



Southern Joint Development Assessment Panel Minutes

Meeting Date and Time: 23 January 2019, 10:00am
Meeting Number: SJDAP/41
Meeting Venue: Shire of Harvey
102 Uduc Road
Harvey

Attendance

DAP Members

Mr Eugene Koltasz (Presiding Member)
Mr Vernon Butterly (A/Deputy Presiding Member)
Mr Jason Hick (A/Specialist Member)
Cr Tania Jackson (Local Government Member, Shire of Harvey)
Cr Paul Beech (Local Government Member, Shire of Harvey)

Officers in attendance

Item 8.1a

Ms Elizabeth Edwards (Shire of Harvey)
Mr Simon Hall (Shire of Harvey)
Ms Annie Riordan (Shire of Harvey)
Ms Shanon Pavlovich (Shire of Harvey)
Ms Isabell Fry (Shire of Harvey)

Item 8.1b

Mr Ben Muller (Western Australian Planning Commission)
Ms Marion Dandridge (Western Australian Planning Commission)

Minute Secretary

Ms Kira Hough (Shire of Harvey)

Applicants and Submitters

Mr Matt Raymond (Element)
Mr Edwin Berends (Albemarle)
Mr Clayton Brandwood (Albermarle)

Members of the Public / Media

Nil

1. Declaration of Opening

The Presiding Member declared the meeting open at 10.03am on 23 January 2019 and acknowledged the past and present traditional owners and custodians of the land on which the meeting was being held.



Due to the conflict of interest of the Presiding Member and the incomplete training of the newly appointed Deputy Presiding Member, Mr Eugene Koltasz 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 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

Mr Robert Fenn (Presiding Member)
Ms Shelley Shepherd (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 a direct pecuniary interest in item 8.1. Mr Fenn is an employee of LandCorp. The applicant has signed a long term lease with LandCorp to develop the subject land and to operate an industrial plant upon the leased site.

In accordance with section 6.3.1 of the DAP Standing Orders 2017, the Presiding Member determined that the member listed above, who had disclosed a pecuniary interest, was not permitted to participate in the discussion or voting on the item.

7. Deputations and Presentations

7.1 Mr Matt Raymond (Element) addressed the DAP in support of the application at Item 8.1a and 8.1b and responded to questions from the panel.

7.2 Mr Edwin Berends (Albermarle) addressed the DAP in support of the application at Item at Item 8.1a and 8.1b and responded to questions from the panel.



8. Form 1 – Responsible Authority Reports – DAP Application

8.1a Property Location:	Portion of Lot 253 Wellesley Road, Wellesley
Development Description:	Lithium Hydroxide Product Plant and associated Administrative Buildings
Applicant:	Element WA
Owner:	LandCorp
Responsible Authority:	Shire of Harvey
DAP File No:	DAP/18/01434

REPORT RECOMMENDATION

Moved by: Cr Tania Jackson

Seconded by: Cr Paul Beech

That the Southern JDAP resolves to:

Approve DAP Application reference DAP/18/01434 and accompanying plans (contained within the Plans Schedule at **Attachment 1**) in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Clause 4.8 of the Shire of Harvey District Planning Scheme No. 1, subject to the following conditions:

Conditions

1. This decision constitutes development approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.
2. All development shall occur in accordance with the stamped, approved plans, unless varied by a condition of approval or a minor amendment, to the satisfaction of the Shire of Harvey.
3. This development approval does not include approval for any signage, including advertising signs.
4. Prior to commencement of the development, a Construction Management Plan shall be prepared and submitted for approval by the Shire of Harvey, and thereafter implemented to the satisfaction of the Shire of Harvey. The Construction Management Plan shall address the following matters during the construction of the development:
 - a. Car parking for construction staff;
 - b. Stormwater and sediment control;
 - c. Noise control and vibration management;
 - d. Air and dust management; and
 - e. Public safety, amenity and site security
5. Prior to commencement of the development, a Bank Guarantee or Bond of \$20,000 shall be submitted to the Shire of Harvey for the purpose of installation of the landscaping and reticulation (required by Condition 12). Such Bank Guarantee or Bond shall be held by the Shire of Harvey for a minimum period of three (3) years.



