



Minutes of the Mid-West/Wheatbelt Joint Development Assessment Panel

Meeting Date and Time: 15 June 2017; 11:00am
Meeting Number: MWWJDAP/18
Meeting Venue: Shire of Northam Council Chambers
395 Fitzgerald Street
Northam

Attendance

DAP Members

Mr David Gray (Presiding Member)
Mr Robert Fenn (Deputy Presiding Member)
Mr Patrick Dick (Specialist Member)
Cr Ken Hooper (Local Government Member, Shire of Merredin)
Cr Mark Crees (Local Government Member, Shire of Merredin)
Cr Ulo Rumjantsev (Local Government Member, Shire of Northam)
Cr Denis Beresford (Local Government Member, Shire of Northam)
Cr Ian Stirling (Local Government Member, Shire of Carnamah) – *via teleconference*
Cr Bruce Jack (Local Government Member, Shire of Coorow) – *via teleconference*
Cr Michael Bothe (Local Government Member, Shire of Coorow) – *via teleconference*

Officers in attendance

Mr Peter Zenni (Shire of Merredin)
Mr Paul Bashall (PLANWEST (WA) Pty Ltd on behalf of Shire of Merredin)
Mr Greg Powell (CEO, Shire of Merredin)
Ms Courtney Wynn (Shire of Northam)
Mr Kobus Nieuwoudt (Shire of Northam)
Mr Chadd Hunt (Shire of Northam)
Mr Simon Lancaster (Shire of Chapman Valley on behalf of Shire of Carnamah and Shire of Coorow) – *via teleconference*
Mr Peter Crispin (CEO, Shire of Coorow) – *via teleconference*

Local Government Minute Secretary

Ms Victoria Williams (Shire of Northam)

Applicants and Submitters

Mr Troy Santen (Stellata Energy)
Mr Michael Taylforth (Land Insights)
Mr Brent Annels
Mr Ray Hart (Energy Made Clean subsidiary of Carnegie Clean Energy)
Dr Barry Shepherd (Matters of Environment)
Mr Michael Willcock (Taylor Burrell Barnett Town Planning and Design)
Mr John Lorenti (Synergy)
Mr Hugh Webster (Synergy)

Mr David Gray
Presiding Member, Mid-West/Wheatbelt JDAP



Members of the Public / Media

There were 13 members of the public in attendance.

Ms Carla Hildebrandt from The Avon Valley Advocate was in attendance.

1. Declaration of Opening

The Presiding Member, Mr David Gray declared the meeting open at 11.01am on 15 June 2017 and acknowledged the past and present traditional owners and custodians of the land on which the meeting was being held.

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

The Presiding Member advised that the meeting is being audio recorded in accordance with Section 5.16 of the Standing Orders 2017; No Recording of Meeting, 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 Presiding Member granted permission for the minute taker to record proceedings for the purpose of the minutes only.

2. Apologies

Cr Des Hughes (Local Government Member, Shire of Northam)
Cr Merle Isbister (Local Government Member, Shire of Carnamah)

3. Members on Leave of Absence

Nil

4. Noting of Minutes

Minutes of the Mid-West/Wheatbelt JDAP meeting No. 17 held on 1 May 2017 were noted by DAP members.

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of Interests

Panel member, Mr Robert Fenn, declared an impartiality interest in items 8.1 and 8.2. Mr Fenn is an employee of LandCorp who undertakes residential and light industrial land developments at the request of the local authorities to provide land for developments in many Wheatbelt towns including the Shire of Merredin and Shire of Northam. LandCorp have also examined proposals to provide lots and/or delivered land to the market in the adjoining Shires. In addition, LandCorp developed the Avon Industrial Park and has lots for sale in that development.

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Panel member, Cr Ken Hooper, declared an impartiality interest in item 8.1. Cr Hooper has previously voted on this application at a Council meeting.

Panel member, Cr Mark Crees, declared an impartiality interest in item 8.1. Cr Crees has previously voted on this application at a Council meeting.

Panel member, Cr Ian Stirling, declared an impartiality interest in item 9.1. Cr Ian Stirling has attended a prior Council meeting in relation to this application.

Panel member, Cr Bruce Jack, declared an impartiality interest in item 9.2. Cr Jack has previously voted on this application at a Council meeting.

In accordance with section 4.6.1 and 4.6.2 of the Standing Orders 2017, the Presiding Member determined that the members listed above, who had disclosed an impartiality interest, were permitted to participate in discussion and voting on the items.

Panel member, Cr Des Hughes, declared a proximity interest in item 8.2. Cr Hughes has known Ms Margaret Evans for over 30 years, who owns the adjoining property to the development.

