



Regional Development Assessment Panel Minutes

Meeting Date and Time: Wednesday, 5 February 2025; 9:30am
Meeting Number: RDAP/36
Meeting Venue: 140 William Street, Perth

A recording of the meeting is available via the following link:

[RDAP/35 - 5 February 2025 - Shire of Capel](#)

PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement
2. Apologies
3. Members on Leave of Absence
4. Noting of Minutes

PART B – SHIRE OF CAPEL

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 103 Boyanup Road West, Stratham - Extractive Industry - excavation of sand – DAP/23/02583
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART C – OTHER BUSINESS

1. State Administrative Tribunal Applications and Supreme Court Appeals
2. Meeting Closure

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Attendance	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Clayton Higham (Presiding Member)	Kristen Parker
Francesca Lefante (Deputy Presiding Member)	Zoe Hendry
Neema Premji	
<i>Part B – Shire of Capel</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr John Fergusson	Scott Price
Cr Peter McCleery	

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Applicant and Submitters
<i>Part B – Shire of Capel</i>
Lissa Wypynaszko (Leeuwin Civil) Kirsten Muir-Thompson (Accendo) Grant Berry

Members of the Public / Media

Nil.

Observers via livestream

There were 6 persons observing the meeting via the livestream.

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PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:30am on 5 February 2025 and acknowledged the traditional owners and custodians of the land on which the meeting was held and welcomed members.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2024 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 meeting was recorded and livestreamed on the DAP website in accordance with regulation 40(2A) of the *Planning and Development (Development Assessment Panels) Regulations 2011*. Members were reminded to announce their name and title prior to speaking.

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](#).

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PART B – SHIRE OF CAPEL

1. Declaration of Due Consideration

The Presiding Member noted that details of a DAP direction for further information and responsible authority response in relation to Item 3.1, received on 31 January 2025 was published in Part B of the Related Information.

All members declared that they had duly considered the documents contained within Part B of the Agenda and Part B of the Related Information.

2. Disclosure of Interests

Nil.

3. Form 1 DAP Applications

3.1 Lot 103 Boyanup Road West, Stratham - Extractive Industry - excavation of sand – DAP/23/02583

Deputations and Presentations

Lissa Wypynaszko (Leeuwin Civil) and Kirsten Muir-Thompson (Accendo) responded to questions from the panel.

The panel noted a written submission against the recommendation for the application at Item 3.1. was received from Grant Berry.

Scott Price (Shire of Capel) addressed the DAP in relation to the application at Item 3.1 and responded to questions from the panel.

REPORT RECOMMENDATION

Moved by: Cr Peter McCleery

Seconded by: Cr John Fergusson

It is recommended that the Regional Development Assessment Panel resolves to:

Accept that the DAP Application reference DAP/23/02583 is appropriate for consideration as the “Industry-Extractive” land use is compatible with the objectives of the Rural zone in accordance with Clause 16 (2) of the Shire of Capel Local Planning Scheme No. 8.

Approve DAP Application reference DAP/23/02583 and accompanying plans for an Extractive Industry at Lot 103 Boyanup Road West, Stratham, 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 Capel Local Planning Scheme No. 8, subject to the following conditions:

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Conditions

1. This decision constitutes planning approval only and is valid for a period of 8 years from the date of approval. If the subject development is not substantially commenced within 2 years of the licence being issued, the approval shall lapse and be of no further effect.
2. Resource extraction is only permitted for a maximum of 5 years after the issue of the Extractive Industry Licence.
3. Extraction must be undertaken in accordance with the agreed staging plan, as approved by the Shire. Commencement of the subsequent extraction stage shall be subject to the previous extraction site having substantially commenced rehabilitation.
4. Unless otherwise approved in writing by the Shire, the development may only proceed generally in accordance with the attached approved plans, as dated, marked and stamped by the Shire, subject to any amendments required as a consequence of the conditions of this approval or any subsequent Extractive Industry Licence issued by the Shire.
5. The maximum pit floor depth shall be 15m AHD and a minimum 1m above the current maximum groundwater level (MGL) and no dewatering works are to be undertaken without prior Department of Water and Environmental Regulation consultation. The Local Government is to be notified within 24 hours if the water table is intercepted.

