



Mid-West Wheatbelt Development Assessment Panel Minutes

Meeting Date and Time: 15 November 2019; 10:30am
Meeting Number: MWWJDAP/44
Meeting Venue: Department of Planning, Lands and Heritage
140 William Street, Perth

Attendance

DAP Members

Mr Paul Kotsoglo (Presiding Member) – *via teleconference*
Ms Jacqueline Jurmann (Deputy Presiding Member)
Mr Andrew Mack (Specialist Member) – *via teleconference*
Cr Noel Dew (Local Government Member, Shire of Waroona) – *via teleconference*
Cr John Mason (Local Government Member, Shire of Waroona) – *via teleconference*

Officers in attendance

Mr Leonard Long (Shire of Waroona) – *via teleconference*

Minute Secretary

Ms Michelle Tan (DAP Secretariat)
Ms Adele McMahon (DAP Secretariat)

Applicants and Submitters

Mr Baifulaqi Du (SE Waroona Development Pty Ltd) – *via teleconference*
Ms Linda Kircher (AECOM)

Members of the Public / Media

Nil

1. Declaration of Opening

The Presiding Member declared the meeting open at 10:35am on 15 November 2019 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2017 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

The Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2017 which states 'A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.', the meeting would not be recorded.



2. Apologies

Cr Larry Scott (Local Government Member, Shire of Waroona)

3. Members on Leave of Absence

Nil

4. Noting of Minutes

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

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of Interests

Nil

7. Deputations and Presentations

7.1 Ms Linda Kirchner (AECOM) addressed the DAP in support of the application at Item 8.1 and responded to questions from the panel. Mr Baifulaqi Du (SE Waroona Development Pty Ltd) responded to questions from the panel.

7.2 Mr Leonard Long, Shire of Waroona addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

8. Form 1 – Responsible Authority Reports – DAP Application

8.1 Property Location:	Lot 24 & 25 (981) Buller Road, Waroona
Development Description:	Construction and operation of a 183.77 MW Solar Farm
Applicant:	SW Waroona Development Pty Ltd
Owner:	Mr Aldo Joseph Caratti and Mr Richard John Caratti
Responsible Authority:	Shire of Waroona
DAP File No:	DAP/19/01667

REPORT RECOMMENDATION

Moved by: Ms Jacqueline Jurmann

Seconded by: Mr Andrew Mack

That the Mid-West/Wheatbelt JDAP resolves to:

1. **Approve** DAP Application reference DAP/19/01667 and accompanying plans attached as Attachment 1 - 10 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 clause 3.13.1 of the Shire of Waroona Local Planning Scheme No. 7, subject to the following conditions:



Condition:

1. The Development / Land Use shall be in accordance with the attached approved plan(s) and subject to any modification required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
2. No signs or hoardings shall be erected on the lot without the prior written approval of the local government.
3. Prior to the lodging of a building permit the applicant shall provide an amended site plan showing the following:
 - a. a minimum buffer distance of 50m from the high water mark of the 'Conservation Category Wetland (CCW) (Harvey River Main Drain).
 - b. minimum setbacks from the 'Resource Enhancement' wetland required by the Department of Biosecurity, Conservation and Attractions.
4. Prior to the lodging of a building permit the applicant shall enter into an agreement with the local government, prepared at the applicants cost, by which the operator agrees to financially contribute to the following:
 - a. repair and maintenance of the local road (Landwehr Road) during the construction phase to the satisfaction of the local government.
5. Prior to the lodging of a building permit the applicant shall submit and have approved by the local government, and thereafter implement to the satisfaction of the local government, a 'Construction Management Plan' addressing the following matters:
 - a. construction traffic,
 - b. signage,
 - c. dust management,
 - d. construction operating hours; and
 - e. environmental management.
6. Prior to the lodging of a building permit the applicant shall submit and have approved by the local government, and thereafter implement to the satisfaction of the local government, an 'Environmental Management Plan' addressing the following matters:
 - a. remnant vegetation,
 - b. foreshore management demonstrating the mitigation of risks to the CCW,
 - c. contamination,
 - d. stormwater; and
 - e. fire management.
7. Prior to the lodging of a building permit the applicant shall submit and have approved by the local government, and thereafter implemented to the satisfaction of the local government, an 'Ecological Assessment / Management Plan'



Advice Notes

1. The proponent is advised that all other government agencies approvals (where required) are to be complied with i.e. clearing permits.
2. The proponent is advised that they should consult with the Department Primary Industries and Regional Development on the appropriate stocking levels for the grazing of sheep within the development area.
3. The proponent is encouraged to enter into a financial contribution program towards the development of community projects within the local government area.

AMENDING MOTION 1

Moved by: Ms Jacqueline Jurmann

Seconded by: Mr Andrew Mack

To add a new point 1 to the preamble of the report recommendation to read as follows and renumber the remaining point accordingly;

Accept that the solar farm is in accordance with clause 3.3 (4)(b) of Local Planning Scheme 7 and is appropriate for consideration as a use not listed;

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: For procedural correctness.

AMENDING MOTION 2

Moved by: Ms Jacqueline Jurmann

Seconded by: Mr Andrew Mack

That the wording of 'Prior to the lodging of a building permit' in conditions 3-7 be amended to read as "Prior to the commencement of works".

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To correctly reflect legislation.

