



Regional Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 23 April 2026; 9:30am
Meeting Number: RDAP/70
Meeting Venue: 140 William Street, Perth

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

[RDAP/70 - 23 April 2026 - City of Kalgoorlie-Boulder - Shire of Capel](#)

PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement
2. Apologies
3. Noting of Minutes

PART B – CITY OF KALGOORLIE-BOULDER


1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
4. Form 2 DAP Applications
 - 4.1 Lot 300 (No. 10) Gatacre Drive, Somerville – 4 Storey Hotel Development DAP/24/02710
5. Section 31 SAT Reconsiderations

PART C – SHIRE OF CAPEL

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 1 (34) Hair Place, Boyanup – Extractive Industry – DAP/26/03014
 - 3.2 Lot 262 Queelup Road, North Boyanup – Extractive Industry - Excavation of Sand – DAP/25/03020
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART D – OTHER BUSINESS

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


Clayton Higham
Presiding Member, Regional DAP



DAP Members

Clayton Higham (Presiding Member)

Dale Page (Deputy Presiding Member)

Tony Arias

Cr Kirsty Dellar (Part B – City of Kalgoorlie-Boulder)
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Cr Wayne Johnson (Part B – City of Kalgoorlie-Boulder)
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Cr Peter McCleery (Part C – Shire of Capel)

Cr Sebastian Schiano (Part C – Shire of Capel)
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DAP Secretariat

Shanara Wijethunga

Ashlee Kelly


Clayton Higham
Presiding Member, Regional DAP



Part B – City of Kalgoorlie-Boulder
Applicant
Matthew Cain (Planning Solutions)
Officers/Technical Advisors in Attendance
Kevin Tang Paul Lees
Part C – Shire of Capel
Submitters
Michael Tichbon (Capel Landcare (formerly LCDC))
Applicant
Daniel Lewis (SLR Consulting) Adrian McCauley (BCP Materials) Paul Kurek Tom Cross (Accendo) Kirsten Muir-Thompson (Accendo)
Officers/Technical Advisors in Attendance
Louise Hughes

Members of the Public / Media

Nil

Observers via livestream

There were 2 persons observing the meeting via the livestream.


Clayton Higham
Presiding Member, Regional DAP



PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:33am on 23 April 2026 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 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

Cr Martin Voyez (Local Government DAP Member, Shire of Capel)
Cr Kieran Noonan (Local Government DAP Member, Shire of Capel)
Cr Terrence Winner (Local Government DAP Member, City of Kalgoorlie-Boulder)

3. Noting of Minutes

DAP members noted that signed minutes of previous meetings are available on the [DAP website](#).



PART B – CITY OF KALGOORLIE-BOULDER

1. Declaration of Due Consideration

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

In accordance with section 2.4.5 of the DAP Code of Conduct 2025, DAP Member, Cr Kirsty Dellar and Cr Wayne Johnson, declared that they had participated in a prior Council briefing in relation to the application at Item 3.1. However, under section 2.1.2 of the DAP Code of Conduct 2025, Cr Dellar and Cr Johnson acknowledged that they are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

In accordance with section 3.3 of the DAP Code of Conduct 2025, the Presiding Member determined that the members listed above, who had disclosed a impartiality interest, is permitted to participate in the discussion and voting on the item.

3. Form 1 DAP Applications

Nil

4. Form 2 DAP Applications

4.1 Lot 300 (No. 10) Gatacre Drive, Somerville – 4 Storey Hotel Development DAP/24/02710

Deputations

Matthew Cain (Planning Solutions) addressed the DAP in support of the application at Item 4.1 and responded to questions from the panel.

City of Kalgoorlie-Boulder addressed the DAP in relation to the application at Item 4.1 and responded to questions from the panel.



SUBSTANTIVE MOTION

Moved by: Dale Page

Seconded by: Cr Wayne Johnson

That the Regional Development Assessment Panel resolves to

Approve DAP Application reference DAP/24/02710 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 the City of Kalgoorlie-Boulder Local Planning Scheme No. 2, for the proposed amendments to the approved hotel development at Lot 300 (No. 10) Gatacre Drive, Somerville, subject to the following conditions:

Amended Conditions

18. Prior to issuing a building permit relevant to the construction of the building, an amended Noise Management Plan shall be submitted to and approved by the City. The approved Noise Management Plan shall be implemented and maintained for the life of the development.

New Conditions

25. The 'freestanding' sign shall be no more than 6.5m in height and 3.3m in width.

All other conditions and requirements detailed on the previous approval dated 27 November 2024 shall remain unless altered by this application.

AMENDING MOTION 1

Moved by: Clayton Higham

Seconded by: Tony Arias

That the preamble to the recommendation be amended to read as follows:

That the Regional Development Assessment Panel resolves to

1. ***Accept that the DAP Application reference DAP/24/02710 as detailed on the DAP Form 2 dated 15th January 2026 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/24/02710 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 the City of Kalgoorlie-Boulder Local Planning Scheme No. 2, for the proposed amendments to the approved hotel development at Lot 300 (No. 10) Gatacre Drive, Somerville, subject to the following conditions:***

The Amending Motion was put and CARRIED UNANIMOUSLY.

Clayton Higham
Presiding Member, Regional DAP



REASON: With a Form 2 application it is necessary for the decision maker to firstly determine that the application can be consider under Regulation 17 as a Form 2.