Such exposure or interception of the groundwater shall be remedied to the satisfaction of the Shire in consultation with the Department of Water and Environmental Regulation.

6. All works associated with the extractive industry be setback at least 20m from any boundary, with the exception of the earth bund as identified in Figure 5.1 of Appendix B of the Noise Management Plan.

Prior to the commencement of development/issuing of an Extractive Industry Licence

7. Prior to commencement of development, the unconstructed road reserve is to be constructed and maintained to the satisfaction of the Shire of Capel, which includes:
 - Upgrade intersection access to the constructed section of Boyanup Road West with a 30m asphalt sealed apron;
 - Widening of access track to min 6.1 metres with a 100mm gravel seal (over existing limestone); and
 - Pruning of vegetation up to 4m high that encroaches the road access.

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8. Prior to the commencement of development, suitable arrangements being made with the Shire of Capel for the payment of a road reinstatement co-contribution for road deterioration purposes associated with Restricted Access Vehicle(s) in accordance with the WALGA co-contribution rates specified within the User Guide, estimating the incremental cost impact on sealed roads from additional freight tasks. Road Deterioration Co-contribution is to be made in arrears on the submission of the annual compliance report as required by the Extractive Industry Licence in accordance with the Shire of Capel Extractive Industry Local Law 2016.
9. Prior to the issue of an Extractive Industry Licence, the approved pit boundaries shall be surveyed by a suitably qualified surveyor, with the location of such pegs being to the satisfaction of the Shire.
10. Prior to the commencement of development, a Rehabilitation Management and Monitoring Plan shall be submitted to the specifications and satisfaction of the Shire of Capel and approved by the Shire. The Rehabilitation Management and Monitoring Plan shall include but not be limited to the following:
 - 1 in 6 slope treatments;
 - Ongoing maintenance including timelines and watering, post planting;
 - Weed suppression measures;
 - Staging Plan for rehabilitation;
 - Erosion treatments/controls;
 - Planting arrangements including species, densities, configurations;
 - Groundwater Separation;
 - Bi-annual audit demonstrating ongoing maintenance until the Shire is satisfied that native revegetation is sustainably established;
 - Demonstrated consistency with Water Quality Protection Note 15 (WQPN 15) and the Guidelines for Preparing Mine Closure Plans¹; and
 - Include a finished rehabilitated level at least 1m above the highest groundwater level.
11. Prior to the issue of an Extractive Industry Licence, the assigned rehabilitation bond for Stages 1 and 2 shall be provided to the Shire in the form of a bond or bank guarantee in pursuant with the Shire's Schedule of Fees and Charges.
12. Prior to issue of an Extractive Industry Licence, suitable arrangement shall be undertaken to quantify water requirements for all aspects of the proposed extraction and provide evidence of a secure water source, to the satisfaction of the Shire.
13. Prior to issue of an Extractive Industry License, the Table 3 of the Dust Management Plan dated January 2025 shall be updated to the satisfaction of the Shire to include:
 - Minimum response timeframes for water trucks;
 - Option for an on-site water supply to the satisfaction of the Shire of Capel; and
 - Treatment for stabilisation of the earth bund required in the Noise Management Plan.

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14. Prior to issue of an Extractive Industry License, the Water Management Plan being updated to the satisfaction of the Shire of Capel to include:
 - Drainage management details addressing:
 - Staging;
 - Basin sizes;
 - Standards for surface water bund and diversion bund;
 - Location and construction details; and
 - runoff calculations and assumptions.
15. Prior to issue of an Extractive Industry License, the Weed Management Plan shall be updated to the satisfaction of the Shire to include:
 - Minimum of bi-annual weed control including agreed seasonal times;
 - Details confirming implementation by a suitably qualified contractor; and
 - Audit evidence of activity following control actions.
16. Prior to issue of an Extractive Industry License, the Dieback Management Plan shall be updated to the satisfaction of the Shire to include a 'close look wash down facility/area'.