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

7. Deputations and Presentations

7.1 Mr Brent Annels addressed the DAP against the application at Item 8.2.

7.2 Mr Ray Hart (Energy Made Clean subsidiary of Carnegie Clean Energy) and Dr Barry Shepherd (Matters of Environment) addressed the DAP for the application at Item 8.2. Mr Hart and Dr Shepherd answered questions from the panel.

7.3 Mr Michael Willcock (Taylor Burrell Barnett Town Planning and Design) addressed the DAP for the application at Item 8.2. Mr Willcock answered questions from the panel.

The presentations at Items 7.1 to 7.3 were heard prior to the application at Item 8.2.

PROCEDURAL MOTION

Moved by: Mr David Gray

Seconded by: Mr Robert Fenn

That the applications at Items 9.1 and 9.2 be heard prior to the application at Item 8.1.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

*Cr Ian Stirling, Cr Bruce Jack and Cr Michael Bothe left the meeting at 11:14am.
Cr Ken Hooper and Cr Mark Crees joined the meeting at 11:14am.*

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8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Property Location:	Lots 194 Robartson Road and 19444 Bruce Rock-Merredin Road, Merredin
Application Details:	Solar Farm – 100MW (AC)
Applicant:	Mr Troy Santen, Stellata Energy Pty Ltd
Owner:	Ross Anthony Smith
Responsible Authority:	Shire of Merredin
DoP File No:	DAP/17/01195

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Mr Patrick Dick

Seconded by: Cr Ken Hooper

That the Mid-West/Wheatbelt JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/17/01195 is appropriate for consideration as a 'solar farm' land use and is compatible with the objectives of the zoning table in accordance with the Local Planning Scheme No 6 of the Shire of Merredin;
2. **Approve** the DAP Application reference DAP/17/01195 and accompanying Development Approval Application Report (Attachment 2) in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Merredin's Local Planning Scheme No 6, subject to the following conditions:

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

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- 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.

AMENDING MOTION

Moved by: Mr Robert Fenn

Seconded by: Mr Patrick Dick

To amend point 2 of the preamble to read as follows:

Approve the DAP application reference DAP/17/01195 and accompanying Development Approval Application Report and Plans date stamped 7 March 2017 for a Solar Farm on Lots 194 Robartson Road and 19444 Bruce Rock – Merredin Road, Merredin in accordance with the Shire of Merredin's Local Planning Scheme No. 6, subject to the following conditions:

REASON: To clarify the description of the development approval.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr Robert Fenn

Seconded by: Cr Ken Hooper

To include a new Condition 1 to read as follows:

The 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 4 year period, the approval shall lapse and be of no further effect.

REASON: To clarify the currency period for the approval.

The Amending Motion was put and CARRIED UNANIMOUSLY.

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AMENDING MOTION

Moved by: Mr David Gray

Seconded by: Cr Mark Crees

To delete Conditions 1 and 2.

REASON: These issues require approval from another agency.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr David Gray

Seconded by: Mr Patrick Dick

To amend Condition 3 to read as follows:

Prior to the issue of building permits or any development being undertaken on site, the applicant shall submit to the local government details of the permanent facilities on the site, including building structure setbacks, car parking, and administration facilities to the satisfaction of the local government.

REASON: To ensure that plans are received prior to development.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr Robert Fenn

Seconded by: Cr Ken Hooper

To amend Condition 4 to read as follows:

Prior to the issue of building permits or any development being undertaken on site, the applicant shall submit to the local government a stormwater management plan to the satisfaction of the local government, and that the site should be managed at all times in accordance with the approved stormwater management plan.

REASON: To ensure that stormwater is managed in accordance with the local government's requirements.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr David Gray

Seconded by: Mr Robert Fenn

To delete Condition 5 and include a new Advice Note to read as follows:

The design and location of on-site effluent systems for the construction phase as well as the longer term to be in accordance with the local government's

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requirements.

REASON: This is more appropriate as advice, rather than a formal condition.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr Robert Fenn

Seconded by: Cr Mark Crees

To amend Condition 6 (now Condition 5) to read as follows:

Prior to the issue of building permits or any development being undertaken on site, the applicant shall prepare and submit a Bushfire Management Plan (including the management of emergency evacuation and risk management planning for employees) to the satisfaction of the local government to ensure the necessary bushfire risk mitigation measures are in place.

REASON: SPP 3.7 and the applicant's draft Bushfire Management Plan require additional management requirements to be documented and actioned.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr David Gray

Seconded by: Mr Patrick Dick

To delete Conditions 7, 8 and 9.

