

SHIRE OF
MERREDIN
INNOVATING THE WHEATBELT

AGENDA

Special Council Meeting

To be held in Council Chambers
Corner King & Barrack Street's, Merredin
Tuesday 2 May 2017
Commencing 6.00pm



Notice of Meeting



Dear President and Councillors,

A Special Meeting of the Council of the Shire of Merredin will be held on Tuesday 2 May 2017 in the Council Chambers, Corner King & Barrack Streets, Merredin for the purpose of considering public submissions to the proposed Solar Farm Facility. The format of the meeting will be:

6.00pm

Special Council Meeting

GREG POWELL
CHIEF EXECUTIVE OFFICER

26 April 2017

DISCLAIMER

PLEASE READ THE FOLLOWING IMPORTANT DISCLAIMER BEFORE PROCEEDING:

Statements or decisions made at this meeting should not be relied or acted on by an applicant or any other person until they have received written notification from the Shire. Notice of all approvals, including planning and building approvals, will be given to applicants in writing. The Shire of Merredin expressly disclaims liability for any loss or damages suffered by a person who relies or acts on statements or decisions made at a Council or Committee meeting before receiving written notification from the Shire.

The advice and information contained herein is given by and to Council without liability or responsibility for its accuracy. Before placing any reliance on this advice or information, a written inquiry should be made to Council giving entire reasons for seeking the advice or information and how it is proposed to be used.

Common Acronyms Used in this Document

WEROC	Wheatbelt East Regional Organisation of Councils
GECZ	Great Eastern Country Zone
WALGA	Western Australian Local Government Association
CEACA	Central East Aged Care Alliance
CEO	Chief Executive Officer
DCEO	Deputy CEO
EMDS	Executive Manager of Development Services
EMES	Executive Manager of Engineering Services
EMCS	Executive Manager of Corporate Services
EA	Executive Assistant to CEO
LPS	Local Planning Scheme
LGIS	Local Government Insurance Services
SRP	Strategic Resource Plan
CBP	Corporate Business Plan
CSP	Community Strategic Plan
MRCLC	Merredin Regional Community and Leisure Centre
CWVC	Central Wheatbelt Visitors Centre
MoU	Memorandum of Understanding

Shire of Merredin
Special Council Meeting
6:00pm Tuesday 2 May 2017



1. Official Opening

2. Record of Attendance / Apologies and Leave of Absence

Councillors:

Cr KA Hooper	President
Cr RM Crees	Deputy President
Cr BJ Anderson	
Cr LN Boehme	
Cr CA Blakers	
Cr MA Crisafio	
Cr JP Flockart	
Cr MD Willis	
Cr ML Young	

Staff:

G Powell	CEO
R McCall	Deputy CEO
P Zenni	EMDS
V Green	EA to CEO

Members of the Public:

Apologies:

Approved Leave of Absence: Nil

3. Public Question Time

Members of the public are invited to present questions to the President about matters affecting the Shire of Merredin and its residents.

4. Disclosure of Interest

5.	Officer's Reports – Development Services
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5.1	<u>Lot 194 Robartson Road, Merredin and Lot 19444 Bruce Rock-Merredin Road, Merredin – Application for Development Approval – Solar Farm Facility – Consideration of Public Submissions</u>
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6.	Closure
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5. Officer’s Reports - Development Services

5.1 Lot 194 Robartson Road, Merredin and Lot 19444 Bruce Rock-Merredin Road, Merredin – Application for Development Approval – Solar Farm Facility – Consideration of Public Submissions

Development Services 	
Responsible Officer:	Peter Zenni, EMDS
Author:	Paul Bashall, PlanWest
Legislation:	Local Planning Scheme No. 6
File Reference:	A9516
Disclosure of Interest:	Nil
Attachments:	<p>Attachment 5.1A – March Council Minutes Extract and Development Application</p> <p>Attachment 5.1B – Submissions and Comment</p>
Maps / Diagrams:	Nil

Purpose of Report



Executive Decision



Legislative Requirement

Background

Land Insights (Planning Consultant) has applied for Development Approval (DA) on behalf of Stellata Energy for a 120MV solar farm on land about 5km south south-west of Merredin townsite. The site is composed of two lots Lot 194 (294.2ha) and Lot 19444 (237.77ha) with a total of 532ha. Lot 194 is traversed by a series of easements for power lines. These lots face Bruce Rock-Merredin Road with Lot 194 on the intersection with Robartson Road. Abutting the north-west corner of the property is the existing Merredin Power Station and 220/132kV Substation.

Determination by JDAP (Joint Development Assessment Panel)

As the proposal is over \$10m the JDAP is responsible for making the determination on the DA, however Council is required to provide a responsible authority report (RAR) to the JDAP. At its March 2017 meeting Council determined that, because the development is a significant facility for the Shire and district, it needs to be considered by all agencies and nearby neighbours prior to forwarding the proposal to JDAP (CMRef 81939).

Following Council’s determination of the DA the RAR will be prepared and forwarded to JDAP by 5 June 2017.