General Conditions of Operations:

17. Prior to exporting materials off site, the earth bund is to be constructed in accordance with Figure 5.1 of the Appendix B of the Noise Management Plan dated January 2025 and maintained for the life of the approval, and removed prior to the last stage of rehabilitation being completed.
18. A Drainage Management Plan is to be submitted for approval, to the satisfaction of the Shire. The approved Draining Management Plan is to be implemented and maintained during the life of the extraction activity.
19. Details of road signage to be erected along the proposed haulage transport route. The installation of the signs shall be completed to the satisfaction of the Shire. Signage shall include signs on both approaches to along Boyanup West Road, and be a maximum of 100m from the access point onto Boyanup West Road.
20. An Annual Audit of Compliance shall be prepared by a suitably qualified independent expert and submitted to the Shire annually. The Annual Audit of Compliance shall include:
 - a) Details to demonstrate compliance with the conditions of this Development Approval;
 - b) Tonnage of sand removed from the site and the period within which the sand was removed;
 - c) Details of compliant registers associated with dust and noise management, including response actions and timeframes.
 - d) Progress report on the approved Rehabilitation Management and Monitoring Plan including:
 - i. Details of completed, ongoing and future rehabilitation areas
 - ii. Photos of rehabilitated areas
 - iii. Monitoring and reporting details, if available

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- iv. Start and completion dates, and expected start dates, if applicable, and
 - v. A map depicting the rehabilitation areas and their completion progress.
21. The maximum number to truck movements shall not exceed 100 truck movements (50 in and 50 out) a day. Consideration by the Shire will be given for granting additional numbers to the stated hourly movements per day, with any variation to be approved in writing by the Shire's Chief Executive Officer.
22. The Extractive Industry license holder is to maintain (grading and watering) the section of unconstructed road reserve to the satisfaction of the Shire, at the licence holder's expense.
23. There shall be no storage of hydrocarbons on-site. On-site refuelling of equipment will be from a mobile service vehicle carrying appropriate spill prevention and clean-up equipment. No major repairs or maintenance shall take place on site.
24. The hours of operation shall be from 7.00am to 7.00pm Monday to Friday, and 7:00am to 1:00pm Saturday. No operations shall be permitted on Sundays or Public Holidays.
25. The pit boundary survey pegs shall remain in place for the duration of the operation to the satisfaction of the Shire.
26. The maximum volume of material to be stockpiled on site at any one time is 5,000m³ or for anticipated cubic volume cartage on the following operating day, whichever is the greater, with a maximum height of 4m.
27. All stockpiles shall be removed prior to the expiry of this approval.
28. Haulage vehicle speeds on site and on the road reserve abutting Boyanup West Road shall be limited to 10km per hour.
29. Trucks going to and from the Approved Development are not to operate on a school day, at the time when a school bus is using the section of Boyanup West Road between Bussell Highway and the access point.
30. The following Management Plans, once approved by the Shire, shall be implemented to the satisfaction of the Shire over the life of the operation:
- (a) Dust Management plan;
 - (b) Noise Management Plan;
 - (c) Dieback Management Plan;
 - (d) Rehabilitation Plan;
 - (e) Weed Management Plan;
 - (f) Water Management Plan.