SUBSTANTIVE MOTION (AS AMENDED)

That the Regional Development Assessment Panel resolves to

1. Accept that the DAP Application reference DAP/24/02710 as detailed on the DAP Form 2 dated 15th January 2026 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/24/02710 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 the City of Kalgoorlie-Boulder Local Planning Scheme No. 2, for the proposed amendments to the approved hotel development at Lot 300 (No. 10) Gatacre Drive, Somerville, subject to the following conditions:

Amended Conditions

19. Prior to issuing a building permit relevant to the construction of the building, an amended Noise Management Plan shall be submitted to and approved by the City. The approved Noise Management Plan shall be implemented and maintained for the life of the development.

New Conditions

25. The 'freestanding' sign shall be no more than 6.5m in height and 3.3m in width.

All other conditions and requirements detailed on the previous approval dated 27 November 2024 shall remain unless altered by this application.


The Substantive Motion (as amended) was put and CARRIED UNANIMOUSLY.

REASON: The panel was satisfied that the changes proposed fall within the scope of a Form 2 application and that the key changes proposed to the design reduce any impact of the building – specifically the reduction in height and the reduction in number of rooms proposed. The other changes proposed are minor and mostly internal changes that have no impact on the presentation of the building. The panel would have preferred retention of the balconies from a street presentation perspective, but accepted the justification provided by the applicant and agreed removal of the balconies is not enough of a reason not to support the application.

5. Section 31 SAT Reconsiderations

Nil

Cr Kirsty Dellar and Cr Wayne Johnson (Local Government DAP Members, City of Kalgoorlie-Boulder) left the panel at 9:52am.


Clayton Higham
Presiding Member, Regional DAP



PART C – SHIRE OF CAPEL

Cr Peter McCleery and Cr Sebastian Schiano (Local Government DAP Members, Shire of Capel) joined the panel at 9:54am.

1. Declaration of Due Consideration

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

2. Disclosure of Interests

Nil

3. Form 1 DAP Applications

3.1 Lot 1 (34) Hair Place, Boyanup – Extractive Industry – DAP/26/03014

Deputations

Daniel Lewis (SLR Consulting) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

The panel noted a written submission against the application at Item 3.1. was received from Michael Tichbon (Capel Landcare (formerly LCDC)).

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


SUBSTANTIVE MOTION

Moved by: Dale Page

Seconded by: Tony Arias

That the Regional Development Assessment Panel resolves to:

1. Approve DAP Application reference DAP/25/03014 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 the Shire of Capel Local Planning Scheme No. 8, in accordance with the development plan and accompanying reports subject to the following conditions:


Clayton Higham
Presiding Member, Regional DAP



Conditions

1. This decision constitutes planning approval only and is valid for a period of 10 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.

Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) or local government approval under regulation 17A of the Planning and Development (Development Assessment Panels) Regulations 2011.

2. The development plans, as date stamped received by the Shire on 20/11/2025 and accompanying documentation, or as amended by the following conditions, are the plans approved as part of this application and shall form part of the development approval issued.
3. Resource extraction is only permitted for a maximum of 8 years after the issue of the Extractive Industry Licence unless amended to the satisfaction of the Shire.
4. Rehabilitation of the land may occur at any time within the term of this approval

Prior to Commencement/Issuing of an Extractive Industry License

5. Prior to the commencement of haulage, Ken Bell Road is to be improved at the Applicant's expense and as agreed in writing dated 31/03/2026 to the satisfaction of the Shire of Capel.
6. Prior to the issue of an Extractive Industry Licence, 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 License in accordance with the Shire of Capel Extractive Industry Local Law 2016.

7. 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.



8. Prior to the issue of an Extractive Industry License, the assigned rehabilitation bond for Stage 1 and 2 shall be provided to the shire in the form of a bond or bank guarantee pursuant to the Shire's schedule of fees and charges.
9. 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 of Capel.
10. Prior to the issue of an Extractive Industry License, the Traffic Management Plan dated 18/07/2025 is amended to include:
 - a. Limiting haulage speed to 40km/hr.
11. Prior to the commencement of development, a Rehabilitation Management and Monitoring Plan shall be submitted for approval by the Shire. The Rehabilitation Management and Monitoring Plan shall be consistent with Water Quality Protection Note 15 (WQPN 15) and the Department of Energy, Mining, Regulation and Safety's 'Guidelines for Preparing Mine Closure Plans March 2025', and detail the intended implementation, staging, final landform (including separation to groundwater), proposed post extraction land use and successful rehabilitation criteria including a finished rehabilitated level at least 0.5m above the highest groundwater level. The applicant is to thereafter implement the approved plan and ensure successful rehabilitation to the final landform and land use.

General Conditions of Operation:


12. 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 will take place on site.
13. The hours of operation shall be from 7.00am to 6.00pm, Monday to Friday, and 7:00am to 12:00pm Saturday. No operations shall be permitted on Sundays or Public Holidays.
14. None of the operations associated with the Extractive Industry hereby approved shall at any time intercept the water table.

Maximum depth of cut shall be no lower than 0.5m above the maximum groundwater level in accordance with the JDA Groundwater report.

The applicant shall ensure that a 0.5m separation to the maximum ground water level shall be maintained at all times.

If any interception of groundwater occurs at any time during the extractive industry operation, work shall cease immediately and the Shire notified within 48 hours, followed by agreed remedial action in consultation with DWER.