REASON: Conditions 7 and 8 can be replaced with a Construction Management Plan, and condition 9 is not a suitable planning condition.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr Robert Fenn

Seconded by: Mr David Gray

To include a new Condition to read as follows:

Prior to the issue of a Building Permit, or any development being undertaken on-site, the applicant shall submit to the local government a Construction Management Plan and secure approval for:

- (a) the location, drainage and surfacing standards for the site access tracks that constitute fire access tracks under the Bushfire Management Plan;*
- (b) the delivery and storage of construction materials and equipment to the site;*
- (c) the management of the bushfire risk on the site during the construction period;*

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- (d) *the parking arrangements and provision of temporary amenities for contractors and subcontractors;*
- (e) *the management and storage of stormwater from site works, material lay down areas, internal roads, buildings and car parking areas within the site;*
- (f) *the extent of earthworks proposed on-site, the method of stabilising those earthworks and any on-going management required to prevent wind or water borne erosion;*
- (g) *a road condition survey detailing any maintenance work required to public roads to facilitate transport activities for the construction of the solar farm;*
- (h) *the removal of all construction infrastructure and materials once the facility has been completed;*
- (i) *other matters likely to impact on surrounding properties; and*
- (j) *the management of construction waste.*

The Construction Management Plan shall be implemented at all times during the construction phase.

REASON: To manage activities during the construction phase.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr Robert Fenn **Seconded by:** Mr Patrick Dick

To include a new Condition 2 to read as follows and renumber the remaining Conditions accordingly:

The development is to take place in accordance with the approved plans and supporting documentation, unless modified by a condition attached to this approval.

REASON: To clarify the relationship between this approval and the submitted documentation.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr Robert Fenn **Seconded by:** Nil

To include a new Condition to read as follows:

Prior to any development taking place on the subject site, the Applicant shall either amalgamate Lots 194 Robartson Road and 19444 Bruce Rock – Merredin Road into a single title or adjust the boundary between Lots 194 Robartson Road and 19444 Bruce Rock – Merredin Road so that the solar farm is located in its entirety within the boundaries of a single lot.

REASON: To contain the development within the boundaries of a lot.

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The Amending Motion lapsed for want of a seconder.

AMENDING MOTION

Moved by: Mr David Gray

Seconded by: Mr Patrick Dick

To include a new Condition to read as follows:

Crossovers, access, and egress, to the site from Robartson Road, and any internal road works and car parking shall be located and constructed to the satisfaction of the local government, and shall include all drainage and signage. Costs of equipment and construction shall be borne by the applicant.

REASON: To ensure appropriate site access and egress.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr Robert Fenn

Seconded by: Mr Patrick Dick

To amend Advice Note 4 to read as follows:

The applicant is advised of the need for annual bushfire compliance in accordance with the site's Bushfire Management Plan and the Shire of Merredin annual bushfire notice.

REASON: To clarify the sources of the bushfire standards to be implemented.

The Amending Motion was put and CARRIED UNANIMOUSLY.

PRIMARY MOTION (AS AMENDED)

That the Mid-West/Wheatbelt JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/17/01195 is appropriate for consideration as a 'solar farm' land use and is compatible with the objectives of the zoning table in accordance with the Local Planning Scheme No 6 of the Shire of Merredin;
2. **Approve** the DAP application reference DAP/17/01195 and accompanying Development Approval Application Report and Plans date stamped 7 March 2017 for a Solar Farm on Lots 194 Robartson Road and 19444 Bruce Rock – Merredin Road, Merredin in accordance with the Shire of Merredin's Local Planning Scheme No. 6, subject to the following conditions:

Conditions

1. The 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

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commenced within the 4 year period, the approval shall lapse and be of no further effect.

2. The development is to take place in accordance with the approved plans and supporting documentation, unless modified by a condition attached to this approval.
3. Prior to the issue of building permits or any development being undertaken on site, the applicant shall submit to the local government details of the permanent facilities on the site, including building structure setbacks, car parking, and administration facilities to the satisfaction of the local government.
4. Prior to the issue of building permits or any development being undertaken on site, the applicant shall submit to the local government a stormwater management plan to the satisfaction of the local government, and that the site should be managed at all times in accordance with the approved stormwater management plan.
5. Prior to the issue of building permits or any development being undertaken on site, the applicant shall prepare and submit a Bushfire Management Plan (including the management of emergency evacuation and risk management planning for employees) to the satisfaction of the local government to ensure the necessary bushfire risk mitigation measures are in place.
6. Prior to the issue of a Building Permit, or any development being undertaken on-site, the applicant shall submit to the local government a Construction Management Plan and secure approval for:
 - (a) the location, drainage and surfacing standards for the site access tracks that constitute fire access tracks under the Bushfire Management Plan;
 - (b) the delivery and storage of construction materials and equipment to the site;
 - (c) the management of the bushfire risk on the site during the construction period;
 - (d) the parking arrangements and provision of temporary amenities for contractors and subcontractors;
 - (e) the management and storage of stormwater from site works, material lay down areas, internal roads, buildings and car parking areas within the site;
 - (f) the extent of earthworks proposed on-site, the method of stabilising those earthworks and any on-going management required to prevent wind or water borne erosion;
 - (g) a road condition survey detailing any maintenance work required to public roads to facilitate transport activities for the construction of the solar farm;
 - (h) the removal of all construction infrastructure and materials once the facility has been completed;
 - (i) other matters likely to impact on surrounding properties; and
 - (j) the management of construction waste.

