



Southern Joint Development Assessment Panel Minutes

Meeting Date and Time: 2 December 2019, 10:00 AM
Meeting Number: SJDAP/49
Meeting Venue: Shire of Harvey
102 Uduc Road, Harvey

Attendance

DAP Members

Mr Paul Kotsoglo (Presiding Member)
Ms Kanella Hope (A/Deputy Presiding Member)
Mr Justin Page (A/Specialist Member)
Cr Tania Jackson (Local Government Member, Shire of Harvey)
Cr Paul Beech (Local Government Member, Shire of Harvey)

Officers in attendance

Ms Annie Riordan (Shire of Harvey)
Mr Simon Hall (Shire of Harvey)
Mrs Elizabeth Edwards (Shire of Harvey)
Mrs Kelly Beaglehole (Shire of Harvey)

Minute Secretary

Ms Kira Hough (Shire of Harvey)
Ms Nicole Shore (Shire of Harvey)

Applicants and Submitters

Ms Linda Kirchner (AECOM)
Mr Baifu Du (South Energy) – *via teleconference*
Mr Ray Chen – *via teleconference*
Mr Ronaldi Soetonto – *via teleconference*
Mr Peter Humble

Members of the Public / Media

There were 2 members of the public in attendance.

1. Declaration of Opening

The Presiding Member declared the meeting open at 10.03am on 2 December 2019 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

Due to the conflict of interest of the Presiding Member and the unavailability of the Deputy Presiding Member, Mr Paul Kotsoglo has been appointed as Presiding Member for this meeting in accordance with regulation 27(3A) of the *Planning and Development (Development Assessment Panel) 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

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*.

2. Apologies

Mr Robert Fenn (Presiding Member)
Mr Geoffrey Klem (Deputy Presiding Member)
Ms Shelley Sheppard (Specialist Member)

3. Members on Leave of Absence

Nil.

4. Noting of Minutes

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

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of Interests

DAP Member, Mr Robert Fenn, declared an indirect pecuniary interest in item 8.1. Mr Fenn is an employee of DevelopmentWA. The subject land is immediately adjacent to the Kemerton Strategic Industrial Area which DevelopmentWA are the primary land owners. Mr Adam Shine, the application landowner also leases land from DevelopmentWA.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2017, the Presiding Member, Mr Paul Kotsoglo determined that the member listed above, who had disclosed an indirect pecuniary interest, was not permitted to participate in the discussion and voting on the item.

7. Deputations and Presentations

7.1 Mr Peter Humble addressed the DAP against the application at Item 8.1 and responded to questions from the panel.

7.2 Mr Simon Hall (Shire of Harvey) addressed the DAP in regard to Item 8.1 and responded to questions from the panel.



8. Form 1 – Responsible Authority Reports – DAP Application

- 8.1 Property Location: Lot 0 Campbell Road, Benger
Development Description: Construction and operation of a 100MW solar farm in Benger
Applicant: SE Campbell Development Pty Ltd
Owner: Adam Shine
Responsible Authority: Shire of Harvey
DAP File No: DAP/19/01657

REPORT RECOMMENDATION

Moved by: Cr Tania Jackson

Seconded by: Cr Paul Beech

That the Southern JDAP (non-metropolitan) resolves to:

1. **Accept** that the DAP Application reference DAP/19/01657 is appropriate for consideration as a “Renewable Energy Facility” land use and compatible with the objectives of the Zoning Tables 25 & 26 Zoning and Development Standards for Intensive Farming in accordance with District Planning Scheme No. 1 clause 4.2.5 of the Shire of Harvey and Part 4 – Zones clause 12(e) Rural in accordance with the Greater Bunbury Region Scheme;
2. **Approve** DAP Application reference DAP/19/01657 and accompanying Concept Plan dated 26/07/2019, reference 60591240-DWG-EL-0003 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 4.2.5(b) of the Shire of Harvey District Planning Scheme No. 1, and pursuant to clause 24(b) of the Greater Bunbury Region Scheme subject to the following conditions:

Conditions

1. This decision constitutes development approval only 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.
2. The development plans, dated 26 July 2019 and accompanying Benger Solar Farm Planning Application Report and Appendices prepared by AECOM, together with any requirements and annotations detailed thereon, are the plans approved as part of this application and shall form part of the development approval issued.
3. Prior to commencement of the development, a Traffic Management Plan is to be prepared in accordance with Main Roads Western Australia’s Code of Practice and approved by the Shire in consultation with MRWA where required.
4. Prior to commencement of the development, an Audit shall be undertaken and submitted to the Shire detailing the pre-development condition of the adjacent roads designated in the approved Traffic Management Plan.