15. Access to the site shall be as per the haulage plan, unless otherwise agreed to in writing by the Shire of Capel.


Clayton Higham
Presiding Member, Regional DAP



16. The Extractive Industry License holder is to maintain (grading and watering) the section of Hair Place and Ken Bell Road extending from the Lot 1 crossover to the sealed portion of Queelup Road west to the satisfaction of the Shire at the license holder's expense.
17. Remnant vegetation within setback areas and surrounding zones shall be retained to screen operations from the public.
18. The maximum volume of material to be stockpiled on site at any one time is 5,000m³.
20. All stockpiles shall be removed prior to the expiry of this approval.
21. Maximum steepness of batter slopes of 1:6 shall be applied to all rehabilitation slopes.
22. The maximum truck movements to and from site per hour is limited to 10. Consideration by the Shire will be given for granting additional numbers to the stated maximum figure of 10 trucks per hour, with any variation to be approved in writing by the Chief Executive Officer.
23. The Noise Management Plan being implemented to the satisfaction of the Shire of Capel.
24. The pit boundary survey pegs shall remain in place for the duration of the operation to the satisfaction of the Shire of Capel.
25. Extractive Industry operations are prohibited within 10m of a tree crown drip zone which is to be retained.
26. An Annual Audit of Compliance shall be prepared by a suitably qualified independent expert and submitted to the Shire of Capel 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. 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.



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.

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)

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 22, this includes the requirement to construct the noise bunds and their maintenance in accordance with the Acoustic Assessment (dated August 2025 Rev 2).
5. Based on the information provided, it has been determined that the proposed operations may be categorized as Prescribed Premises under Category 12 as per Schedule 1 of the Environmental Protection Regulations 1987. The applicant is therefore advised to refer to the information and Industry Regulation Guide to Licensing available at <https://www.wa.gov.au/service/building-utilities-and-essential-services/integrated-essential-services/licence-and-works-approval-applications> and / or if they have queries relating to works approvals and licenses to contact DWER at info@dwer.wa.gov.au or 6364 7000.
6. The proponent is to contact DWER's Bunbury water licensing branch on 97264111 or bunbury.admin@dwer.wa.gov.au to amend their groundwater license GWL59918(777) to authorise the take of water for the extractive activity under the RIWI Act.
7. Acid sulfate soils (ASS) risk mapping indicates that the proposal 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>



AMENDING MOTION 1

Moved by: Dale Page

Seconded by: Tony Arias

The following amendments were made en bloc:

- (i) That Condition No. 1 be amended to read as follows:

*This decision constitutes planning approval only and is valid for a period of ~~4 years~~ **10 years** from the date of approval. If the subject development is not substantially commenced within ~~this period~~ **2 years of the license being issued**, the approval shall lapse and be of no further effect.*

REASON: The current wording of the condition appears to merge a validity period with a time limited approval. Condition 3 already deals with the time limited approval so this condition should relate to validity only. A validity period of 4 years aligns with the practice of most other local governments and the DAP Regulations

- (ii) That Condition No. 3 be amended to read as follows:

***This approval is time limited to a period of 10 years.** Resource extraction is only permitted for a maximum of 8 years after the issue of the Extractive Industry Licence unless amended to the satisfaction of the Shire.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To clarify the time limited approval, as separate to the issue of the validity period the approval.

AMENDING MOTION 2

Moved by: Dale Page

Seconded by: Tony Arias

The following amendments were made en bloc:

- i) That Condition No. 4 be deleted and the remaining conditions be renumbered accordingly.
- ii) A new Advice Note 6 be added to read as follows:

Rehabilitation of the land may occur at any time within the term of this approval.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The wording of the current condition is explanatory or advisory. It is better suited as an Advice Note.

Clayton Higham
Presiding Member, Regional DAP



AMENDING MOTION 3

Moved by: Dale Page

Seconded by: Tony Arias

That Condition No. 10 (now no. 9) be amended to read as follows:

*Prior to the issue of an Extractive Industry License, the Traffic Management Plan dated 18/07/2025 is amended to include: **limited haulage speed to 40km/hr on Hair Place and Ken Bell Roads.***

a. ~~Limiting haulage speed to 40km/hr.~~

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Unless amended the condition will mean the haulage vehicles can only travel 40km/h on any road that is used in their journey. This is not the intent of the condition.

AMENDING MOTION 4

Moved by: Dale Page

Seconded by: Tony Arias

That a new Condition No. 25 be added to read as follows:

The Dust Management Plan that forms part of this application (Appendix G) shall be implemented and adhered to at all times, to the satisfaction of the Shire of Capel.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The report makes mention of a condition relating to a Dust Management Plan, but no such condition was included in the set of conditions recommended in the report.

AMENDING MOTION 5

Moved by: Dale Page

Seconded by: Cr Peter McCleery

That Condition No. 14 (now no. 13) be amended to read as follows:

None of the operations associated with the Extractive Industry hereby approved shall at any time intercept the water table.

Maximum depth of cut shall be no lower than 0.5m above the maximum groundwater level in accordance with the JDA Groundwater report.

The applicant shall ensure that a 0.5m separation to the maximum ground water level shall be maintained at all times.

*If any interception of groundwater occurs at any time during the extractive industry operation, work shall cease immediately and the Shire notified within ~~48 hours~~ **24 hours**, followed by agreed remedial action in consultation with DWER.*

Clayton Higham
Presiding Member, Regional DAP



The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To create consistency between this and other approvals for similar proposals

AMENDING MOTION 6

Moved by: Dale Page

Seconded by: Tony Arias

That Condition No. 22 (now no. 21) be amended to read as follows:

*The Noise Management Plan ~~being implemented~~ **recommendations contained within the Acoustic Report at Appendix D shall be implemented and adhered to at all times to the satisfaction of the Shire of Capel.***

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The current condition references a Noise Management Plan but there is no separate plan, only recommendations in the acoustic report.