The Construction Management Plan shall be implemented at all times during the construction phase.



7. Crossovers, access, and egress, to the site from Robartson Road, and any internal road works and car parking shall be located and constructed to the satisfaction of the local government, and shall include all drainage and signage. Costs of equipment and construction shall be borne by the applicant.

Advice Notes

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 in accordance with the site's Bushfire Management Plan and the Shire of Merredin annual bushfire notice.
5. No structure or effluent disposal system is to be constructed across the boundary of the two lots.
6. The design and location of on-site effluent systems for the construction phase as well as the longer term to be in accordance with the local government's requirements.

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

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

Cr Ken Hooper and Cr Mark Creeves left the meeting at 11:46am.

Cr Ulo Rumjantsev and Cr Denis Beresford joined the meeting at 11:46am.

8.2 Property Location:	Lot 6 No.131 Northam-York Road, Muluckine
Application Details:	Proposed Power Generation
Applicant:	Carnegie Clean Energy c/o Taylor Burrell Barnett Town Planning and Design
Owner:	DK West Investments Pty Ltd
Responsible Authority:	Shire of Northam
DoP File No:	DAP/17/01197

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REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Cr Ulo Rumjantsev **Seconded by:** Mr Patrick Dick

That the Mid-West/Wheatbelt JDAP resolves to:

1. **Approve** DAP Application reference DAP/17/01197 and accompanying plans NOR1-1-8-1, NOR1-1-1-1 REV 5, NOR1-1-2-1 REV 2, NOR1-1-5-1, NOR1-1-6-1 REV 1 and NOR1-5-1-1 REV 2 in accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 – Deemed provisions for Local Planning Schemes and the Shire of Northam Local Planning Scheme No. 6, subject to the following conditions as follows:

Conditions

General 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 hereby permitted taking place in accordance with the stamped approved plans and supporting documentation.
3. All solar panels and ancillary infrastructures must be decommissioned and removed within 2 years of the cessation of operations, unless the local government agrees otherwise.
4. In relation to Condition 3, the site is to be rehabilitated to the satisfaction of the local government to enable broad-acre or other approved farming activities to resume/continue.
5. The stormwater shall be discharged in a manner so that there is no discharge onto the adjoining properties to the satisfaction of the local government.

Conditions to be met prior to the commencement of works

6. Prior to the commencement of works, the proponent shall prepare and implement an Operational Management Plan to the satisfaction of the local government that: -
 - Minimises the impact of the approved development on the amenity of the locality due to the transportation of materials to and from the site;
 - Details the temporary land uses, the built form of structures and the operation and management of those temporary uses;
 - Addresses the proponents' response to fire and emergency incidents;
 - 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;
 - Manages weed and pest nuisances on the site and the locality; and
 - Addresses the post construction operations of the site and the removal of temporary structures
7. Prior to the commencement of works, a Construction Management Plan is to be submitted and approved in writing by the local government. The approved plan



- shall be adhered to throughout the construction period.
8. Prior to the commencement of works, the culvert over the Mortlock River which provides vehicle access to the site is to be repaired to the satisfaction of the local government.
 9. Prior to the commencement of works, internal access to the site must be provided via an all-weather road with a minimum width of 3m to allow adequate access for emergency vehicles.
 10. Prior to commencement of development, a detailed landscaping plan is to be submitted to and approved by the local government. The landscaping plan shall also address landscaping to be provided along the northern perimeter of the subject site sufficient to provide a visual buffer to the adjoining property.

Conditions to be met prior to occupation

11. Prior to occupation, landscaping is to be completed in accordance with the approved plans or any approved modifications thereto to the satisfaction of the local government.
12. Prior to occupation, the site office shall be connected to an approved effluent disposal system.

Conditions requiring ongoing compliance

13. The on-site drainage system shall be maintained on an ongoing basis to the satisfaction of the local government.
14. All landscaped areas are to be maintained on an ongoing basis to the satisfaction of the local government.

