



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

**Meeting Date and Time:** 13 May 2019; 11.00am  
**Meeting Number:** MWWJDAP/36  
**Meeting Venue:** Shire of Gingin  
Council Chambers  
7 Brockman Street, Gingin

### Attendance

#### DAP Members

Mr Paul Kotsoglo (Presiding Member)  
Ms Jacky Jurmann (Deputy Presiding Member)  
Mr Andrew Mack (Specialist Member)  
Cr Jan Court (Local Government Member, Shire of Gingin)  
Cr John Elgin (Local Government Member, Shire of Gingin)

#### Officers in attendance

Mr James Bayliss (Shire of Gingin)  
Mr Aaron Cook (Shire of Gingin)  
Mr Bob Kelly (Shire of Gingin)  
Mr Allister Butcher (Shire of Gingin)  
Ms Olivia Edwards (Shire of Gingin)  
Ms Carolyn Chadwick (Shire of Gingin)

#### Minute Secretary

Ms Alana Martinovich (Shire of Gingin)

#### Applicants and Submitters

Mr Matt Brookes (BECA)  
Mr Timos Lolis (Inghams Group Limited)  
Ms Rebecca Epworth (Coterra Environment)  
Mr Vladimir Baltic (Transcore)

#### Members of the Public / Media

There were 11 members of the public in attendance.

#### 1. Declaration of Opening

The Presiding Member declared the meeting open at 11:10am on 13 May 2019 and acknowledged the past and present traditional owners and custodians 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.*

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**

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**

All members declared that they had duly considered the documents.

**6. Disclosure of Interests**

In accordance with section 2.4.6 of the DAP Code of Conduct 2017, DAP members participated in a site visit for the application at item No. 8.1 prior to the DAP Meeting.

**7. Deputations and Presentations**

**7.1** Ms Vanessa Pollard addressed the DAP against the application at Item No. 8.1 and responded to questions from the panel.

**7.2** Ms Sharon Samata addressed the DAP against the application at Item No. 8.1 and responded to questions from the panel.

**7.3** Ms Janet Engles addressed the DAP against the application at Item No. 8.1 and responded for questions from the panel.

**7.4** Mr James Bayliss (Shire of Gingin) addressed the DAP in relation to the application at Item No. 8.1 and responded to questions from the panel.

**7.5** Mr Allister Butcher (Shire of Gingin) addressed the DAP in relation to the application at Item No. 8.1 and responded to questions from the panel.

**7.6** Mr Timos Lolis (Inghams Group Limited) was invited by the Presiding Member to respond to any points raised during the presentations and to address the Joint Development Assessment Panel. The invitation was declined.



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

|                          |  |
|--------------------------|--|
| 8.1 Property Location:   | Lot 6 (1051) Coonabidgee Road, Muckenburra |
| Development Description: | Poultry Hatchery and Associated Structures |
| Applicant:               | BECA                                       |
| Owner:                   | Guijan Yan and Junhong Ma                  |
| Responsible Authority:   | Shire of Gingin                            |
| DAP File No:             | DAP/19/01570                               |

### REPORT RECOMMENDATION

**Moved by:** Nil

**Seconded by:** Nil

That the Mid-West/Wheatbelt Joint Development Assessment Panel (JDAP) resolves to:

1. **Approve** DAP Application reference DAP/19/01570 and accompanying plans date stamped received by the Shire on 9 April 2019 in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to the following conditions.

### Conditions

1. The development plans, as date stamped received by the Shire on 9 April 2019 and accompanying documentation, 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;
2. All works required to satisfy a condition of this approval are required to be installed/constructed and maintained in accordance with the approved plans and conditions of approval for the life of the development;
3. Prior to the commencement of the approved use, the internal access way, car parking and manoeuvring areas shall be constructed in accordance with the development approval and thereafter maintained to the satisfaction of the Shire of Gingin;
4. Prior to commencement of site works, the applicant/operator shall enter into a deed of agreement for the upgrade of Coonabidgee road, Coonabidgee road and Gingin Brook road intersection and the Coonabidgee road and access road intersection to the satisfaction of the Shire of Gingin, as outlined in the Traffic Impact Assessment prepared by Transcore (revision r01c). The applicant/operator shall be responsible for all costs associated with the preparation of the deed (including all drafts). The applicant/operator shall be responsible for all costs related to the road and intersection upgrades and any associated works;
5. Prior to the commencement of the approved use, the applicant/operator shall undertake all works specified within the deed of agreement to the satisfaction of the Shire of Gingin;
6. Prior to the commencement of the approved use, the applicant/operator shall upgrade the internal access road to a sealed standard to the satisfaction of the Shire of Gingin. The applicant/operator shall be responsible for all costs associated with the internal road upgrade;