5. Prior to the Renewable Energy Facility being operational, an Audit shall be undertaken and submitted to the Shire the post-development condition of adjacent roads designated in the approved Traffic Management Plan. Any remediation works resulting from the approved development identified in the Audit shall be undertaken to the satisfaction of the Shire.
6. Prior to commencement of the development, an access way shall be designed, constructed and drained at the landowner/applicant's cost, to the specifications of the Shire in response to the size and frequency of vehicles to be used for the life of the proposal. A crossover permit must be obtained prior to commencing construction.
7. Prior to commencement of the development, an amended detailed Landscaping Plan is to be submitted and approved by the Shire in consultation with adjoining landowners. The landscape plan must address the following:
 - a. Screen planting to minimise the off-site visual impacts of the development, including the potential for any glare or reflection from the solar panels; and
 - b. A schedule of materials to mitigate the visual appearance of all ancillary infrastructure (including paint colours, specifications and screening) blends in as far as possible with the surrounding landscape;
 - c. Fencing details associated with the security, stock management and movement of native fauna requirements;
 - d. Identification of areas suitable for ongoing grazing;
 - e. Fencing and supplementary planting associated with the protection and enhance of the existing drainage channels within the property;
 - f. An effective timeline for implementing and maintenance of the screening planting and fencing to ensure it achieves the required screening function; and
 - g. Confirmation that no works will be undertaken within the Benger Main Drain or the Wellesley River and its foreshore, and that any water discharging to these systems during construction will be managed to mitigate sediment mobilisation.
8. Prior to commencement of the development, a Bank Guarantee or Bond of \$25,000 shall be submitted for the purpose of implementing the approved Landscaping Plan. The Bank Guarantee or Bond shall be held by the Shire for a minimum period of 2 years from the completion of the works until the establishment and maintenance of vegetation screening is confirmed by the Shire as satisfactory.
9. Prior to commencement of the development, the proponent shall prepare and submit for approval by the Shire, a Site Management Plan, including for the construction period, that;
 - a. minimises the impact of the approved development on the amenity of the locality due to the transportation of materials to and from the site;
 - b. ensures the use of buildings, works and materials on the site do not generate unreasonable levels of noise, vibration, dust, drainage, wastewater, waste products or reflected light;
 - c. details the management applicable to construction traffic movement, occupational health and safety, signage, dust management and environmental management in relation to the approved development;



- d. details the storage of any chemicals onsite, and any maintenance works and waste that has the potential to affect water quality; and how these risks can be mitigated; and
 - e. details ongoing implementation of the Site Management Plan.
10. Prior to commencement of the development a Weed Management Plan shall be prepared in accordance with the *Biosecurity and Agriculture Management Act 2007* and approved by the Shire in consultation with the Department of Primary Industries and Regional Development.
11. Prior to commencement of the development, detailed plans shall be submitted for approval by the Shire and shall include all details of the:
 - a. Site office(s);
 - b. Ablutions;
 - c. Permanent and temporary laydown areas;
 - d. Staff and contractor vehicle parking and any other associated infrastructure, upgraded crossover and accessway as guided by the approved Traffic Management Plan.
 - e. Internal roads; and
 - f. All proposed lighting including projected spill and baffle details so as to prevent any adverse effect on adjoining dwellings.
12. Prior to commencement of the development, a Stormwater and Drainage Management Plan, must be prepared in accordance with the *Decision process for stormwater management in WA* (DWER 2017) and the *Stormwater Management Manual for Western Australia* (DoW 2004–2007) and approved by the Shire in consultation with DWER and implemented. The plan shall determine the drainage infrastructure required to support the development and as a minimum it must address:
 - a. How storm events and overland flow path for larger events are to be managed;
 - b. Potential effect on groundwater levels and quality;
 - c. Protection of adjacent / nearby waterways and wetlands;
 - d. Confirmation of water use requirements (including volume) and how the water will be sourced to support the proposal (e.g. such as for cleaning purposes) and the method of disposal; and
 - e. Conclusions / Recommendations; and
13. Prior to the Renewable Energy Facility being operational, sufficient rural fencing shall be provided along lot boundaries and all other security fencing associated with the development shall be located a minimum of 20m from lot boundaries.
14. Prior to the Renewable Energy Facility being operational, the Environmental Management Plan shall be updated and submitted for final approval by the Shire, and shall include additional measures for the following:
 - a. Any activities that carry a high risk of spills should be outside of flood prone areas and as far away from the watercourse as practical;
 - b. Reference shall be made to compliance with Department of Water and Environmental Protection's Water Quality Protection Note (WQPN) No. 56 - *Tanks for fuel and chemical storage near sensitive water resources* (Dec