Advice Notes

1. If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
2. Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
3. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.
4. A Building Permit being obtained prior to the commencement of any works.
5. The endorsed plans shall not be modified or altered without the prior approval of the Mid-West/Wheatbelt JDAP in accordance with Regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*.
6. The Public Transport Authority have advised that vehicles in excess of 20m in length are not permitted to use the railway crossing.
7. The proponent is advised to liaise with the Department of Transport in regard to signage and line marking requirements for the railway crossing.



AMENDING MOTION

Moved by: Mr David Gray

Seconded by: Mr Robert Fenn

To amend the preamble to read as follows:

Approve DAP Application reference DAP/17/01197 and accompanying plans NOR1-1-8-1, NOR1-1-1-1 (Rev 5), NOR1-1-2-1 (Rev 2), NOR1-1-5-1, NOR1-1-6-1 (Rev 1) and NOR1-5-1-1 (Rev 2) date stamped 21 March 2017 for a Power Generating (Solar Array) development on Lot 6 Northam-York Road, Muluckine in accordance with the Shire of Northam Local Planning Scheme No. 6, subject to the following conditions:

REASON: To clarify the description of the development approval.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr David Gray

Seconded by: Cr Ulo Rumjantsev

(i) To amend Condition 1 to read as follows:

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 4 year period, the approval shall lapse and be of no further effect.

(ii) To amend Advice Note 1 to read as follows:

If the development the subject of this approval is not substantially commenced within a period of 4 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.

REASON: To ensure realistic project timeframes are provided.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr David Gray

Seconded by: Mr Patrick Dick

To amalgamate Conditions 3 and 4 to read as follows:

All solar panels and ancillary infrastructure must be decommissioned and removed within 2 years of the cessation of operations, unless the local government agrees otherwise, and the site is to be rehabilitated to the satisfaction of the local government to enable broad-acre or other approved farming activities to resume/continue.

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REASON: To simplify the requirements for removal of the power generation infrastructure and allow for rehabilitation of framing activities.

The Amending Motion was put and **CARRIED UNANIMOUSLY.**

AMENDING MOTION

Moved by: Mr Robert Fenn

Seconded by: Mr David Gray

To amend Condition 5 (now Condition 4) to read as follows:

The applicant shall submit to the local government a stormwater management plan to the satisfaction of the local government, and that discharge from the approved development shall be appropriately detained on-site to the satisfaction of the local government, for ultimate discharge to the Mortlock River in a manner which prevents erosion or the addition of nutrients to that river.

REASON: To specify the requirements for management and discharge of stormwater.

The Amending Motion was put and **CARRIED UNANIMOUSLY.**

AMENDING MOTION

Moved by: Mr Robert Fenn

Seconded by: Cr Ulo Rumjantsev

To amend Condition 6 (now Condition 5) to read as follows:

Prior to the commencement of works, the proponent shall prepare and implement an Operational Management Plan to the satisfaction of the local government that:-

- *Addresses the proponent's response to fire and emergency incidents (including management of fuel loads below the solar arrays, emergency evacuation and risk management planning for employees);*
- *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 reflective light; and*
- *Manages weed and pest nuisances on the site and the locality.*

REASON: To remove requirements from the site Operational Management Plan relating to the construction phase of the project and to clarify the applicant's requirements.

The Amending Motion was put and **CARRIED UNANIMOUSLY.**



AMENDING MOTION

Moved by: Mr Robert Fenn

Seconded by: Cr Denis Beresford

To amend Condition 7 (now Condition 6) to read as follows:

Prior to the issue of a Building Permit, or any development being undertaken on-site, the Applicant shall submit to the local government a Construction Management Plan and secure approval for:

- a) *the location, drainage and surfacing standards for the site access road within Lot 6 (with all roads forming fire access tracks being a minimum width of 6 metres);*
- b) *the delivery and storage of construction materials and equipment to the site in a manner that minimises the impact on the amenity of the surrounding locality;*
- c) *the management of the fire risk on the site during the construction period;*
- d) *any temporary land uses, structures or operations associated with the use and the post construction removal of temporary structures;*
- e) *the parking arrangements and provision of temporary amenities for contractors and subcontractors;*
- f) *the management and storage of stormwater from site works, material lay down areas, internal roads, buildings and carparking areas in a manner to prevent site erosion within Lot 6;*
- g) *the extent of earthworks proposed on-site, the method of stabilising those earthworks and any on-going management required to prevent wind or water borne erosion;*
- h) *a road condition survey detailing any maintenance work required to public roads as a result of transport activities associated with the construction phase of the approved power generation (solar array) development;*
- i) *other matters likely to impact on surrounding properties; and*
- j) *the management of construction waste.*

The Construction Management Plan shall be implemented at all times during the construction phase.

REASON: To provide the local government with suitable information on potential impacts during the construction phase of the project.