Existing landuse

As previously reported, the land is currently used for cropping and occasional grazing purposes and is almost completely cleared of vegetation. Figure 1 shows an aerial view of the property showing the few remaining areas of vegetation.

FIGURE 1 – AERIAL VIEW OF SITE



Source: Landgate, Planwest

Summary of Proposed Development

The proposed solar farm will have a generation capacity of approximately 120MW (AC) via the use of between 360,000 and 400,000 tracking solar panels and associated infrastructure, including:

1. Photo Voltaic Modules;
2. piles and framework;
3. inverters (and associated housings);
4. transformers (and associated housings);
5. substations (including circuit breakers and metering);
6. underground cabling;
7. overhead wires;
8. perimeter fence;

9. CCTV (at entrance and adjacent to substations);
10. battery storage;
11. spares storage building; and
12. maintenance compound.

The DA application will consist of the 120MW (DC) of generation and up to 50 MWh of battery storage. It will cover the entirety of Lot 194 Robartson Road, and the north-western corner of Lot 19444 Bruce Rock-Merredin Road as shown on the Indicative Layout Plan (Figure 2).

Construction will possibly be in up to two phases. The generation equipment will all be constructed in one stage, with the battery storage in a subsequent stage.

Once fully operational, the landowner will have access to most of the site for sheep grazing. This will assist in maintaining the ongoing agricultural use of the site and in keeping grass levels low for bushfire management purposes.

Part of the initial development includes some temporary development on site that will be required during the construction phase of the project. This includes the development of a construction compound and two or three site offices. The site offices spread across the site are likely to include meeting room, lunch room, toilets and ablution facilities.

FIGURE 2 – SITE LAYOUT (Source: Land Insights, 2017)



Advertising

At its March 2017 Council agreed to advertise the proposed development for 21 days to gain comments from residents, ratepayers and agencies that have comments on the proposal (CMRef 81939).

During the advertising period (29 March 2017 to 19 April 2017) 4 submissions were received. The Department of Fire and Emergency Services (DFES) requested an extension to this period and its submission was received on 24 April 2017 (the 5th submission). The proposal was advertised in the West Australian and the Phoenix with neighbours and agencies being notified in writing of the proposal. The agencies included Main Roads WA, Department of Environment Regulation (DER), Department of Parks & Wildlife, Western Power, DFES and Department of Health.

Submissions

Attachment 5.1B provides a schedule of the submissions, including a summary of each submission, a comment and the action recommended, as well as a copy of each submission.

Briefly, the first submission from a neighbour raises concerns about drainage, reflection off the panels and increased traffic.

The second submission from DER raises concerns that no application had been received for the clearing of native vegetation, and that Lot 194 contains a wetland.

The third submission from Western Power advises the proposal is near a ‘Danger Zone’ of overhead power lines and other electrical network assets.

The fourth submission was received from the Department of Health raising no objections.

The fifth submission from DFES was received late and raised issues with the assigned Bushfire Hazard Level, the bushfire fighting provisions, the risk management plan and the need for on-going consultation. The submission recommends deferral of the application.

Policy Implications

The submissions received are not considered to be of significant magnitude to justify opposition to the development, however several conditions are warranted.

Statutory Implications

The proposal is consistent with State objectives of encouraging the development of sustainable energy sources.

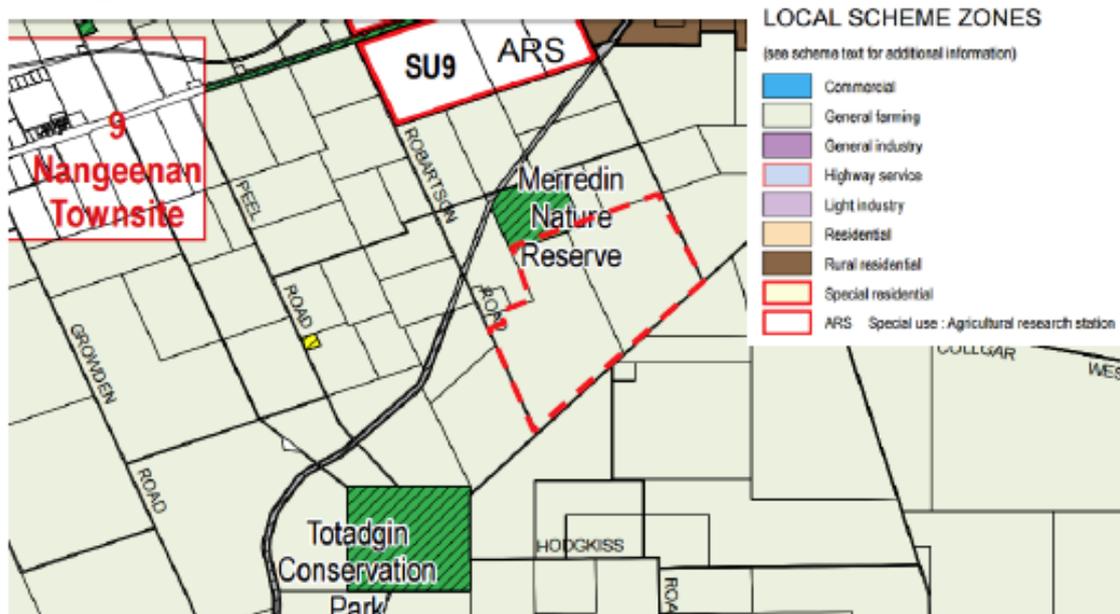
The LPS No. 6 includes the land in the ‘Rural’ zone. Figure 3 provides an extract from the Scheme (Source Land Insights/DoP). The Scheme has no definition for a ‘solar farm’ and refers to the Model Scheme Text for the majority of its definitions. As a solar farm is an unlisted use it may be considered as a discretionary use for which the DA of a local government is required and the public advertising procedures apply.