AMENDING MOTION 3

Moved by: Mr Andrew Mack

Seconded by: Ms Jacqueline Jurmann

That condition 6 be amended to read as follows:

Prior to commencement of works the applicant shall submit and have approved by the local government, and thereafter implement to the satisfaction of the local government, an 'Environmental Management Plan' addressing the following matters:



- a. *remnant vegetation,*
- b. *foreshore management demonstrating the mitigation of risks to the CCW,*
- c. *contamination,*
- d. *stormwater, and **drainage,***
- e. *fire management,*
- f. ***stock management, and***
- g. ***rehabilitation plan.***

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To provide further evidence to demonstrate that the proposal does not impose undue impact on the stock and drainage.

AMENDING MOTION 4

Moved by: Mr Andrew Mack

Seconded by: Ms Jacqueline Jurmann

That a new condition 8 be added to read as follows:

The applicant is required to give at least 3 months' notice to the local government if the proposed development is to cease operations and all solar panels and infrastructure must be decommissioned and removed by owner/operator within the 1 year of giving this notice, unless the local government agrees otherwise.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To include obligation to remove infrastructure if no longer required.

AMENDING MOTION 5

Moved by: Ms Jacqueline Jurmann

Seconded by: Cr Noel Dew

That condition 5 be amended to read as follows:

Prior to commencement of works the applicant shall submit and have approved by the local government, and thereafter implement to the satisfaction of the local government, a 'Construction Management Plan' addressing the following matters:

- a. *construction traffic,*
- b. *signage,*
- c. *dust management,*
- d. *construction operating hours; and*
- e. ~~*environmental management.*~~

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Remove duplication as condition 6 outlines the requirement of an Environmental Management Plan.



AMENDING MOTION 6

Moved by: Ms Jacqueline Jurmann

Seconded by: Mr Andrew Mack

That a new condition 9 be added to read as follows:

Prior to commencement of works a landscaping plan to be submitted to the local government for approval, which includes implementation and maintenance.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To provide clarity given the importance of landscaping and the relationship of the use not listed.

AMENDING MOTION 7

Moved by: Cr Noel Dew

Seconded by: Ms Jacqueline Jurmann

That a new condition 10 be added to read as follows:

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

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The nature of the approval required demands extension of substantial commencement.

REPORT RECOMMENDATION (AS AMENDED)

That the Mid-West/Wheatbelt JDAP resolves to:

1. **Accept** that the solar farm is in accordance with clause 3.3 (4)(b) of Local Planning Scheme 7 and is appropriate for consideration as a use not listed;
2. **Approve** DAP Application reference DAP/19/01667 and accompanying plans attached as Attachment 1 - 10 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 clause 3.13.1 of the Shire of Waroona Local Planning Scheme No. 7, subject to the following conditions:

Condition:

1. The Development / Land Use shall be in accordance with the attached approved plan(s) and subject to any modification required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.



2. No signs or hoardings shall be erected on the lot without the prior written approval of the local government.
3. Prior to commencement of works the applicant shall provide an amended site plan showing the following:
 - a. a minimum buffer distance of 50m from the high water mark of the 'Conservation Category Wetland (CCW) (Harvey River Main Drain).
 - b. minimum setbacks from the 'Resource Enhancement' wetland required by the Department of Biosecurity, Conservation and Attractions.
4. Prior to commencement of works the applicant shall enter into an agreement with the local government, prepared at the applicants cost, by which the operator agrees to financially contribute to the following:
 - a. repair and maintenance of the local road (Landwehr Road) during the construction phase to the satisfaction of the local government.
5. Prior to commencement of works the applicant shall submit and have approved by the local government, and thereafter implement to the satisfaction of the local government, a 'Construction Management Plan' addressing the following matters:
 - a. construction traffic,
 - b. signage,
 - c. dust management; and
 - d. construction operating hours.
6. Prior to commencement of works the applicant shall submit and have approved by the local government, and thereafter implement to the satisfaction of the local government, an 'Environmental Management Plan' addressing the following matters:
 - a. remnant vegetation,
 - b. foreshore management demonstrating the mitigation of risks to the CCW,
 - c. contamination,
 - d. stormwater and drainage,
 - e. fire management,
 - f. stock management, and
 - g. rehabilitation plan.
7. Prior to commencement of works the applicant shall submit and have approved by the local government, and thereafter implemented to the satisfaction of the local government, an 'Ecological Assessment / Management Plan'.
8. The applicant is required to give at least 3 months' notice to the local government if the proposed development is to cease operations and all solar panels and infrastructure must be decommissioned and removed within the 1 year of giving this notice, unless the local government agrees otherwise.
9. Prior to commencement of works a landscaping plan to be submitted to the local government for approval, which includes implementation and maintenance.



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

Advice Notes

1. The proponent is advised that all other government agencies approvals (where required) are to be complied with i.e. clearing permits.
2. The proponent is advised that they should consult with the Department Primary Industries and Regional Development on the appropriate stocking levels for the grazing of sheep within the development area.
3. The proponent is encouraged to enter into a financial contribution program towards the development of community projects within the local government area.

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

REASON: In accordance with details contained in the Responsible Authority Report and Amending Motions.

9. **Form 2 – Responsible Authority Reports – Amending or cancelling DAP development approval**

Nil

10. **Appeals to the State Administrative Tribunal**

Nil

11. **General Business / Meeting Close**

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2017 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

There being no further business, the Presiding Member declared the meeting closed at 12:48pm.