The Amending Motion was put and **CARRIED UNANIMOUSLY.**

AMENDING MOTION

Moved by: Mr David Gray

Seconded by: Mr Robert Fenn

To delete Condition 8.

REASON: The condition refers to land that is not subject to this application.

The Amending Motion was put and **CARRIED UNANIMOUSLY.**

Mr David Gray
Presiding Member, Mid-West/Wheatbelt JDAP



AMENDING MOTION

Moved by: Mr Robert Fenn

Seconded by: Cr Ulo Rumjantsev

To amend Condition 9 (now Condition 7) to read as follows and renumber the remaining Conditions accordingly:

Prior to the commencement of works, internal access within Lot 6 must be provided via an all-weather road with a minimum width of 6m to allow adequate access for emergency vehicles.

REASON: To make the road / emergency access way widths consistent with the Planning for Bushfire Guidelines.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr David Gray

Seconded by: Cr Ulo Rumjantsev

To include a new Condition under Conditions to be met prior to the commencement of works to reads as follows:

Prior to the issue of building permits or any development being undertaken on site, the applicant shall prepare and submit a Bushfire Management Plan (including the management of emergency evacuation and risk management planning for employees) to the satisfaction of the local government to ensure the necessary bushfire risk mitigation measures are in place.

REASON: SPP 3.7 identifies power generation as a high risk land use.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr David Gray

Seconded by: Cr Denis Beresford

To include a new Advice Note to read as follows:

The Public Transport Authority has advised that a traffic management plan be prepared and implemented by the proponents that staggers the access and egress of construction traffic, to prevent two vehicles being on the railway level crossing at the same time. This should prevent stationary vehicles on the level crossing, and vehicles from queuing back on the level crossing from the level crossing onto the Northam-York Road.

REASON: To ensure that construction does not interfere with railway operations.

The Amending Motion was put and CARRIED UNANIMOUSLY.



AMENDING MOTION

Moved by: Mr David Gray

Seconded by: Cr Ulo Rumjantsev

To include a new Advice Note to read as follows:

The culvert over the Mortlock River providing access to the site from the access easement requires repairs.

REASON: It is appropriate to draw the state of repair to the attention of the applicant.

The Amending Motion was put and CARRIED UNANIMOUSLY.

AMENDING MOTION

Moved by: Mr Robert Fenn

Seconded by: Mr David Gray

To include a new Advice Note to read as follows:

The applicant is encouraged to ensure that permanency of access to the site is achieved.

REASON: To ensure ongoing access to the site, as at present access from the Northam-York Road is over an access way that is only partly subject to an easement.

The Amending Motion was put and CARRIED UNANIMOUSLY.

PRIMARY MOTION (AS AMENDED)

That the Mid-West/Wheatbelt JDAP resolves to:

Approve DAP Application reference DAP/17/01197 and accompanying plans NOR1-1-8-1, NOR1-1-1-1 (Rev 5), NOR1-1-2-1 (Rev 2), NOR1-1-5-1, NOR1-1-6-1 (Rev 1) and NOR1-5-1-1 (Rev 2) date stamped 21 March 2017 for a Power Generating (Solar Array) development on Lot 6 Northam-York Road, Muluckine in accordance with the Shire of Northam Local Planning Scheme No. 6, subject to the following conditions:

Conditions

General 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 4 year period, the approval shall lapse and be of no further effect.
2. The development is hereby permitted taking place in accordance with the stamped approved plans and supporting documentation.

Mr David Gray
Presiding Member, Mid-West/Wheatbelt JDAP



3. All solar panels and ancillary infrastructure must be decommissioned and removed within 2 years of the cessation of operations, unless the local government agrees otherwise, and the site is to be rehabilitated to the satisfaction of the local government to enable broad-acre or other approved farming activities to resume/continue.
4. The applicant shall submit to the local government a stormwater management plan to the satisfaction of the local government, and that discharge from the approved development shall be appropriately detained on-site to the satisfaction of the local government, for ultimate discharge to the Mortlock River in a manner which prevents erosion or the addition of nutrients to that river.

Conditions to be met prior to the commencement of works

5. Prior to the commencement of works, the proponent shall prepare and implement an Operational Management Plan to the satisfaction of the local government that:-
 - Addresses the proponent's response to fire and emergency incidents (including management of fuel loads below the solar arrays, emergency evacuation and risk management planning for employees);
 - 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 reflective light; and
 - Manages weed and pest nuisances on the site and the locality.
6. Prior to the issue of a Building Permit, or any development being undertaken on-site, the Applicant shall submit to the local government a Construction Management Plan and secure approval for:
 - a) the location, drainage and surfacing standards for the site access road within Lot 6 (with all roads forming fire access tracks being a minimum width of 6 metres);
 - b) the delivery and storage of construction materials and equipment to the site in a manner that minimises the impact on the amenity of the surrounding locality;
 - c) the management of the fire risk on the site during the construction period;
 - d) any temporary land uses, structures or operations associated with the use and the post construction removal of temporary structures;
 - e) the parking arrangements and provision of temporary amenities for contractors and subcontractors;
 - f) the management and storage of stormwater from site works, material lay down areas, internal roads, buildings and carparking areas in a manner to prevent site erosion within Lot 6;
 - g) the extent of earthworks proposed on-site, the method of stabilising those earthworks and any on-going management required to prevent wind or water borne erosion;
 - h) a road condition survey detailing any maintenance work required to public roads as a result of transport activities associated with the construction phase of the approved power generation (solar array)