Clause 4.4.2 of the Scheme states that *'If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may -*

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;*
- (b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or*
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.*

It was considered that sub-clause b) should apply as the development is a significant facility for the Shire and district and needed to be considered by all agencies and nearby neighbours.

FIGURE 3 – EXTRACT FROM LOCAL PLANNING SCHEME No 6



Strategic Implications

➤ Local Planning Strategy

Council's Local Planning Strategy is silent on alternative energy production, including solar power, and includes no reference to any opposition to such facilities providing the loss to rural production is minimised. The proposal states that the land will continue to be grazed with sheep after construction is complete.

➤ **Strategic Community Plan**

Vision Element: Developing
Strategic Goal: The population and economic base is expanding sustainably
Key Priority: Work with relevant agencies to actively encourage the adoption of efficient energy and water usage.

➤ **Corporate Business Plan**

Strategy: SP.D1.3 – Promote new commercial and industrial development through appropriate zoning of land, provision of suitable infrastructure and efficient business approval processes.
Action#: 1
Directorate: Development Services
Timeline: Ongoing

Sustainability Implications

➤ **Strategic Resource Plan**

There are no implications to the SRP stemming from the proposed development.

➤ **Workforce Plan**

Directorate: Nil
Activity: Nil
Current Staff: Nil
Focus Area: Nil
Strategy Code: Nil
Strategy: Nil
Implications: Nil

Stop the Clock Provisions

The DAP guidelines suggest that the ‘Stop the Clock’ provisions only apply within 7 days of referring the application to JDAP. The content of the DFES submission suggests that the issues raised can be resolved through further consultation.

A delay of the responsible authority report can be requested to JDAP however it is suggested that the bushfire management issues can be resolved without needing to delay an approval – albeit conditioned.

Risk Implications

The development of this facility will be a minimal risk to Council. Initial construction traffic may require some maintenance of local roads however the longer-term benefits outweigh these short term costs.

Financial Implications

The applicant has paid the DA fee of \$34,196 (in addition to the JDAP fee – payable to JDAP).

Voting Requirements



Simple Majority



Absolute Majority

Officer's Recommendation

That the JDAP Secretariat be advised that Council recommends that the Development Approval application for a solar farm facility at Lot 194 Robartson Road, Merredin and Lot 19444 Bruce Rock-Merredin Road, Merredin be approved subject to the following conditions:

1. receipt of the necessary clearing permits from the Department of Environment Regulation (DER);
2. clarification and protection (if appropriate) of the 'wetland' identified by the DER to the satisfaction of the DER;
3. the submission and approval of a more detailed plan showing the proposed interim and longer term facilities including the building/structure setbacks, carparking facility and the administration facilities;
4. the preparation of a Drainage Management Plan for the development to the satisfaction of Council;
5. the design and location of on-site effluent systems for the construction phase as well as the longer term to be in accordance with Council requirements;
6. the preparation of a Bushfire Management Plan to the satisfaction of the Department of Fire and Emergency Services to ensure that sites are appropriately classified and the necessary risk mitigation measures are in place;
7. the removal of all construction infrastructure once the facility has been completed to the satisfaction of Council;
8. Council approval of any crossovers required by the development; and
9. receipt of technical advice and evidence that the solar panels will not cause any harm to the nearest residences.

Footnotes:

1. The applicant is advised that granting of development approval does not constitute a building permit and that an application for relevant building permits must be submitted to the Shire of Merredin and be approved before any work requiring a building permit can commence on site.
2. Effluent disposal facilities will require an application for the installation or construction of an apparatus for the treatment of sewage to be submitted to the Shire of Merredin.

- 3. The applicant is advised that as the proposed work is near energised electrical installations and powerlines, the person in control of the work site must ensure that no person, plant or material enters the ‘Danger Zone’ of an overhead powerline or other electrical network assets. The ‘Danger Zone’ is set out in *Western Australian Occupational Safety and Health Regulation 1996* - specifically Reg 3.64. Any information provided by Western Power should not be used in isolation and reference to the *Occupational Safety and Health Act 1984* and *Occupational Safety and Health Regulations 1996* is required. These documents outline WorkSafe WA requirements for working near electricity.**
- 4. The applicant is advised of the need for annual bushfire compliance.**
- 5. No structure or effluent disposal system is to be constructed across the boundary of the two lots.**

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