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Advice Notes

1. Any proposed clearing of native vegetation is prohibited unless done under a clearing permit issued in accordance with the Environmental Protection Act 1986, or the clearing is exempt from the need for a clearing permit.
2. Groundwater shall not be exposed, extracted or dewatered during the operation of the extraction activities unless the appropriate approval has been obtained from the Department of Water and Environmental Regulation.
3. The proponent is advised of their obligations under the *Environmental Protection (Noise) Regulations 1997*.
4. In relation to Condition 11, the calculation of bonds will be in accordance with the Shire's Local Planning Policy 6.2 – Extractive Industries and the Shire's Fees and Charges Schedule.
5. The applicant is advised to liaise with the Department of Water and Environmental Regulation regarding approvals required for any proposed screening related to extraction activity. Further information is available regarding Industry Regulation Guide to Licensing at <http://www.der.wa.gov.au/our-work/licences-and-works-approvals> or by contacting DWER regarding works approvals and licenses at info@dwer.wa.gov.au or 6364 7000
6. The applicant is advised to liaise with the Department of Water and Environmental Regulation prior to clearing vegetation. For further information and applying, please use the following link <https://www.der.wa.gov.au/our-work/clearing-permits/46-clearing-permit-application-forms> For further information please contact DWER by email at admin.nvp@dwer.wa.gov.au or by telephone (6364 7098)
7. The applicant is advised that if it is intended to use licensed groundwater to support the proposed extraction, they contact DWER's Bunbury water licensing branch on 97264111 to amend their existing licence under the *Rights in Water and Irrigation Act 1914*. It is further advised that if additional water is required over and above their current licensed allocation, the proponent should note that no additional water is available other than via a trade/agreement with another licensee.
8. In relation to Condition 16, a Dieback Management Plan is to be prepared, approved, and implemented to the satisfaction of the Shire, in consultation with DBCA, consistent with the *Best Practice Guidelines for Management of Phytophthora Dieback in the Basic Raw Materials Industries*
9. The applicant is advised that "Acid sulfate soils (ASS) risk mapping indicates that a portion of the site is located within an area identified as representing a moderate to low risk of ASS occurring within 3 metres of the natural soil surface. Please refer to Department of Water and Environmental Regulation's (DWER) acid sulfate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works: <https://www.der.wa.gov.au/your-environment/acid-sulfate-soils/69-acidsulfatesoils-guidelines>."

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10. In respect of Condition 5, the applicant is advised that:
 - a) proposed extraction is to be implemented in accordance with DWER's Water quality protection note (WQPN) no. 15 'Basic raw materials extraction' (July 2019) where appropriate to the site situation to ensure environmental risks are appropriately mitigated;
 - b) that pit level and groundwater monitoring will be required to ensure separation distances to groundwater are maintained.
11. The applicant is advised that the *Environmental Protection (Noise) Regulations 1997* apply to all construction noise.
12. The applicant is advised that the Shire has no records of any approval being granted for the existing outbuilding located on the property. It is advised to liaise with the Shire's Development Services team regarding options to resolve this matter.
13. The applicant is advised to liaise with the Shire of Capel's Development Services team (Environmental Health division) regarding on-site effluent disposal requirements and drinking water requirements.
14. The applicant is advised that if mineral sands are extracted, a separate mining approval will be required and to liaise with the Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) regarding processes and requirements.
15. In respect to Condition 5, a maximum pit floor level may be reduced to 14m AHD subject to providing additional data to the satisfaction of the Shire of Capel and DWER that provides longer term historical data.
16. In respect to Condition 25, this condition is to prevent accidental vehicle intrusion or ground surface disturbance within the setback areas.

AMENDING MOTION 1

Moved by: Cr John Fergusson

Seconded by: Nil.

That Condition No.5 be amended to read as follows:

The maximum pit floor depth shall be 15m AHD and a minimum 4 2m above the current maximum groundwater level (MGL) and no dewatering works are to be undertaken without prior Department of Water and Environmental Regulation consultation. The Local Government is to be notified within 24 hours if the water table is intercepted.

The Amending Motion LAPSED for want of a seconder.

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AMENDING MOTION 2

Moved by: Cr John Fergusson

Seconded by: Cr Peter McCleery

That Condition No.24 be amended to read as follows:

*The hours of operation shall be from 7.00am to 7.00pm Monday to Friday, and 7:00am to 1:00pm Saturday. No operations shall be permitted on Sundays or Public Holidays. **Works on Saturdays are limited to site maintenance and rehabilitation only.***

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To provide clarity and certainty to the on-site activities particularly the limitations to the Saturday operations.

AMENDING MOTION 3

Moved by: Neema Premji

Seconded by: Clayton Higham

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

This decision constitutes planning approval only ~~and is valid~~ for a period of 8 years from the date of approval. If the subject development is not substantially commenced within 2 years of the licence being issued, the approval shall lapse and be of no further effect.

