions and advice notes:

Substantial commencement

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.





Approved Documents and Plans

- 2. The proposed development within Lots 63, 290 (Reserve 35969), Location 2358 (Reserve 16969), Hardey Street (Landgate ID 3753980), Carlisle Street (Landgate ID 3464480) and Lot 15050 Johnson Street, Cranbrook shall generally be in accordance with the following plans:
 - (i) The Site Plan by CLE dated 16 December 2022 (Plan No. 3244-45D-01);
 - (ii) The Conceptual Layout dated 9 August 2021 (Drawing No. 560-ENG-CI-DCO-0013);
 - (iii) Supplementary Pavement Sketch dated 21 April 2023 (Drawing No. 560-ENG-CI-SKT-0005);
 - (iv) Clearing Plan dated 6 December 2022 (Drawing No. 560-ENG-CI- DCL-0006):
 - (v) Sheet 1 of 12 dated 24 August 2022 (Drawing No. 560-ENG-ST- DGL- 0002)

Unless otherwise approved separately in writing by the local government.

- 3. The development application report by CLE Town Planning and Design dated 10 May 2023 and accompanying documentation (as amended), including;
 - (i) Bushfire Management Plan prepared by Green Start Consulting;
 - (ii) Transport Impact Statement prepared by Shawmac;
 - (iii) Dust Management Plan prepared by CBH;
 - (iv) Drainage Investigation report prepared by BG&E Resources. together with any requirements and recommendations detailed thereon, are 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

- 4. The Operator to ensure that vibration levels to comply with Australian Standard 2670.2:1990.
- 5. The operator shall undertake, complete and lodge a 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;
 - (i) Monitoring should include any operations and activities that occur during the day, evening and night hours; and
 - (ii) Compare the results with the Noise Impact Assessment prepared by SLR Consulting dated the 9 August 2023 (Reference: 675.30030-R02-v6.0).
- 6. The Operator shall implement a system to record, manage and report on noise complaints during construction and for the life of the development.



Drainage

7. The Operator to lodge detailed drainage design drawings to the local government for separate approval prior to the commencement of development.

Traffic

- 8. The Operator shall ensure that all out-loading operations from the Kojonup Receival site to the Cranbrook Receival site are undertaken by CBH or its contractor(s), and limited to between the months January September, or as otherwise agreed in writing by the local government to allow for emergency or other essential movements of grain.
- 9. The Operator shall repair, upgrade and seal the existing northern crossover (used for egress) on Lot 1505 prior to commencement of operation.

Construction

- 10. The Operator 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 traffic during construction;
 - (g) Watering capabilities and practices for dust management during/after clearing; and
 - (h) Haulage routes;
 - (i) 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 Operator and/or it's Contractor is to implement the approved Construction Management Plan required by condition 10.





- 12. The development approval also grants temporary development approval for the following
 - (i) construction workshop;
 - (ii) asphalt batching plant
 - (iii) any other construction related infrastructure shown on the Construction Management Plan required by condition 10.

Lighting

13. Any lighting installed to pathways, internal work areas, traffic accessways and car parking areas, shall 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 residential properties.

Road Reserves

14. This approval incudes temporary works within unmade road reserves (Hardy Street and Carlisle Street). The Operator shall remove all works from the unmade road reserves within 3 months of completion of construction.

The affected portion of Carlisle Street shall be restored to 'pre-development' condition, and the affected portion of Hardy Street shall be rehabilitated to the satisfaction of the local government.

Advice Notes

- 1. The Operator is required to comply with the Environmental Protection (Noise) Regulations 1997 during construction and at operation stage, for the life of the development. It is recommended that post-construction noise monitoring be in accordance with the Draft EPA Guidance No 8.
- 2. For the purpose of clearing conditions, compliance may be determined by the Shire Chief Executive Officer. The term 'Operator' in all conditions of this approval means CBH.
- 3. DWER has advised that any works that involve obstructing, interfering, or destroying the bed or banks of a watercourse or wetland, and/or taking, storing or diverting water, may require a permit under the Rights in Water and Irrigation Act (1914). This applies to works undertaken in both unproclaimed (Section 21A of the Act) or proclaimed areas (Sections 11 and 17), that is not on private property. Where a permit is required, the work must not commence before the permit is issued.





AMENDING MOTION 1

Moved by: Lindsay Baxter Seconded by: Cr Peter Slater

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 ensure consistency with the Planning and Development (Development Assessment Panel) Regulations 2011.