6. Prior to commencement of the development, an Audit shall be undertaken and submitted to the Shire of Harvey detailing the pre-development condition of Marriott Road.
7. Prior to commencement of the development, a Mosquito Management Plan shall be prepared and submitted for approval by the Shire of Harvey in consultation with the Department of Health, and thereafter implemented to the satisfaction of the Shire of Harvey. The Mosquito Management Plan is to ensure any collection of surface or subsurface water does not permit the breeding of mosquitos.
8. Prior to completion of the development, the car parking areas, crossovers and access ways shall be suitably constructed, sealed, kerbed, marked and thereafter maintained, in accordance with Clause 8.2 of the Shire's District Planning Scheme No. 1 and AS 2890.1-2004 *Parking Facilities, Part 1: Off-street Car Parking* to the satisfaction of the Shire of Harvey.
9. The car parking areas shall be illuminated, and thereafter maintained, in accordance with AS 1158-2005 *Lighting for Roads and Public Spaces* to the satisfaction of the Shire of Harvey.
10. Prior to completion of the development, a minimum of 380 staff/visitor car parking bays (including a minimum of 4 accessible car parking space for that exclusive use shall be provided in accordance with AS 2890.6 *Off-street Parking for People with Disabilities*) shall be provided on site in accordance with Schedule 9 of the Shire's District Planning Scheme No. 1 to the satisfaction of the Shire of Harvey. The required staff/visitor car parking bays may be provided in the following stages:
 - a. A minimum of 114 staff/visitor car parking bays (including a minimum of 1 accessible car parking space) prior to completion of Process Train 1;
 - b. A minimum of 228 staff/visitor car parking bays (including a minimum of 2 accessible car parking space) prior to completion of Process Trains 2 and 3; and
 - c. A minimum of 380 staff/visitor car parking bays (including a minimum of 4 accessible car parking space) prior to completion of Process Trains 4 and 5.
11. Prior to completion of the development, all landscaping and reticulation shown on the approved plans shall be installed, and thereafter maintained, to the satisfaction of the Shire of Harvey.
12. Prior to completion of the development, an Audit shall be undertaken and submitted to the Shire of Harvey detailing the post-development condition of Marriott Road. Any remediation works resulting from the approved development identified in the Audit shall be undertaken to the satisfaction of the Shire of Harvey.

Advice Notes

1. Prior to the commencement of the development, a Building Permit is required to be obtained in accordance with the *Building Act 2011*.



2. The buildings and internal facilities are to be designed having particular regard to the accessibility and convenience of people with a disability in accordance with the *Building Regulations 2012* and the *Building Code of Australia*.
3. The Shire of Harvey shall be provided with copies of the following documents endorsed by the Environmental Protection Authority:
 - a. Flora and Vegetation Monitoring and Management Plan;
 - b. Water Management Plan;
 - c. Offset Strategy; and
 - d. Waste Management Plan.

AMENDING MOTION

Moved by: Mr Vernon Butterly

Seconded by: Cr Tania Jackson

That Condition 6 be amended to read as follows:

*Prior to commencement of the development, an Audit shall be undertaken **by the applicant** and submitted to the Shire of Harvey detailing the pre-development condition of Marriott Road.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To clarify who was responsible for undertaking the audit.

REPORT RECOMMENDATION (AS AMENDED)

That the Southern JDAP resolves to:

Approve DAP Application reference DAP/18/01434 and accompanying plans (contained within the Plans Schedule at **Attachment 1**) in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Clause 4.8 of the Shire of Harvey District Planning Scheme No. 1, subject to the following conditions:

Conditions

1. This decision constitutes development approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.
2. All development shall occur in accordance with the stamped, approved plans, unless varied by a condition of approval or a minor amendment, to the satisfaction of the Shire of Harvey.
3. This development approval does not include approval for any signage, including advertising signs.
4. Prior to commencement of the development, a Construction Management Plan shall be prepared and submitted for approval by the Shire of Harvey, and thereafter implemented to the satisfaction of the Shire of Harvey. The



Construction Management Plan shall address the following matters during the construction of the development:

- a. Car parking for construction staff;
 - b. Stormwater and sediment control;
 - c. Noise control and vibration management;
 - d. Air and dust management; and
 - e. Public safety, amenity and site security
5. Prior to commencement of the development, a Bank Guarantee or Bond of \$20,000 shall be submitted to the Shire of Harvey for the purpose of installation of the landscaping and reticulation (required by Condition 12). Such Bank Guarantee or Bond shall be held by the Shire of Harvey for a minimum period of three (3) years.
 6. Prior to commencement of the development, an Audit shall be undertaken by the applicant and submitted to the Shire of Harvey detailing the pre-development condition of Marriott Road.
 7. Prior to commencement of the development, a Mosquito Management Plan shall be prepared and submitted for approval by the Shire of Harvey in consultation with the Department of Health, and thereafter implemented to the satisfaction of the Shire of Harvey. The Mosquito Management Plan is to ensure any collection of surface or subsurface water does not permit the breeding of mosquitos.
 8. Prior to completion of the development, the car parking areas, crossovers and access ways shall be suitably constructed, sealed, kerbed, marked and thereafter maintained, in accordance with Clause 8.2 of the Shire's District Planning Scheme No. 1 and AS 2890.1-2004 *Parking Facilities, Part 1: Off-street Car Parking* to the satisfaction of the Shire of Harvey.
 9. The car parking areas shall be illuminated, and thereafter maintained, in accordance with AS 1158-2005 *Lighting for Roads and Public Spaces* to the satisfaction of the Shire of Harvey.
 10. Prior to completion of the development, a minimum of 380 staff/visitor car parking bays (including a minimum of 4 accessible car parking space for that exclusive use shall be provided in accordance with AS 2890.6 *Off-street Parking for People with Disabilities*) shall be provided on site in accordance with Schedule 9 of the Shire's District Planning Scheme No. 1 to the satisfaction of the Shire of Harvey. The required staff/visitor car parking bays may be provided in the following stages:
 - a. A minimum of 114 staff/visitor car parking bays (including a minimum of 1 accessible car parking space) prior to completion of Process Train 1;
 - b. A minimum of 228 staff/visitor car parking bays (including a minimum of 2 accessible car parking space) prior to completion of Process Trains 2 and 3; and
 - c. A minimum of 380 staff/visitor car parking bays (including a minimum of 4 accessible car parking space) prior to completion of Process Trains 4 and 5.



11. Prior to completion of the development, all landscaping and reticulation shown on the approved plans shall be installed, and thereafter maintained, to the satisfaction of the Shire of Harvey.
12. Prior to completion of the development, an Audit shall be undertaken and submitted to the Shire of Harvey detailing the post-development condition of Marriott Road. Any remediation works resulting from the approved development identified in the Audit shall be undertaken to the satisfaction of the Shire of Harvey.

Advice Notes

1. Prior to the commencement of the development, a Building Permit is required to be obtained in accordance with the *Building Act 2011*.
2. The buildings and internal facilities are to be designed having particular regard to the accessibility and convenience of people with a disability in accordance with the *Building Regulations 2012* and the *Building Code of Australia*.
3. The Shire of Harvey shall be provided with copies of the following documents endorsed by the Environmental Protection Authority:
 - a. Flora and Vegetation Monitoring and Management Plan;
 - b. Water Management Plan;
 - c. Offset Strategy; and
 - d. Waste Management Plan.

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

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

8.1b Property Location:	Part Lot 253 (former 510) Wellesley Road, Wellesley
Development Description:	Proposed Albemarle Kemerton Lithium Hydroxide Product Plant and associated Administrative Buildings
Applicant:	Element
Owner:	Western Australian Land Authority
Responsible Authority:	Western Australian Planning Commission
DAP File No:	DAP/18/01434

REPORT RECOMMENDATION

Moved by: Mr Vernon Butterly

Seconded by: Cr Tania Jackson

That the Southern JDAP resolves to:

1. **Approve** DAP Application reference DAP/18/01434 and accompanying plans (**Attachment 2**) L1001/F, L1100/B, L1101B, L1101/F, L1102/F, L1103/F, L1104/F, L1200/A, L1201/F, 606541-4300-DD30-GAD-0013/M, 606541-4300-DD30-GAD-0014/J, 606541-4300-DD30-GAD-0015/D, 606541-4300-DD30-GAD-0016/D, 606541-4300-DD30-GAD-0017/D, 606541-4320-DD30-GAD-0001/L, 606541-4320-DD30-GAD-0010/F, 606541-4330-DD30-GAD-0001/G, 606541-



4330-DD30-GAD-0010/B, 606541-4340-DD30-GAD-0001/B, 606541-4350-DD30-GAD-0001/G, 606541-4350-DD30-GAD-0010/B, 606541-4360-DD30-GAD-0001/H, 606541-4360-DD30-GAD-0010/B, 606541-4370-DD30-GAD-0001/M, 606541-4370-DD30-GAD-0010/D and 606541-2000-DE10-GAD-0112/B in accordance with Clause 24 of the *Greater Bunbury Region Scheme* subject to the following conditions:

2. **Request** state agencies (Department of Jobs, Tourism, Science & Innovation and Landcorp) responsible for the control and development of Kemerton to prepare an agreed position for future infrastructure upgrading for the Kemerton Strategic Industrial Area.