The Amending Motion was put and CARRIED (4/1).

For: Neema Premji
Clayton Higham
Cr Peter McCleery
Francesca Lefante

Against: Cr John Fergusson

REASON: To provide clarity and certainty of the proposed developments operational period limiting to a period of 8 years.

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AMENDING MOTION 4

Moved by: Neema Premji

Seconded by: Clayton Higham

That Advice Note No.15 be deleted and Condition No.5 be amended to read as follows:

*The maximum pit floor depth shall be 15m AHD and a minimum 1m above the current maximum groundwater level (MGL) and no dewatering works are to be undertaken without prior Department of Water and Environmental Regulation consultation. The Local Government is to be notified within 24 hours if the water table is intercepted. **The maximum pit floor level may be reduced to 14m AHD subject to providing additional data to the satisfaction of the Shire of Capel and DWER demonstrating greater certainty regarding longer term groundwater conditions.***

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The amended part of the condition was removed as an advice note and incorporated in the related condition. The panel agreed to this because the advice note read more like a condition.

AMENDING MOTION 5

Moved by: Francesca Lefante

Seconded by: Clayton Higham

That a new Condition No.31 be added to read as follows:

The total maximum volume of sand to be extracted over the proposal period is 200,000m³ unless otherwise approved by the Shire of Capel.

The Amending Motion was put and LOST (3/2).

For: Francesca Lefante
Clayton Higham

Against: Neema Premji
Cr Peter McCleery
Cr John Fergusson

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AMENDING MOTION 6

Moved by: Francesca Lefante

Seconded by: Cr John Fergusson

That Condition No.13 be amended to read as follows:

Prior to issue of an Extractive Industry License, the Table 3 of the Dust Management Plan dated January 2025 shall be updated to the satisfaction of the Shire to include:

- *Minimum response timeframes for water trucks;*
- *Option for an on-site water supply to the satisfaction of the Shire of Capel; and*
- *Treatment for stabilisation of the earth bund required in the Noise Management Plan.*
- ***The inclusion of a contact point and process and the management of complaint including response timeframes to the Shire and public.***

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To provide clarity on contact method and process on the management of complaints.

REPORT RECOMMENDATION (AS AMENDED)

It is recommended that the Regional Development Assessment Panel resolves to:

Accept that the DAP Application reference DAP/23/02583 is appropriate for consideration as the "Industry-Extractive" land use is compatible with the objectives of the Rural zone in accordance with Clause 16 (2) of the Shire of Capel Local Planning Scheme No. 8.

Approve DAP Application reference DAP/23/02583 and accompanying plans for an Extractive Industry at Lot 103 Boyanup Road West, Stratham, 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 Capel Local Planning Scheme No. 8, subject to the following conditions:

Conditions

1. This decision constitutes planning approval only for a period of 8 years from the date of approval. If the subject development is not substantially commenced within 2 years of the licence being issued, the approval shall lapse and be of no further effect.
2. Resource extraction is only permitted for a maximum of 5 years after the issue of the Extractive Industry Licence.
3. Extraction must be undertaken in accordance with the agreed staging plan, as approved by the Shire. Commencement of the subsequent extraction stage shall be subject to the previous extraction site having substantially commenced rehabilitation.

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4. Unless otherwise approved in writing by the Shire, the development may only proceed generally in accordance with the attached approved plans, as dated, marked and stamped by the Shire, subject to any amendments required as a consequence of the conditions of this approval or any subsequent Extractive Industry Licence issued by the Shire.
5. The maximum pit floor depth shall be 15m AHD and a minimum 1m above the current maximum groundwater level (MGL) and no dewatering works are to be undertaken without prior Department of Water and Environmental Regulation consultation. The Local Government is to be notified within 24 hours if the water table is intercepted. The maximum pit floor level may be reduced to 14m AHD subject to providing additional data to the satisfaction of the Shire of Capel and DWER demonstrating greater certainty regarding longer term groundwater conditions

Such exposure or interception of the groundwater shall be remedied to the satisfaction of the Shire in consultation with the Department of Water and Environmental Regulation.