AMENDING MOTION 2

Moved by: Lindsay Baxter Seconded by: Cr Peter Slater

That Condition No. 5 be deleted, and the remaining conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Noise is managed under the Environmental Protection Noise Regulations 1997 and all development is required to comply with relevant separate legislation.

AMENDING MOTION 3

Moved by: Lindsay Baxter Seconded by: Cr Peter Slater

That Condition No. 6 (Now Condition No. 5) be amended to read as follows:

The Operator shall implement a system to record, manage and report on noise complaints during construction and for the life of the development. to the satisfaction of the Shire.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: In the light of deletion of Condition 5 and the requirement of the operations to comply with the Environmental Protection (Noise) Regulations 1997, it is only any noise generated by the construction of the proposed development which needs to be managed.

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Tony Arias Presiding Member, Regional JDAP



AMENDING MOTION 4

Moved by: Lindsay Baxter Seconded by: Cr Peter Slater

That Condition No. 9 (Now Condition No. 8) be deleted, and the remaining conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The existing northern crossover does not form part of the development.

AMENDING MOTION 5

Moved by: Lindsay Baxter Seconded by: Cr Peter Slater

That Condition No. 10 (i) (Now Condition No. 8(i)) be amended to read as follows:

A Pre-Construction and a Post Construction Road Condition Report, relating to the proposed development, is to be prepared for the section of the haulage route on Salt River Road, between Climie Street and Ronaldshaw Road, and on Johnson Street and submitted to the Shire of Cranbrook for assessment as to any repair or remediation of that section of road.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: There will be some impact on the local road system (haulage route) during construction of the development)

AMENDING MOTION 6

Moved by: Tony Arias Seconded by: Lindsay Baxter

That Advice Note 1 be deleted, and the remaining Advice Notes be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Advice Note is not required as the applicants are required to comply with EPA regulations.

REPORT RECOMMENDATION (AS AMENDED)

That the Regional Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/23/02502 is appropriate for consideration as a 'rural industry' land use and compatible with the objectives of the zoning table in accordance with Clause 4.4.2 of the Shire of Cranbrook Town Planning Scheme No 4.

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Tony Arias Presiding Member, Regional JDAP



2. **Approve** DAP Application reference DAP/23/02502 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause 10.3 of the Shire of Cranbrook Town Planning Scheme No 4 subject to the following conditions and advice notes:

Substantial commencement

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.

Approved Documents and Plans

- 2. The proposed development within Lots 63, 290 (Reserve 35969), Location 2358 (Reserve 16969), Hardey Street (Landgate ID 3753980), Carlisle Street (Landgate ID 3464480) and Lot 15050 Johnson Street, Cranbrook shall generally be in accordance with the following plans:
 - (i) The Site Plan by CLE dated 16 December 2022 (Plan No. 3244-45D- 01);
 - (ii) The Conceptual Layout dated 9 August 2021 (Drawing No. 560-ENG-CI-DCO-0013);
 - (iii) Supplementary Pavement Sketch dated 21 April 2023 (Drawing No. 560-ENG-CI-SKT-0005);
 - (iv) Clearing Plan dated 6 December 2022 (Drawing No. 560-ENG-CI-DCL-0006);
 - (v) Sheet 1 of 12 dated 24 August 2022 (Drawing No. 560-ENG-ST-DGL-0002)

Unless otherwise approved separately in writing by the local government.

- 3. The development application report by CLE Town Planning and Design dated 10 May 2023 and accompanying documentation (as amended), including;
 - (i) Bushfire Management Plan prepared by Green Start Consulting;
 - (ii) Transport Impact Statement prepared by Shawmac;
 - (iii) Dust Management Plan prepared by CBH;
 - (iv) Drainage Investigation report prepared by BG&E Resources. together with any requirements and recommendations detailed thereon, are 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.

<u>Noise</u>

- 4. The Operator to ensure that vibration levels to comply with Australian Standard 2670.2:1990.
- 5. The Operator shall implement a system to record, manage and report on noise complaints during construction to the satisfaction of the Shire.





Drainage

6. The Operator to lodge detailed drainage design drawings to the local government for separate approval prior to the commencement of development.

<u>Traffic</u>

7. The Operator shall ensure that all out-loading operations from the Kojonup Receival site to the Cranbrook Receival site are undertaken by CBH or its contractor(s), and limited to between the months January – September, or as otherwise agreed in writing by the local government to allow for emergency or other essential movements of grain.