Conditions

1. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.
2. The development taking place generally in accordance with the approved plans attached to this approval.

Advice Notes

1. All environmental conditions and procedures as approved by the Minister for Environment are to be implemented as per Ministerial Statement No. 1085.
2. Any on-site waste water treatment process must be approved in accordance with Australian Standard 1547 (AS/NZS 1547) and Department of Health publications which may be referenced and downloaded from:
 - a. http://ww2.health.wa.gov.au/Articles/N_R/Recycled-water, and
 - b. http://ww2.health.wa.gov.au/Articles/U_Z/Water-legislations-and-guidelines.
3. The site is to have access to a sufficient supply of potable water that is of the quality specified under the *Australian Drinking Water Quality Guidelines 2004*.
4. A Dangerous Goods Storage licence in accordance with the requirements of the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007*, must be applied for through the Department of Mines, Industry Regulation and Safety. The application should include consideration of the potential impact of the nearby Major Hazard Facilities (Cristal Titanium Dioxide Pigment Plant, Coogee Chlorine Production Plant and BOC Oxygen Production Plant) on the lithium plant.
5. Any proposed road crossing over the Dampier to Bunbury Natural Gas Pipelines that are associated with the establishment and or operation of the plant will need to be assessed by Dampier Bunbury Pipeline. The cost of any additional protection measures identified will be at the cost of the applicant.



AMENDING MOTION

Moved by: Mr Vernon Butterly

Seconded by: Cr Tania Jackson

The following amendments were moved en bloc:

- (i) That item 1 of the preamble be amended to read as follows:

Approve DAP Application reference DAP/18/01434 and accompanying plans as listed in Attachment 1 of the Shire of Harvey's Responsible Authority Report in accordance with Clause 24 of the Greater Bunbury Region Scheme subject to the following conditions:

REASON: To provide consistency in referencing the approved plans.

- (ii) That item 2 of the preamble be amended to read as follows:

Through the WAPC, request state agencies (Department of Jobs, Tourism, Science & Innovation and Landcorp) responsible for the control and development of Kemerton to prepare an agreed position for future infrastructure upgrading for the Kemerton Strategic Industrial Area.

REASON: To clarify the responsible authority for making requests.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REPORT RECOMMENDATION (AS AMENDED)

That the Southern JDAP resolves to:

1. **Approve** DAP Application reference DAP/18/01434 and accompanying plans as listed in Attachment 1 of the Shire of Harvey's Responsible Authority Report in accordance with Clause 24 of the *Greater Bunbury Region Scheme* subject to the following conditions:
2. Through the WAPC, request state agencies (Department of Jobs, Tourism, Science & Innovation and Landcorp) responsible for the control and development of Kemerton to prepare an agreed position for future infrastructure upgrading for the Kemerton Strategic Industrial Area.

Conditions

1. This decision constitutes planning approval only and is valid for a period of 2 years from the date of approval. If the subject development is not substantially commenced within the 2 year period, the approval shall lapse and be of no further effect.
2. The development taking place generally in accordance with the approved plans attached to this approval.



Advice Notes

1. All environmental conditions and procedures as approved by the Minister for Environment are to be implemented as per Ministerial Statement No. 1085.
2. Any on-site waste water treatment process must be approved in accordance with Australian Standard 1547 (AS/NZS 1547) and Department of Health publications which may be referenced and downloaded from:
 - a. http://ww2.health.wa.gov.au/Articles/N_R/Recycled-water, and
 - b. http://ww2.health.wa.gov.au/Articles/U_Z/Water-legislations-and-guidelines.
3. The site is to have access to a sufficient supply of potable water that is of the quality specified under the *Australian Drinking Water Quality Guidelines 2004*.
4. A Dangerous Goods Storage licence in accordance with the requirements of the *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007*, must be applied for through the Department of Mines, Industry Regulation and Safety. The application should include consideration of the potential impact of the nearby Major Hazard Facilities (Cristal Titanium Dioxide Pigment Plant, Coogee Chlorine Production Plant and BOC Oxygen Production Plant) on the lithium plant.
5. Any proposed road crossing over the Dampier to Bunbury Natural Gas Pipelines that are associated with the establishment and or operation of the plant will need to be assessed by Dampier Bunbury Pipeline. The cost of any additional protection measures identified will be at the cost of the applicant.

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

Nil

11. General Business / Meeting Close

There being no further business, the Presiding Member declared the meeting closed at 10.31am.