AMENDING MOTION 7

Moved by: Tony Arias

Seconded by: Dale Page

The following amendments were made en bloc:

(i) That Condition No. 11 (now no. 10) be amended to read as follows:

*Prior to the commencement of development, a Rehabilitation Management and Monitoring Plan shall be ~~submitted for approval by~~ **prepared to the satisfaction of the Shire.** ~~The Rehabilitation Management and Monitoring Plan shall be consistent with Water Quality Protection Note 15 (WQPN 15) and the Department of Energy, Mining, Regulation and Safety's 'Guidelines for Preparing Mine Closure Plans March 2025', and detail the intended implementation, staging, final landform (including separation to groundwater), proposed post extraction land use and successful rehabilitation criteria including a finished rehabilitated level at least 0.5m above the highest groundwater level. The applicant is to thereafter implement the approved plan and ensure successful rehabilitation to the final landform and land use.~~*

The Rehabilitation Management and Monitoring Plan is to be implemented to the satisfaction of the Shire

REASON: To clarify obligations of the proposed condition and clearance authority.



- (ii) That a new Advice Note No. 7 be added to read as follows:

The Rehabilitation Management and Monitoring Plan is to be generally consistent with Water Quality Protection Note 15 (WQPN 15) and the Department of Energy, Mining, Regulation and Safety's 'Guidelines for Preparing Mine Closure Plans March 2025', and detail the intended implementation, staging, final landform (including separation to groundwater), proposed post extraction land use and successful rehabilitation criteria including a finished rehabilitated level at least 0.5m above the highest groundwater level.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The new Advice Note sets out guidance on the matters which should be addressed in the Rehabilitation Management and Monitoring Plan.

AMENDING MOTION 8

Moved by: Tony Arias

Seconded by: Dale Page

That Advice Note No. 1 be amended to read as follows:

~~*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. The proponent is advised of their obligations under the Environmental Protection Act 1986 regarding any clearing of native vegetation.*~~

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)

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To clarify that the requirement is advisory and not a condition of the development approval.

AMENDING MOTION 9


Moved by: Tony Arias

Seconded by: Dale Page

That Advice Note No. 2 be deleted and the remaining advice notes be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The advice is not required as the matters contained in the proposed Advice Note are covered in detail by proposed Condition 14 (now no. 13)


Clayton Higham
Presiding Member, Regional DAP



AMENDING MOTION 10

Moved by: Tony Arias

Seconded by: Dale Page

That Advice Note No. 4 (now no. 3) be deleted and the remaining advice notes be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The advice is not required as the matters contained in the proposed Advice Note are covered in detail by proposed Condition 22 (now no. 21)

SUBSTANTIVE MOTION (AS AMENDED)

That the Regional Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP/25/03014 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 the Shire of Capel Local Planning Scheme No. 8, in accordance with the development plan and accompanying reports subject to the following conditions:

Conditions


1. This decision constitutes planning approval only and is valid for a period of 10 years from the date of approval. If the subject development is not substantially commenced within 2 years of the license being issued, the approval shall lapse and be of no further effect.

Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) or local government approval under regulation 17A of the Planning and Development (Development Assessment Panels) Regulations 2011.

2. The development plans, as date stamped received by the Shire on 20/11/2025 and accompanying documentation, or as amended by the following conditions, are the plans approved as part of this application and shall form part of the development approval issued.
3. This approval is time limited to a period of 10 years. Resource extraction is only permitted for a maximum of 8 years after the issue of the Extractive Industry Licence unless amended to the satisfaction of the Shire.

Prior to Commencement/Issuing of an Extractive Industry License

4. Prior to the commencement of haulage, Ken Bell Road is to be improved at the Applicant's expense and as agreed in writing dated 31/03/2026 to the satisfaction of the Shire of Capel.


Clayton Higham
Presiding Member, Regional DAP



5. Prior to the issue of an Extractive Industry Licence, 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 License in accordance with the Shire of Capel Extractive Industry Local Law 2016.

6. 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.
7. Prior to the issue of an Extractive Industry License, the assigned rehabilitation bond for Stage 1 and 2 shall be provided to the shire in the form of a bond or bank guarantee pursuant to the Shire's schedule of fees and charges.
8. 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 of Capel.
9. Prior to the issue of an Extractive Industry, the Traffic Management Plan dated 18/07/2025 is amended to include; limited haulage speed to 40km/hr on Hair Place and Ken Bell Roads
10. Prior to the commencement of development, a Rehabilitation Management and Monitoring Plan shall be prepared to the satisfaction of The Shire. The applicant is to thereafter implement the approved plan and ensure successful rehabilitation to the final landform and land use. The Rehabilitation Management and Monitoring Plan is to be implemented to the satisfaction of the Shire

General Conditions of Operation:

11. 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 will take place on site.
12. The hours of operation shall be from 7.00am to 6.00pm, Monday to Friday, and 7:00am to 12:00pm Saturday. No operations shall be permitted on Sundays or Public Holidays.



13. None of the operations associated with the Extractive Industry hereby approved shall at any time intercept the water table.

Maximum depth of cut shall be no lower than 0.5m above the maximum groundwater level in accordance with the JDA Groundwater report.