7. Prior to the commencement of the approved use, a Traffic Management Strategy (TMS) shall be submitted to and approved by the Shire of Gingin. The TMS is to detail the route traffic associated with the operational phase of the development will utilise, to avoid using Coonabidgee road south of the subject property;
8. Prior to 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 along a portion of the southern boundary adjacent to the internal access way in addition to surrounding the hatchery building. The Landscaping Plan is to be prepared and submitted in conjunction with a Bushfire Management Plan (BMP);
9. 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;
10. Prior to the commencement of the approved use, a Bushfire Management Plan (BMP) shall be submitted to and approved by the Shire of Gingin and on advice from the Department of Fire and Emergency Services (DFES). The BMP is to take into account the introduction of additional vegetation as per the landscaping plan;
11. Prior to the commencement of the approved use, the Applicant/Owner shall execute and provide to the Shire of Gingin a notification pursuant to Section 70A of the *Transfer of Land Act 1893* to be registered on the title to the land as notification to prospective purchasers as follows:  
  
*Bushfire Prone Area – This lot is located within a bushfire prone area and is subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land.*
12. The Bushfire Attack Level (BAL) Assessment prepared for the hatchery and single house by Bushfire Prone Planning on 8 April 2019 shall be implemented and maintained thereafter to comply with a maximum BAL-29 rating. The removal of vegetation is permitted in order to satisfy the required Asset Protection Zone (APZ);
13. External lighting must be designed, baffled and located so as to comply with Australian Standard 4282:2019 'Control of the obtrusive effects of outdoor lighting';
14. Prior to the commencement of the approved use, the applicant/operator is required to submit a 'Waste Management Plan' (WMP) to the Shire of Gingin for approval. The WMP is to be implemented thereafter to the satisfaction of the Shire of Gingin;
15. Wastewater is to be treated and managed in accordance with the Nutrient and Irrigation Management Plan (NIMP) prepared by Coterra Environmental in April 2019. The applicant/operator shall keep an up-to-date soil and water monitoring log that is made available to the Shire of Gingin within 14 days upon written request;
16. Prior to the commencement of site works, the applicant/landowner shall prepare and implement a Construction



Management Plan (CMP) for the construction phase of the development 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;
  - (ii) Outlines traffic associated with the construction phase of the development, proposed traffic routes, any associated road maintenance requirements and traffic management requirements that may be required;
17. The service delivery hours of the approved use are between 7am - 5pm Monday - Friday and 7am - 12-pm Saturday;

### Advice Notes

1. If you are aggrieved with 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 so lapsed, no development may be carried out without further approval of the local government 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 Biosecurity and Agriculture Management (Stable Fly) Management Plan 2016 in order to minimise the effects of stable flies on the community;
5. It is advised that the proposal should at all times comply with *the Environmental Code of Practice for Poultry Farms (2004)*;
6. The operation is required to comply with the *Environmental Protection (Noise) Regulations 1997*;
7. The use of any form of pest control using pesticides must comply with the *Health (Pesticides) Regulations 2011*;
8. 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;
9. In relation to the Waste Management Plan (WMP), this is intended to address waste associated with the hatching process and does not seek to duplicate aspects of the Nutrient and Irrigation Management Plan;
10. The installation of the Landscaping Plan may affect the preparation and implementation of the Bushfire Management Plan (BMP); and
11. It is the landowner's responsibility to implement and maintain bushfire protection and mitigation measures on their property.



**The Report Recommendation LAPSED for want of a mover and a seconder.**

**PROCEDURAL MOTION**

**Moved by:** Cr John Elgin

**Seconded by:** Ms Jacky Jurmann

That the consideration of DAP Application DAP/19/01570 be deferred until 10 June 2019, in accordance with section 5.10.1a of the DAP Standing Orders 2017. The reasons for the deferral are as follows:

A series of modifications and amended documents were made to the submissions which accompanied the application for approval to commence development subsequent to the public consultation and government agency consultation which was undertaken.

Due to the modifications being made after the public consultation, and that the public had not received the opportunity to consider this information, the joint development assessment panel chose to defer a final decision on the application and allow the parties further time to consider the information and if they so chose, to make further submissions.

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

**REASON:** for the reasons mentioned above.

**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 12:09pm.