- development;
- i) other matters likely to impact on surrounding properties; and
 - j) the management of construction waste.

The Construction Management Plan shall be implemented at all times during the construction phase.

7. Prior to the commencement of works, internal access within Lot 6 must be provided via an all-weather road with a minimum width of 6m to allow adequate access for emergency vehicles.
8. Prior to commencement of development, a detailed landscaping plan is to be submitted to and approved by the local government. The landscaping plan shall also address landscaping to be provided along the northern perimeter of the subject site sufficient to provide a visual buffer to the adjoining property.
9. Prior to the issue of building permits or any development being undertaken on site, the applicant shall prepare and submit a Bushfire Management Plan (including the management of emergency evacuation and risk management planning for employees) to the satisfaction of the local government to ensure the necessary bushfire risk mitigation measures are in place.

Conditions to be met prior to occupation

10. Prior to occupation, landscaping is to be completed in accordance with the approved plans or any approved modifications thereto to the satisfaction of the local government.
11. Prior to occupation, the site office shall be connected to an approved effluent disposal system.

Conditions requiring ongoing compliance

12. The on-site drainage system shall be maintained on an ongoing basis to the satisfaction of the local government.
13. All landscaped areas are to be maintained on an ongoing basis to the satisfaction of the local government.

Advice Notes

1. If the development the subject of this approval is not substantially commenced within a period of 4 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.
2. Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
3. If an applicant or owner is aggrieved by this determination there is a right of



review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

4. A Building Permit being obtained prior to the commencement of any works.
5. The endorsed plans shall not be modified or altered without the prior approval of the Mid-West/Wheatbelt JDAP in accordance with Regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*.
6. The Public Transport Authority have advised that vehicles in excess of 20m in length are not permitted to use the railway crossing.
7. The proponent is advised to liaise with the Department of Transport in regard to signage and line marking requirements for the railway crossing.
8. The Public Transport Authority has advised that a traffic management plan be prepared and implemented by the proponents that staggers the access and egress of construction traffic, to prevent two vehicles being on the railway level crossing at the same time. This should prevent stationary vehicles on the level crossing, and vehicles from queuing back on the level crossing from the level crossing onto the Northam-York Road.
9. The culvert over the Mortlock River providing access to the site from the access easement requires repairs.
10. The applicant is encouraged to ensure that permanency of access to the site is achieved.

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

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

Cr Ian Stirling, Cr Bruce Jack and Cr Michael Bothe joined the meeting at 11:01am.

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

- 9.1** Property Location: Lots 10847 and 10848 Rose Thomson Road, Warradarge
Application Details: Warradarge Wind Farm Transmission Line
Applicant: Synergy
Owner: Judeen Nominees Pty Ltd
Responsible Authority: Shire of Carnamah
DoP File No: DP/12/00624

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Mr Robert Fenn

Seconded by: Cr Ian Stirling

That the Mid West/Wheatbelt Joint Development Assessment Panel resolves to:

Mr David Gray
Presiding Member, Mid-West/Wheatbelt JDAP



1. **Accept** that the DAP Application reference DP/12/00624 and A2370626 as detailed on the DAP Form 2 dated 1 May 2017 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** the DAP Application reference DP12/00624 and A2370626 as detailed on the DAP Form 2 date 1 May 2017 in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of Part 9 of the Shire of Carnamah Town Planning Scheme No.2, for the proposed minor amendment to the approved condition 2 to extend the timeframe from 31 August 2017 to 31 August 2022, as it is considered reasonable that projects of this nature can encounter delays relating to factors including financing requirements, applicant restructuring, Commonwealth and State Government review, project scheduling and other matters.

Amended Condition

2. The approved development shall be substantially commenced prior to 31 August 2022 and if the development is not substantially commenced the approval shall lapse and be of no further effect. Where an approval has so lapsed, no development shall be carried out without the further approval of the responsible authority having first been sought and obtained.

Advice Notes

All other conditions and requirements detailed on the previous approval dated 31 August 2012 shall remain unaltered.