The applicant shall ensure that a 0.5m separation to the maximum ground water level shall be maintained at all times.

If any interception of groundwater occurs at any time during the extractive industry operation, work shall cease immediately and the Shire notified within 24 hours, followed by agreed remedial action in consultation with DWER.

14. Access to the site shall be as per the haulage plan, unless otherwise agreed to in writing by the Shire of Capel.
15. The Extractive Industry License holder is to maintain (grading and watering) the section of Hair Place and Ken Bell Road extending from the Lot 1 crossover to the sealed portion of Queelup Road west to the satisfaction of the Shire at the license holder's expense.
16. Remnant vegetation within setback areas and surrounding zones shall be retained to screen operations from the public.
17. The maximum volume of material to be stockpiled on site at any one time is 5,000m³.
18. All stockpiles shall be removed prior to the expiry of this approval.
19. Maximum steepness of batter slopes of 1:6 shall be applied to all rehabilitation slopes.
20. The maximum truck movements to and from site per hour is limited to 10. Consideration by the Shire will be given for granting additional numbers to the stated maximum figure of 10 trucks per hour, with any variation to be approved in writing by the Chief Executive Officer.
21. The Noise Management Plan recommendations contained within the Acoustic Report at Appendix D shall be implemented and adhered to at all times to the satisfaction of the Shire of Capel.
22. The pit boundary survey pegs shall remain in place for the duration of the operation to the satisfaction of the Shire of Capel.
23. Extractive Industry operations are prohibited within 10m of a tree crown drip zone which is to be retained.



24. An Annual Audit of Compliance shall be prepared by a suitably qualified independent expert and submitted to the Shire of Capel 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. 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.
25. The Dust Management Plan that forms part of this application (Appendix G) shall be always implemented and adhered to, to the satisfaction of the Shire of Capel.

Advice Notes

1. The proponent is advised of their obligations under the Environmental Protection Act 1986 regarding any clearing of native vegetation.

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)

2. The proponent is advised of their obligations under the Environmental Protection (Noise) Regulations 1997.
3. Based on the information provided, it has been determined that the proposed operations may be categorized as Prescribed Premises under Category 12 as per Schedule 1 of the Environmental Protection Regulations 1987. The applicant is therefore advised to refer to the information and Industry Regulation Guide to Licensing available at <https://www.wa.gov.au/service/building-utilities-and-essential-services/integrated-essential-services/licence-and-works-approval-applications> and / or if they have queries relating to works approvals and licenses to contact DWER at info@dwer.wa.gov.au or 6364 7000.
4. The proponent is to contact DWER's Bunbury water licensing branch on 97264111 or bunbury.admin@dwer.wa.gov.au to amend their groundwater license GWL59918(7777) to authorise the take of water for the extractive activity under the RIWI Act.




5. Acid sulfate soils (ASS) risk mapping indicates that the proposal 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>
6. Rehabilitation of the land may occur at any time within the term of this approval.
7. The Rehabilitation Management and Monitoring Plan is to be generally consistent with Water Quality Protection Note 15 (WQPN 15) and the Department of Energy, Mining, Regulation and Safety's 'Guidelines for Preparing Mine Closure Plans March 2025', and detail the intended implementation, staging, final landform (including separation to groundwater), proposed post extraction land use and successful rehabilitation criteria including a finished rehabilitated level at least 0.5m above the highest groundwater level.

The Substantive Motion (as amended) was put and CARRIED (4/1).

For: Clayton Higham
Dale Page
Tony Arias
Cr Peter McCleery

Against: Cr Sebastian Schiano

REASON: The site is located within the mapped area of Significant Geological Supplies as per SPP2.4 and is a use that can be contemplated within the Rural zone. It is already largely cleared and the small amount of clearing proposed to accommodate the development will require a separate, rigorous assessment and approval process through the relevant environmental agency. Although there are sensitive receptors within 300m of the site, the panel was satisfied there will be no undue visual impact on these neighbours and noise generated by the development is anticipated to be within the assigned levels of the Noise Regulations. This requirement is reinforced through relevant conditions of approval and Advice Notes. The panel was also satisfied that a collaborative approach to traffic management and safety solutions has occurred between the Shire and the applicant and that measures will be implemented to make the haulage as safe as they need to be for this operation. There have been a few environmental issues raised through the consultation process, but the panel was satisfied these have been appropriately addressed in the Shire's report and via relevant conditions of approval.


Clayton Higham
Presiding Member, Regional DAP



PROCEDURAL MOTION

Moved by: Clayton Higham

Seconded by: Dale Page

That the meeting be adjourned for a period of 5 minutes.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: to allow members a comfort break.

The meeting was adjourned at 11:03am.

The meeting was reconvened at 11:08am.

Cr Sebastian Schiano (Local Government Member, Shire of Capel) left the panel at 11:03am.


Clayton Higham
Presiding Member, Regional DAP



3.2 Lot 262 Queelup Road, North Boyanup – Extractive Industry - Excavation of Sand – DAP/25/03020

Deputations

Kirsten Muir-Thompson (Accendo) addressed the DAP in support of the application at Item 3.2 and responded to questions from the panel.

The panel noted a written submission against the application at Item 3.2. was received from Michael Tichbon (Capel Landcare (formerly LCDC)).

Shire of Capel addressed the DAP in relation to the application at Item 3.2 and responded to questions from the panel.