2018) and WQPN No. 29 *Mobile mechanical servicing and cleaning* (September 2013).

15. Prior to the Renewable Energy Facility being operational, a Decommissioning Plan, including removal of all structures and rehabilitation, is to be prepared and submitted for approval by the Shire. The plan should be reviewed as required in response to advances in the recycling and dismantling of solar array facilities.
16. Within six (6) months of the development ceasing on site, the approved Decommission Plan shall be implemented to the satisfaction of the Shire.

Advice Notes

1. The development the subject of this approval is also regulated by the Building Code of Australia and a separate Building Permit must be granted before the development commences.
2. This determination is deemed to be a determination made under the Greater Bunbury Region Scheme in accordance with the Notice of Resolution made under Clause 27, Schedule 1 Paragraph 2: Land Abutting Regional Open Space Reserve, Paragraph 6: Development within the Priority Agricultural Land Area and Paragraph 10: Development with the Rural Zone.
3. The clearing of native vegetation in Western Australia requires a Clearing Permit under the *Environmental Protection Act 1986* unless the clearing is for an exempt purpose. Proponents are advised to contact the Department of Water and Environmental Regulation for further advice in this regard.
4. It is the applicant's responsibility to ensure all required approvals are obtained prior to the works commencing. Works such as de-watering or working near existing infrastructure may require separate approvals from relevant private or government agencies.
5. The Shire of Harvey advises that the development the subject of this development approval must comply with the *Environmental Protection Act 1986* and the Environmental Protection (Noise) Regulations 1997 in relation to noise emissions.
6. The subject property is located within the Brunswick River and Tributaries Surface Water Areas as proclaimed under the *Rights in Water and Irrigation (RIWI) Act 1914*. Any interference of the watercourse (such as the construction of a dam or crossing, or excavation of the watercourse) will require a permit to interfere with the bed or banks from the department.
7. This Development Approval does not include approval of Advertising Devices. Please lodge a separate Development Application for signage the assessment of Advertising Devices in accordance with the Shire's Local Planning Policy: Advertising Signs

AMENDING MOTION 1

Moved by: Cr Tania Jackson

Seconded by: Cr Paul Beech

The following amendments were made en bloc:



- (i) That a new condition 17 be added and read as follows;

A Bushfire Management Plan being prepared, approved and relevant provisions implemented during construction, in accordance with the Western Australian Planning Commission's Guidelines for Planning in Bushfire Prone Areas, to the satisfaction of the local government.

REASON: The need for a Bushfire Management Plan as a condition of approval was referred to in the Responsible Authority Report and referral responses however, was omitted by error from the Recommendation.

- (ii) That condition 12 be amended to read as follows;

Prior to commencement of the development, a Stormwater and Drainage Management Plan, must be prepared in accordance with the Decision process for stormwater management in WA (DWER 2017) and the Stormwater Management Manual for Western Australia (DoW 2004–2007) and approved by the Shire in consultation with DWER and implemented. The plan shall determine the drainage infrastructure required to support the development and as a minimum it must address:

- a. *How storm events and overland flow path for larger events are to be managed;*
- b. *Potential effect on groundwater levels and quality;*
- c. *Protection of adjacent / nearby waterways and wetlands;*
- d. *Confirmation of water use requirements (including volume) and how the water will be sourced to support the proposal (e.g. such as for cleaning purposes) and the method of disposal; and*
- e. *Conclusions / Recommendations; and*
- f. **Flood plain management.**

REASON: Subject site is impacted by Department of Water and Environmental Regulation flood plain mapping and a suitable design response is required.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REPORT RECOMMENDATION (AS AMENDED)

An administrative change made to remove (non-metropolitan) from the preamble.