6. All works associated with the extractive industry be setback at least 20m from any boundary, with the exception of the earth bund as identified in Figure 5.1 of Appendix B of the Noise Management Plan.

Prior to the commencement of development/issuing of an Extractive Industry Licence

7. Prior to commencement of development, the unconstructed road reserve is to be constructed and maintained to the satisfaction of the Shire of Capel, which includes:
 - Upgrade intersection access to the constructed section of Boyanup Road West with a 30m asphalt sealed apron;
 - Widening of access track to min 6.1 metres with a 100mm gravel seal (over existing limestone); and
 - Pruning of vegetation up to 4m high that encroaches the road access.
8. Prior to the commencement of development, suitable arrangements being made with the Shire of Capel for the payment of a road reinstatement co-contribution for road deterioration purposes associated with Restricted Access Vehicle(s) in accordance with the WALGA co-contribution rates specified within the User Guide, estimating the incremental cost impact on sealed roads from additional freight tasks. Road Deterioration Co-contribution is to be made in arrears on the submission of the annual compliance report as required by the Extractive Industry Licence in accordance with the Shire of Capel Extractive Industry Local Law 2016.
9. Prior to the issue of an Extractive Industry Licence, the approved pit boundaries shall be surveyed by a suitably qualified surveyor, with the location of such pegs being to the satisfaction of the Shire.

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10. Prior to the commencement of development, a Rehabilitation Management and Monitoring Plan shall be submitted to the specifications and satisfaction of the Shire of Capel and approved by the Shire. The Rehabilitation Management and Monitoring Plan shall include but not be limited to the following:
 - 1 in 6 slope treatments;
 - Ongoing maintenance including timelines and watering, post planting;
 - Weed suppression measures;
 - Staging Plan for rehabilitation;
 - Erosion treatments/controls;
 - Planting arrangements including species, densities, configurations;
 - Groundwater Separation;
 - Bi-annual audit demonstrating ongoing maintenance until the Shire is satisfied that native revegetation is sustainably established;
 - Demonstrated consistency with Water Quality Protection Note 15 (WQPN 15) and the Guidelines for Preparing Mine Closure Plans¹; and
 - Include a finished rehabilitated level at least 1m above the highest groundwater level.
11. Prior to the issue of an Extractive Industry Licence, the assigned rehabilitation bond for Stages 1 and 2 shall be provided to the Shire in the form of a bond or bank guarantee in pursuant with the Shire's Schedule of Fees and Charges.
12. Prior to issue of an Extractive Industry Licence, suitable arrangement shall be undertaken to quantify water requirements for all aspects of the proposed extraction and provide evidence of a secure water source, to the satisfaction of the Shire.
13. Prior to issue of an Extractive Industry License, the Table 3 of the Dust Management Plan dated January 2025 shall be updated to the satisfaction of the Shire to include:
 - Minimum response timeframes for water trucks;
 - Option for an on-site water supply to the satisfaction of the Shire of Capel; and
 - Treatment for stabilisation of the earth bund required in the Noise Management Plan.
 - The inclusion of a contact point and process and the management of complaint including response timeframes to the Shire and public.
14. Prior to issue of an Extractive Industry License, the Water Management Plan being updated to the satisfaction of the Shire of Capel to include:
 - Drainage management details addressing:
 - Staging;
 - Basin sizes;
 - Standards for surface water bund and diversion bund;
 - Location and construction details; and
 - runoff calculations and assumptions.
15. Prior to issue of an Extractive Industry License, the Weed Management Plan shall be updated to the satisfaction of the Shire to include:
 - Minimum of bi-annual weed control including agreed seasonal times;
 - Details confirming implementation by a suitably qualified contractor; and
 - Audit evidence of activity following control actions.

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Presiding Member, Regional DAP



16. Prior to issue of an Extractive Industry License, the Dieback Management Plan shall be updated to the satisfaction of the Shire to include a 'close look wash down facility/area'.