SUBSTANTIVE MOTION

Moved by: Dale Page

Seconded by: Tony Arias

That the Regional DAP resolves to:


1. **Approve** DAP Application reference DAP/25/03020 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and provisions of the Shire of Capel Local Planning Scheme No. 8, in accordance with the Operations Plan and accompanying reports, subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of 5 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.

Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) or Local Government approval under regulation 17A of the Planning and Development (Development Assessment Panels) Regulations 2011.

2. The development plans, as date stamped received by the Shire of Capel on 20 November 2025 and accompanying documentation, or as amended by the following conditions, are the plans approved as part of this application and shall form part of the development approval issued.
3. Resource extraction is only permitted for a maximum of 5 years after the issue of the Extractive Industry Licence unless amended to the satisfaction of the Shire of Capel.


Clayton Higham
Presiding Member, Regional DAP



4. Rehabilitation of the land may occur at any time within the term of this approval.

Prior to Commencement /Issuing of an Extractive Industry License


5. Prior to the issue of an Extractive Industry License, the applicant shall submit a revised Haulage Route plan detailing of the revised crossover location and construction details to be located on Queelup Road at SLK3.00. The crossover shall be constructed to the satisfaction of the Shire of Capel at the Applicant's expense.
6. Prior to the issue of an Extractive Industry License, the applicant shall submit an updated Noise Management Plan. The updated plan shall specify the location and height of each noise bund required to mitigate noise impacts relating to each of the affected sensitive receptors as identified in the Lloyd George Acoustics Environmental Noise Assessment reference 250710497-01b and thereafter implemented for the duration of the approved excavation works.
7. Prior to the commencement of extraction, 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.

The pit boundary pegs shall remain in place for the duration of the operation to the satisfaction of the Shire of Capel.

8. Prior to the issue of an Extractive Industry License, the assigned rehabilitation bond for Stage 1 and 2 shall be provided to the shire in the form of a bond or bank guarantee pursuant to the Shire's schedule of fees and charges.
9. 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 of Capel.
10. Prior to the commencement of extraction, an updated Rehabilitation Plan consistent with the outcomes of an approved clearing permit shall be submitted to and approved by the Shire of Capel and thereafter implemented.

General Conditions of Operation:

11. 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 will take place on site.
12. The hours of operation shall be from 7.00am to 5.00pm, Monday to Friday. No operations shall be permitted on Saturday, Sundays or Public Holidays
13. The Applicant is to contact School Bus operators to establish school bus times and ensure no haulage occurs within 15 minutes of school bus times.


Clayton Higham
Presiding Member, Regional DAP



14. None of the operations associated with the Extractive Industry hereby approved shall at any time intercept the water table.

Maximum depth of cut shall be no lower than 0.5m above the maximum groundwater level in accordance with the Accendo Australia Water Management Plans version 2. The applicant shall ensure that a 0.5m separation to the maximum ground water level shall be maintained at all times.

If any interception of groundwater occurs at any time during the extractive industry operation, work shall cease immediately and the Shire notified within 48 hours, followed by agreed remedial action in consultation with the Department of Water and Environmental Regulation.

15. The haulage route shall be via Queelup Road (north) unless otherwise approved in writing by the Shire of Capel.
16. Remnant vegetation within the setback areas shall be retained to screen operations from nearby sensitive receptors on Queelup Road.
17. The maximum volume of material to be stockpiles on site at any one time is 5,000m³.
18. All stockpiles shall be removed prior to the expiry of this approval.
19. Maximum steepness of batter slopes of 1:5 shall be applied to all rehabilitation slopes.
20. The maximum truck movements to and from the site per day is limited to 28 (14 in and 14 out). Consideration by the Shire will be given for granting additional numbers to the stated maximum with any variation to be approved in writing by the Chief Executive Officer.
21. Extractive Industry operations are prohibited within 10m of a tree crown drip zone of any tree which has been identified to be retained.
22. The proposed extraction is to be implemented in accordance with DWER's Water quality protection note (WQPN) no. 15 'Basic raw materials extraction' where applicable to ensure water based environmental risks are appropriately mitigated.
23. The maximum pit floor depth shall not be below the final contour plan, shown as Figure 5 in the *Water Management Plan - Lot 262 (No. 220) Queelup Road, North Boyanup* (By Accendo Australia, Ver V2, Dated: 28 Oct 2025). No dewatering works are to be undertaken without DWER consultation. The Shire of Capel is to be notified within 24 hours if the water table is intercepted.

Any subsequent proposal to deepen the excavation depth will need to be supported by site specific groundwater monitoring bores and data that clearly shows no to low level risk of groundwater interception.



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.

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)

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. Based on the information provided, it has been determined that the proposed operations may be categorized as Prescribed Premises under Category 12 as per Schedule 1 of the Environmental Protection Regulations 1987. The applicant is therefore advised to refer to the information and Industry Regulation Guide to Licensing available at <https://www.wa.gov.au/service/building-utilities-and-essential-services/integrated-essential-services/licence-and-works-approval-applications> and / or if they have queries relating to works approvals and licenses to contact DWER at info@dwer.wa.gov.au or 6364 7000.
5. Management of all activities involving hazardous chemicals (including plant refuelling and/or servicing) shall be in accordance with DWER's WQPN 56 – 'Toxic and Hazardous Substance Storage and Use' (Dec 2018)

AMENDING MOTION 1

Moved by: Dale Page


Seconded by: Tony Arias

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

*This decision constitutes planning approval only and is valid for a period of ~~5 years~~ **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: The current wording of the condition appears to merge a validity period with a time limited approval. A validity period of 4 years aligns with the practice of most other local governments and the DAP Regulations.