AMENDING MOTION

Moved by: Mr David Gray

Seconded by: Mr Robert Fenn

To amend point 2 of the preamble to read as follows:

***Approve** the DAP Application reference DP12/00624 and A2370626 as detailed on the DAP Form 2 date 1 May 2017 in accordance with the Shire of Carnamah Town Planning Scheme No.2, for the proposed minor amendment to the approved condition 2 to extend the timeframe from 31 August 2017 to 31 August 2022.*

REASON: To clarify the terms of the approval.

The Amending Motion was put and CARRIED UNANIMOUSLY.

PRIMARY MOTION (AS AMENDED)

That the Mid West/Wheatbelt Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DP/12/00624 and A2370626 as detailed on the DAP Form 2 dated 1 May 2017 is appropriate for consideration

Mr David Gray
Presiding Member, Mid-West/Wheatbelt JDAP



in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;

2. **Approve** the DAP Application reference DP12/00624 and A2370626 as detailed on the DAP Form 2 date 1 May 2017 in accordance with the Shire of Carnamah Town Planning Scheme No.2, for the proposed minor amendment to the approved condition 2 to extend the timeframe from 31 August 2017 to 31 August 2022.

Amended Condition

2. The approved development shall be substantially commenced prior to 31 August 2022 and if the development is not substantially commenced the approval shall lapse and be of no further effect. Where an approval has so lapsed, no development shall be carried out without the further approval of the responsible authority having first been sought and obtained.

Advice Notes

All other conditions and requirements detailed on the previous approval dated 31 August 2012 shall remain unaltered.

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

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

9.2 Property Location:	Lots 10850 & 10853 Garibaldi Willis Road and Lots 10848 & 10851 Rose Thomson Road, Warradarge
Application Details:	Warradarge Wind Farm
Applicant:	Synergy
Owner:	Judeen Nominees Pty Ltd
Responsible Authority:	Shire of Coorow
DoP File No:	DP/12/00625

REPORT RECOMMENDATION / PRIMARY MOTION

Moved by: Mr David Gray **Seconded by:** Mr Robert Fenn

That the Mid West/Wheatbelt Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DP/12/00625 A2370465 as detailed on the DAP Form 2 dated 1 May 2017 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** the DAP Application reference DP12/00625 A2370465 as detailed on the DAP Form 2 date 1 May 2017 in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of Parts 8-10 of the Shire of Coorow Local Planning Scheme No.3, for the proposed minor amendment to the approved condition 2 to extend the timeframe from 31 August 2017 to 31 August 2022, as it is considered reasonable that projects of this nature can encounter delays relating to factors



including financing requirements, applicant restructuring, Commonwealth and State Government review, project scheduling and other matters.

Amended Condition

2. The approved development shall be substantially commenced prior to 31 August 2022 and if the development is not substantially commenced the approval shall lapse and be of no further effect. Where an approval has so lapsed, no development shall be carried out without the further approval of the responsible authority having first been sought and obtained.

Advice Notes

All other conditions and requirements detailed on the previous approval dated 31 August 2012 shall remain unaltered.

AMENDING MOTION

Moved by: Mr David Gray

Seconded by: Mr Robert Fenn

To amend point 2 of the preamble to read as follows:

***Approve** the DAP Application reference DP12/00625 A2370465 as detailed on the DAP Form 2 date 1 May 2017 in accordance with the Shire of Coorow Local Planning Scheme No.3, for the proposed minor amendment to the approved condition 2 to extend the timeframe from 31 August 2017 to 31 August 2022.*

REASON: To clarify the terms of the approval.

The Amending Motion was put and CARRIED UNANIMOUSLY.

PRIMARY MOTION (AS AMENDED)

That the Mid West/Wheatbelt Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DP/12/00625 A2370465 as detailed on the DAP Form 2 dated 1 May 2017 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** the DAP Application reference DP12/00625 A2370465 as detailed on the DAP Form 2 date 1 May 2017 in accordance with the Shire of Coorow Local Planning Scheme No.3, for the proposed minor amendment to the approved condition 2 to extend the timeframe from 31 August 2017 to 31 August 2022.

Amended Condition

2. The approved development shall be substantially commenced prior to 31 August 2022 and if the development is not substantially commenced the

Mr David Gray
Presiding Member, Mid-West/Wheatbelt JDAP



approval shall lapse and be of no further effect. Where an approval has so lapsed, no development shall be carried out without the further approval of the responsible authority having first been sought and obtained.

Advice Notes

All other conditions and requirements detailed on the previous approval dated 31 August 2012 shall remain unaltered.

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

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

10. Appeals to the State Administrative Tribunal

Nil

11. General Business / Meeting Close

The Presiding Member reminded the meeting 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 1.07pm.