That the Southern JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/19/01657 is appropriate for consideration as a "Renewable Energy Facility" land use and compatible with the objectives of the Zoning Tables 25 & 26 Zoning and Development Standards for Intensive Farming in accordance with District Planning Scheme No. 1 clause 4.2.5 of the Shire of Harvey and Part 4 – Zones clause 12(e) Rural in accordance with the Greater Bunbury Region Scheme;



2. **Approve** DAP Application reference DAP/19/01657 and accompanying Concept Plan dated 26/07/2019, reference 60591240-DWG-EL-0003 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 4.2.5(b) of the Shire of Harvey District Planning Scheme No. 1, and pursuant to clause 24(b) of the Greater Bunbury Region Scheme subject to the following conditions:

Conditions

1. This decision constitutes development approval only 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.
2. The development plans, dated 26 July 2019 and accompanying Benger Solar Farm Planning Application Report and Appendices prepared by AECOM, together with any requirements and annotations detailed thereon, are the plans approved as part of this application and shall form part of the development approval issued.
3. Prior to commencement of the development, a Traffic Management Plan is to be prepared in accordance with Main Roads Western Australia's Code of Practice and approved by the Shire in consultation with MRWA where required.
4. Prior to commencement of the development, an Audit shall be undertaken and submitted to the Shire detailing the pre-development condition of the adjacent roads designated in the approved Traffic Management Plan.
5. Prior to the Renewable Energy Facility being operational, an Audit shall be undertaken and submitted to the Shire the post-development condition of adjacent roads designated in the approved Traffic Management Plan. Any remediation works resulting from the approved development identified in the Audit shall be undertaken to the satisfaction of the Shire.
6. Prior to commencement of the development, an access way shall be designed, constructed and drained at the landowner/applicant's cost, to the specifications of the Shire in response to the size and frequency of vehicles to be used for the life of the proposal. A crossover permit must be obtained prior to commencing construction.
7. Prior to commencement of the development, an amended detailed Landscaping Plan is to be submitted and approved by the Shire in consultation with adjoining landowners. The landscape plan must address the following:
 - a. Screen planting to minimise the off-site visual impacts of the development, including the potential for any glare or reflection from the solar panels; and
 - b. A schedule of materials to mitigate the visual appearance of all ancillary infrastructure (including paint colours, specifications and screening) blends in as far as possible with the surrounding landscape;
 - c. Fencing details associated with the security, stock management and movement of native fauna requirements;
 - d. Identification of areas suitable for ongoing grazing;
 - e. Fencing and supplementary planting associated with the protection and enhance of the existing drainage channels within the property;



- f. An effective timeline for implementing and maintenance of the screening planting and fencing to ensure it achieves the required screening function; and
 - g. Confirmation that no works will be undertaken within the Benger Main Drain or the Wellesley River and its foreshore, and that any water discharging to these systems during construction will be managed to mitigate sediment mobilisation.
8. Prior to commencement of the development, a Bank Guarantee or Bond of \$25,000 shall be submitted for the purpose of implementing the approved Landscaping Plan. The Bank Guarantee or Bond shall be held by the Shire for a minimum period of 2 years from the completion of the works until the establishment and maintenance of vegetation screening is confirmed by the Shire as satisfactory.
 9. Prior to commencement of the development, the proponent shall prepare and submit for approval by the Shire, a Site Management Plan, including for the construction period, that;
 - a. minimises the impact of the approved development on the amenity of the locality due to the transportation of materials to and from the site;
 - b. ensures the use of buildings, works and materials on the site do not generate unreasonable levels of noise, vibration, dust, drainage, wastewater, waste products or reflected light;
 - c. details the management applicable to construction traffic movement, occupational health and safety, signage, dust management and environmental management in relation to the approved development;
 - d. details the storage of any chemicals onsite, and any maintenance works and waste that has the potential to affect water quality; and how these risks can be mitigated; and
 - e. details ongoing implementation of the Site Management Plan.
 10. Prior to commencement of the development a Weed Management Plan shall be prepared in accordance with the *Biosecurity and Agriculture Management Act 2007* and approved by the Shire in consultation with the Department of Primary Industries and Regional Development.
 11. Prior to commencement of the development, detailed plans shall be submitted for approval by the Shire and shall include all details of the:
 - a. Site office(s);
 - b. Ablutions;
 - c. Permanent and temporary laydown areas;
 - d. Staff and contractor vehicle parking and any other associated infrastructure, upgraded crossover and accessway as guided by the approved Traffic Management Plan.
 - e. Internal roads; and
 - f. All proposed lighting including projected spill and baffle details so as to prevent any adverse effect on adjoining dwellings.