Clayton Higham
Presiding Member, Regional DAP



AMENDING MOTION 2

Moved by: Dale Page

Seconded by: Tony Arias

The following amendments were made en bloc:

- i) That Condition No. 4 be deleted and the remaining conditions be renumbered accordingly.
- ii) A new Advice Note 5 be added to read as follows:

Rehabilitation of the land may occur at any time within the term of this approval.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The wording of the current condition is explanatory or advisory. It is better suited as an Advice Note.

AMENDING MOTION 3

Moved by: Dale Page

Seconded by: Tony Arias

That Condition No. 14 (now no. 13) be amended to read as follows:


None of the operations associated with the Extractive Industry hereby approved shall at any time intercept the water table.

Maximum depth of cut shall be no lower than 0.5m above the maximum groundwater level in accordance with the Accendo Australia Water Management Plans version 2. The applicant shall ensure that a 0.5m separation to the maximum ground water level shall be maintained at all times.

*If any interception of groundwater occurs at any time during the extractive industry operation, work shall cease immediately and the Shire notified within ~~48 hours~~ **24 hours**, followed by agreed remedial action in consultation with the Department of Water and Environmental Regulation.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To create consistency between this and other approvals for similar proposals


Clayton Higham
Presiding Member, Regional DAP



AMENDING MOTION 4

Moved by: Dale Page

Seconded by: Cr Peter McCleery

That a new Condition No. 23 be added to read as follows:

The Dust Management Plan that forms part of this application (Appendix 8) shall be implemented and adhered to at all times, to the satisfaction of the Shire of Capel.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The report makes mention of a condition relating to a Dust Management Plan, but no such condition was included in the set of conditions recommended in the report.

AMENDING MOTION 5

Moved by: Tony Arias

Seconded by: Dale Page

That Advice Note No. 1 be amended to read as follows:

~~*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. The proponent is advised of their obligations under the Environmental Protection Act 1986 regarding any clearing of native vegetation.*~~

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)

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To clarify that the requirement is advisory and not a condition of the development approval.

AMENDING MOTION 6


Moved by: Tony Arias

Seconded by: Dale Page

That Advice Note No. 2 be deleted and the remaining advice notes be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The advice is not required as the matters contained in the proposed Advice Note are covered in detail by proposed Condition 14.


Clayton Higham
Presiding Member, Regional DAP



AMENDING MOTION 7

Moved by: Clayton Higham

Seconded by: Tony Arias

That a new Condition No. 24 be added to read as follows:

Prior to commencement or the issue of an extractive industry licence, the proponent shall prepare an Operational Management Plan for the extraction period, to the satisfaction and specification of the Shire of Capel, that includes but is not limited to;

- a. Hours of operation;***
- b. Contact details for site managers;***
- c. complaints management procedure***
- d. waste management;***
- e. Occupational health and safety;***
- f. Noise, vibration and dust management;***
- g. Drainage management;***
- h. Site traffic management;***
- i. Environmental Management.***

The approved operational management plan shall be implemented at all times throughout the extraction period, to the satisfaction of the Shire of Capel.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The operational plan is proposed to bring together all operational requirements in one document as well as providing a source of information for community members to enable them to have a contact and complaint procedure should they consider the operator not complying with their terms of operation.


SUBSTANTIVE Motion (AS AMENDED)

That the Regional DAP resolves to:

1. **Approve** DAP Application reference DAP/25/03020 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and provisions of the Shire of Capel Local Planning Scheme No. 8, in accordance with the Operations Plan and accompanying reports, subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.


Clayton Higham
Presiding Member, Regional DAP



Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) or Local Government approval under regulation 17A of the Planning and Development (Development Assessment Panels) Regulations 2011.

2. The development plans, as date stamped received by the Shire of Capel on 20 November 2025 and accompanying documentation, or as amended by the following conditions, are the plans approved as part of this application and shall form part of the development approval issued.
3. Resource extraction is only permitted for a maximum of 5 years after the issue of the Extractive Industry Licence unless amended to the satisfaction of the Shire of Capel.

Prior to Commencement /Issuing of an Extractive Industry License

4. Prior to the issue of an Extractive Industry License, the applicant shall submit a revised Haulage Route plan detailing of the revised crossover location and construction details to be located on Queelup Road at SLK3.00. The crossover shall be constructed to the satisfaction of the Shire of Capel at the Applicant's expense.
5. Prior to the issue of an Extractive Industry License, the applicant shall submit an updated Noise Management Plan. The updated plan shall specify the location and height of each noise bund required to mitigate noise impacts relating to each of the affected sensitive receptors as identified in the Lloyd George Acoustics Environmental Noise Assessment reference 250710497-01b and thereafter implemented for the duration of the approved excavation works.
6. Prior to the commencement of extraction, 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.

The pit boundary pegs shall remain in place for the duration of the operation to the satisfaction of the Shire of Capel.

7. Prior to the issue of an Extractive Industry License, the assigned rehabilitation bond for Stage 1 and 2 shall be provided to the shire in the form of a bond or bank guarantee pursuant to the Shire's schedule of fees and charges.
8. 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 of Capel.
9. Prior to the commencement of extraction, an updated Rehabilitation Plan consistent with the outcomes of an approved clearing permit shall be submitted to and approved by the Shire of Capel and thereafter implemented.