General Conditions of Operations:

17. Prior to exporting materials off site, the earth bund is to be constructed in accordance with Figure 5.1 of the Appendix B of the Noise Management Plan dated January 2025 and maintained for the life of the approval, and removed prior to the last stage of rehabilitation being completed.
18. A Drainage Management Plan is to be submitted for approval, to the satisfaction of the Shire. The approved Draining Management Plan is to be implemented and maintained during the life of the extraction activity.
19. Details of road signage to be erected along the proposed haulage transport route. The installation of the signs shall be completed to the satisfaction of the Shire. Signage shall include signs on both approaches to along Boyanup West Road, and be a maximum of 100m from the access point onto Boyanup West Road.
20. An Annual Audit of Compliance shall be prepared by a suitably qualified independent expert and submitted to the Shire annually. The Annual Audit of Compliance shall include:
 - a) Details to demonstrate compliance with the conditions of this Development Approval;
 - b) Tonnage of sand removed from the site and the period within which the sand was removed;
 - c) Details of compliant registers associated with dust and noise management, including response actions and timeframes.
 - d) Progress report on the approved Rehabilitation Management and Monitoring Plan including:
 - i. Details of completed, ongoing and future rehabilitation areas
 - ii. Photos of rehabilitated areas
 - iii. Monitoring and reporting details, if available
 - iv. Start and completion dates, and expected start dates, if applicable, and
 - v. A map depicting the rehabilitation areas and their completion progress.
21. The maximum number to truck movements shall not exceed 100 truck movements (50 in and 50 out) a day. Consideration by the Shire will be given for granting additional numbers to the stated hourly movements per day, with any variation to be approved in writing by the Shire's Chief Executive Officer.
22. The Extractive Industry license holder is to maintain (grading and watering) the section of unconstructed road reserve to the satisfaction of the Shire, at the licence holder's expense.
23. There shall be no storage of hydrocarbons on-site. On-site refuelling of equipment will be from a mobile service vehicle carrying appropriate spill prevention and clean-up equipment. No major repairs or maintenance shall take place on site.

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24. The hours of operation shall be from 7.00am to 7.00pm Monday to Friday, and 7:00am to 1:00pm Saturday. No operations shall be permitted on Sundays or Public Holidays. Works on Saturdays are limited to site maintenance and rehabilitation only
25. The pit boundary survey pegs shall remain in place for the duration of the operation to the satisfaction of the Shire.
26. The maximum volume of material to be stockpiled on site at any one time is 5,000m³ or for anticipated cubic volume cartage on the following operating day, whichever is the greater, with a maximum height of 4m.
27. All stockpiles shall be removed prior to the expiry of this approval.
28. Haulage vehicle speeds on site and on the road reserve abutting Boyanup West Road shall be limited to 10km per hour.
29. Trucks going to and from the Approved Development are not to operate on a school day, at the time when a school bus is using the section of Boyanup West Road between Bussell Highway and the access point.
30. The following Management Plans, once approved by the Shire, shall be implemented to the satisfaction of the Shire over the life of the operation:
 - (a) Dust Management plan;
 - (b) Noise Management Plan;
 - (c) Dieback Management Plan;
 - (d) Rehabilitation Plan;
 - (e) Weed Management Plan;
 - (f) Water Management Plan.

Advice Notes

1. Any proposed clearing of native vegetation is prohibited unless done under a clearing permit issued in accordance with the Environmental Protection Act 1986, or the clearing is exempt from the need for a clearing permit.
2. Groundwater shall not be exposed, extracted or dewatered during the operation of the extraction activities unless the appropriate approval has been obtained from the Department of Water and Environmental Regulation.
3. The proponent is advised of their obligations under the *Environmental Protection (Noise) Regulations 1997*.
4. In relation to Condition 11, the calculation of bonds will be in accordance with the Shire's Local Planning Policy 6.2 – Extractive Industries and the Shire's Fees and Charges Schedule.