12. Prior to commencement of the development, a Stormwater and Drainage Management Plan, must be prepared in accordance with the *Decision process for stormwater management in WA* (DWER 2017) and the *Stormwater Management Manual for Western Australia* (DoW 2004–2007) and approved by the Shire in consultation with DWER and implemented. The plan shall determine the drainage infrastructure required to support the development and as a minimum it must address:
 - a. How storm events and overland flow path for larger events are to be managed;
 - b. Potential effect on groundwater levels and quality;
 - c. Protection of adjacent / nearby waterways and wetlands;
 - d. Confirmation of water use requirements (including volume) and how the water will be sourced to support the proposal (e.g. such as for cleaning purposes) and the method of disposal;
 - e. Conclusions / Recommendations; and
 - f. Flood plain management
13. Prior to the Renewable Energy Facility being operational, sufficient rural fencing shall be provided along lot boundaries and all other security fencing associated with the development shall be located a minimum of 20m from lot boundaries.
14. Prior to the Renewable Energy Facility being operational, the Environmental Management Plan shall be updated and submitted for final approval by the Shire, and shall include additional measures for the following:
 - a. Any activities that carry a high risk of spills should be outside of flood prone areas and as far away from the watercourse as practical;
 - b. Reference shall be made to compliance with Department of Water and Environmental Protection's Water Quality Protection Note (WQPN) No. 56 - *Tanks for fuel and chemical storage near sensitive water resources* (Dec 2018) and WQPN No. 29 *Mobile mechanical servicing and cleaning* (September 2013).
15. Prior to the Renewable Energy Facility being operational, a Decommissioning Plan, including removal of all structures and rehabilitation, is to be prepared and submitted for approval by the Shire. The plan should be reviewed as required in response to advances in the recycling and dismantling of solar array facilities.
16. Within six (6) months of the development ceasing on site, the approved Decommission Plan shall be implemented to the satisfaction of the Shire.
17. A Bushfire Management Plan being prepared, approved and relevant provisions implemented during construction, in accordance with the WAPC's Guidelines for Planning in Bushfire Prone Areas, to the satisfaction of the local government.

Advice Notes

1. The development the subject of this approval is also regulated by the Building Code of Australia and a separate Building Permit must be granted before the development commences.



2. This determination is deemed to be a determination made under the Greater Bunbury Region Scheme in accordance with the Notice of Resolution made under Clause 27, Schedule 1 Paragraph 2: Land Abutting Regional Open Space Reserve, Paragraph 6: Development within the Priority Agricultural Land Area and Paragraph 10: Development with the Rural Zone.
3. The clearing of native vegetation in Western Australia requires a Clearing Permit under the *Environmental Protection Act 1986* unless the clearing is for an exempt purpose. Proponents are advised to contact the Department of Water and Environmental Regulation for further advice in this regard.
4. It is the applicant's responsibility to ensure all required approvals are obtained prior to the works commencing. Works such as de-watering or working near existing infrastructure may require separate approvals from relevant private or government agencies.
5. The Shire of Harvey advises that the development the subject of this development approval must comply with the *Environmental Protection Act 1986* and the Environmental Protection (Noise) Regulations 1997 in relation to noise emissions.
6. The subject property is located within the Brunswick River and Tributaries Surface Water Areas as proclaimed under the *Rights in Water and Irrigation (RIWI) Act 1914*. Any interference of the watercourse (such as the construction of a dam or crossing, or excavation of the watercourse) will require a permit to interfere with the bed or banks from the department.
7. This Development Approval does not include approval of Advertising Devices. Please lodge a separate Development Application for signage the assessment of Advertising Devices in accordance with the Shire's Local Planning Policy: Advertising Signs

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

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

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

Nil

10. Appeals to the State Administrative Tribunal

The Presiding Member noted the following State Administrative Tribunal Application.

Current Applications		
LG Name	Property Location	Application Description
City of Bunbury	Lot 101 Forrest Highway, Vittoria	Proposed Road House and 2 pylon signs



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 11.20am.