General Conditions of Operation:

10. 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 will take place on site.
11. The hours of operation shall be from 7.00am to 5.00pm, Monday to Friday. No operations shall be permitted on Saturday, Sundays or Public Holidays
12. The Applicant is to contact School Bus operators to establish school bus times and ensure no haulage occurs within 15 minutes of school bus times.
13. None of the operations associated with the Extractive Industry hereby approved shall at any time intercept the water table.

Maximum depth of cut shall be no lower than 0.5m above the maximum groundwater level in accordance with the Accendo Australia Water Management Plans version 2. The applicant shall ensure that a 0.5m separation to the maximum ground water level shall be maintained at all times.

If any interception of groundwater occurs at any time during the extractive industry operation, work shall cease immediately and the Shire notified within 24 hours, followed by agreed remedial action in consultation with the Department of Water and Environmental Regulation.

14. The haulage route shall be via Queelup Road (north) unless otherwise approved in writing by the Shire of Capel.
15. Remnant vegetation within the setback areas shall be retained to screen operations from nearby sensitive receptors on Queelup Road.
16. The maximum volume of material to be stockpiles on site at any one time is 5,000m³.
17. All stockpiles shall be removed prior to the expiry of this approval.
18. Maximum steepness of batter slopes of 1:5 shall be applied to all rehabilitation slopes.
19. The maximum truck movements to and from the site per day is limited to 28 (14 in and 14 out). Consideration by the Shire will be given for granting additional numbers to the stated maximum with any variation to be approved in writing by the Chief Executive Officer.
20. Extractive Industry operations are prohibited within 10m of a tree crown drip zone of any tree which has been identified to be retained.
21. The proposed extraction is to be implemented in accordance with DWER's Water quality protection note (WQPN) no. 15 'Basic raw materials extraction' where applicable to ensure water based environmental risks are appropriately mitigated.



22. The maximum pit floor depth shall not be below the final contour plan, shown as Figure 5 in the *Water Management Plan - Lot 262 (No. 220) Queelup Road, North Boyanup* (By Accendo Australia, Ver V2, Dated: 28 Oct 2025). No dewatering works are to be undertaken without DWER consultation. The Shire of Capel is to be notified within 24 hours if the water table is intercepted.

Any subsequent proposal to deepen the excavation depth will need to be supported by site specific groundwater monitoring bores and data that clearly shows no to low level risk of groundwater interception.

23. The Dust Management Plan that forms part of this application (Appendix 8) shall be implemented and adhered to at all times, to the satisfaction of the Shire of Capel.
24. Prior to commencement or the issue of an extractive industry licence, the proponent shall prepare an Operational Management Plan for the extraction period, to the satisfaction and specification of the Shire of Capel, that includes but is not limited to;
- Hours of operation;
 - Contact details for site managers;
 - complaints management procedure
 - waste management;
 - Occupational health and safety;
 - Noise, vibration and dust management;
 - Drainage management;
 - Site traffic management;
 - Environmental Management.


The approved operational management plan shall be implemented at all times throughout the extraction period, to the satisfaction of the Shire of Capel.

Advice Notes

1. The proponent is advised of their obligations under the Environmental Protection Act 1986 regarding any clearing of native vegetation.

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)

2. The proponent is advised of their obligations under the Environmental Protection (Noise) Regulations 1997.


Clayton Higham
Presiding Member, Regional DAP



3. Based on the information provided, it has been determined that the proposed operations may be categorized as Prescribed Premises under Category 12 as per Schedule 1 of the Environmental Protection Regulations 1987. The applicant is therefore advised to refer to the information and Industry Regulation Guide to Licensing available at <https://www.wa.gov.au/service/building-utilities-and-essential-services/integrated-essential-services/licence-and-works-approval-applications> and / or if they have queries relating to works approvals and licenses to contact DWER at info@dwer.wa.gov.au or 6364 7000.
4. Management of all activities involving hazardous chemicals (including plant refuelling and/or servicing) shall be in accordance with DWER's WQPN 56 – 'Toxic and Hazardous Substance Storage and Use' (Dec 2018)
5. Rehabilitation of the land may occur at any time within the term of this approval.

The Substantive Motion (as amended) was put and CARRIED (3/1).

For: Clayton Higham
Dale Page
Tony Arias

Against: Cr Peter McCleery


REASON: The site is located within the mapped area of Significant Geological Supplies as per SPP2.4 and is a use that can be contemplated within the Rural zone. Although some clearing will be required to accommodate this development, the clearing and potential impact of loss of cockatoo habitat will require a separate, rigorous assessment and approval process through the relevant environmental agencies. The panel noted that concerns were raised through consultation about the impact the number of haulage trips would have on residents in the area and that the number of trips proposed was substantially reduced in response. This, together with the noise and dust management plans provided and reinforced through conditions of approval, will assist in managing impact on neighbours. The panel was also satisfied that the collaborative approach between the applicant and the Shire in relation to access issues will ensure that access to and from the site is as safe as it needs to be for this operation. There have been a few environmental issues raised through the consultation process, but the panel was satisfied these have been appropriately addressed in the Shire's report and via relevant conditions of approval.

4. Form 2 DAP Applications

Nil

5. Section 31 SAT Reconsiderations

Nil


Clayton Higham
Presiding Member, Regional DAP



PART D – 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	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
AP/25/03017 DR53/2026	Shire of Kojonup	Various Lots, Jingalup	Windfarm and Transmission Line	2 April 2026

2. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 11:41am.


Clayton Higham
Presiding Member, Regional DAP