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Presiding Member, Regional DAP



5. The applicant is advised to liaise with the Department of Water and Environmental Regulation regarding approvals required for any proposed screening related to extraction activity. Further information is available regarding Industry Regulation Guide to Licensing at <http://www.der.wa.gov.au/our-work/licences-and-works-approvals> or by contacting DWER regarding works approvals and licenses at info@dwer.wa.gov.au or 6364 7000
6. The applicant is advised to liaise with the Department of Water and Environmental Regulation prior to clearing vegetation. For further information and applying, please use the following link <https://www.der.wa.gov.au/our-work/clearing-permits/46-clearing-permit-application-forms> For further information please contact DWER by email at admin.nvp@dwer.wa.gov.au or by telephone (6364 7098)
7. The applicant is advised that if it is intended to use licensed groundwater to support the proposed extraction, they contact DWER's Bunbury water licensing branch on 97264111 to amend their existing licence under the *Rights in Water and Irrigation Act 1914*. It is further advised that if additional water is required over and above their current licensed allocation, the proponent should note that no additional water is available other than via a trade/agreement with another licensee.
8. In relation to Condition 16, a Dieback Management Plan is to be prepared, approved, and implemented to the satisfaction of the Shire, in consultation with DBCA, consistent with the *Best Practice Guidelines for Management of Phytophthora Dieback in the Basic Raw Materials Industries*
9. The applicant is advised that "Acid sulfate soils (ASS) risk mapping indicates that a portion of the site is located within an area identified as representing a moderate to low risk of ASS occurring within 3 metres of the natural soil surface. Please refer to Department of Water and Environmental Regulation's (DWER) acid sulfate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works: <https://www.der.wa.gov.au/your-environment/acid-sulfate-soils/69-acidsulfatesoils-guidelines>."
10. In respect of Condition 5, the applicant is advised that:
 - a) proposed extraction is to be implemented in accordance with DWER's Water quality protection note (WQPN) no. 15 '*Basic raw materials extraction*' (July 2019) where appropriate to the site situation to ensure environmental risks are appropriately mitigated;
 - b) that pit level and groundwater monitoring will be required to ensure separation distances to groundwater are maintained.
11. The applicant is advised that the *Environmental Protection (Noise) Regulations 1997* apply to all construction noise.
12. The applicant is advised that the Shire has no records of any approval being granted for the existing outbuilding located on the property. It is advised to liaise with the Shire's Development Services team regarding options to resolve this matter.

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13. The applicant is advised to liaise with the Shire of Capel's Development Services team (Environmental Health division) regarding on-site effluent disposal requirements and drinking water requirements.
14. The applicant is advised that if mineral sands are extracted, a separate mining approval will be required and to liaise with the Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) regarding processes and requirements.
15. In respect to Condition 25, this condition is to prevent accidental vehicle intrusion or ground surface disturbance within the setback areas.

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

REASON: The Panel, having considered the Responsible Authority Report (RAR), was satisfied that the proposal is consistent with the planning framework, SPP2.4 Basic Raw Materials, the planning scheme (LPS8), the zone objectives, and the requirements for a discretionary land use in the Rural Zone. The panel was also cognisant that it is a site within Special Control Area 6 – Strategic Mineral sand Basic Raw Materials noting the requirements of Local Planning Policy 6.2. The panel was satisfied that the proposal adequately complies with the planning framework and that the relevant planning and environmental considerations were suitably addressed, or would be addressed through the appropriate conditions, particularly those of dust, noise, groundwater, the visual landscape and future rehabilitation.

4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

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PART C – OTHER BUSINESS

1. State Administrative Tribunal Applications and Supreme Court Appeals

The DAP noted the status of the following State Administrative Tribunal Applications and Supreme Court Appeals:

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DP/14/00039 DR65/2020	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/24/02737	Town of Port Hedland	Lot 601, Portion of Lot 604, Lot 300 and Portion of Road Reserve Parola Court, South Hedland	Mixed-Use Development	13 December 2024
DAP/24/02681 DR/199/2024	Shire of Capel	Lot 287 South Western Highway, Gwindinup	Sand Gravel Extraction	23 December 2024

2. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 10:40am.

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