Construction

- 8. The Operator 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 traffic during construction;
 - (g) Watering capabilities and practices for dust management during/after clearing; and
 - (h) Haulage routes;
 - (i) A Pre-Construction and a Post Construction Road Condition Report, relating to the proposed development, is to be prepared for the section of the haulage route on Salt River Road, between Climie Street and Ronaldshaw Road, and on Johnson Street and submitted to the Shire of Cranbrook for assessment as to any repair or remediation of that section of road.

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.

9. The Operator and/or it's Contractor is to implement the approved Construction Management Plan required by condition 10.





- 10. The development approval also grants temporary development approval for the following
 - (i) construction workshop;
 - (ii) asphalt batching plant
 - (iii) any other construction related infrastructure shown on the Construction Management Plan required by condition 10.

Lighting

11. Any lighting installed to pathways, internal work areas, traffic accessways and car parking areas, shall 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 residential properties.

Road Reserves

12. This approval incudes temporary works within unmade road reserves (Hardy Street and Carlisle Street). The Operator shall remove all works from the unmade road reserves within 3 months of completion of construction.

The affected portion of Carlisle Street shall be restored to 'pre-development' condition, and the affected portion of Hardy Street shall be rehabilitated to the satisfaction of the local government.

Advice Notes

- 1. For the purpose of clearing conditions, compliance may be determined by the Shire Chief Executive Officer. The term 'Operator' in all conditions of this approval means CBH.
- 2. DWER has advised that any works that involve obstructing, interfering, or destroying the bed or banks of a watercourse or wetland, and/or taking, storing or diverting water, may require a permit under the Rights in Water and Irrigation Act (1914). This applies to works undertaken in both unproclaimed (Section 21A of the Act) or proclaimed areas (Sections 11 and 17), that is not on private property. Where a permit is required, the work must not commence before the permit is issued.

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

REASON: The Panel was satisfied that all relevant planning considerations had been appropriately addressed. The proposed upgrading of the CBH grain receival facility was considered consistent with planning framework in the Shire of Cranbrook Town Planning Scheme No 4 which designates the site Rural and Industrial and meets the objectives of both the Rural and Industrial zones. It is also consistent with the intent of the Reserve and compatible with the existing locality. It was also noted that Lots 290 and 1505 have been developed and used as a CBH grain receival site for a number of years.





The RAR raises some issues with traffic circulation and access arrangements have been raised as matter of concern, however, the proposed conditions should address the traffic circulation and access arrangements.

Cr Lee Casson and Cr Peter Slater (Local Government Member, Shire of Cranbrook) left the panel at 10.19am. Cr Kerry White (Local Government Member, Shire of Ashburton) joined the panel at 9.40am.

- 9. Form 2 Responsible Authority Reports DAP Amendment or Cancellation of Approval
- 9.1 Lots 61, 603 and 605 Rocklea Road, Paraburdoo and Lot 623 McRae Avenue, Paraburdoo

Development Description: 262 Transient Workforce Accommodation Units

and Supporting Facilities

Proposed Amendments: Increase in building height. New recreation room

& other minor modifications

Applicant: Taylor Burrell Barnett
Owner: Hamersley Iron Pty Ltd
Responsible Authority: Shire of Ashburton
DAP File No: DAP/21/02051

REPORT RECOMMENDATION

Moved by: Lindsay Baxter Seconded by: Cr Kerry White

- 1. **Accept** that the DAP Application reference DAP/21/02051 as detailed on the DAP Form 2 dated 6 July 2023 is appropriate for consideration in accordance with regulation 17 of the Planning and Development (Development Assessment Panels) Regulations 2011.
- 2. **Approve** DAP Application reference DAP/21/02051 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015, and the provisions of Clause 5.10 of the Shire of Ashburton Local Planning Scheme No. 7, for the proposed minor amendment to the approved 262 Transient Workforce Accommodation Units and Supporting Facilities at Lots 61, 603 and 605 Rocklea Road, Paraburdoo and Lot 623 McRae Avenue, Paraburdoo.

All conditions and requirements detailed on the previous approval dated 14 October 2021 shall remain unless altered this application.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The proposed modifications to the development are considered to be minor, improve the operation of the accommodation and related facilities and do not substantially change the nature of the existing approval.

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Tony Arias Presiding Member, Regional JDAP



10. State Administrative Tribunal Applications and Supreme Court Appeals

The Presiding Member noted the following Supreme Court Appeals -

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/22/02256 PA80/2022	Shire of Capel	79 (Lot 100) Bussell Highway, Gelorup	Proposed Service Station and Motor Vehicle Wash	30 May 2023		

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 10.26am.

