



Regional Development Assessment Panel Minutes

Meeting Date and Time: Wednesday, 4 December 2024; 9:30am
Meeting Number: RDAP/30
Meeting Venue: 140 William Street, Perth

A recording of the meeting is available via the following link:

[RDAP/30 - 4 December 2024 - Shire of Ashburton - Shire of Harvey](#)

PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement
2. Apologies
3. Members on Leave of Absence
4. Noting of Minutes

PART B – SHIRE OF ASHBURTON

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Land ID 3115647 and 3115653 - Renewable Energy Facility (Solar) – DAP/24/02764
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART C – SHIRE OF HARVEY

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 4 Runnymede Road and Lot 5 Wellesley Road North, Wellesley - Proposed Renewable Energy Facility (Battery Energy Storage System) – DAP/24/02747
 - 3.2 Lot 568 Paris Road, Australind - Service Station, Bulky Goods Showrooms, Recreation - Private, Liquor Store – small – DAP/24/02767
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART D – OTHER BUSINESS

1. State Administrative Tribunal Applications and Supreme Court Appeals
2. Meeting Closure

Dale Page
Presiding Member, Regional DAP



Attendance	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Dale Page (Presiding Member)	Kristen Parker
Clayton Higham (Deputy Presiding Member)	Zoe Hendry
Mike Mouritz	
<i>Part B – Shire of Ashburton</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
	Jack Hunter
<i>Part C – Shire of Harvey</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Craig Carbone	Elizabeth Edwards
Cr Michelle Campbell	

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Applicant and Submitters
<i>Part B – Shire of Ashburton</i>
Madison Mackenzie (RFF)
<i>Part C – Shire of Harvey</i>
<i>Item Number 3.1</i>
Dane Gaunt (Urbis)
Shane Durlik (Trina ISBU)
Mark Knox (Westsun Energy)
Dale Newsome (Western Environmental)
<i>Item Number 3.2</i>
Mark Scarfone (Element)

Members of the Public / Media

Nil

Observers via livestream

There were 4 persons observing the meeting via the livestream.

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PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:32am on 4 December 2024 and acknowledged the traditional owners and custodians of the land on which the meeting was held and welcomed members.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2024 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

1.1 Announcements by Presiding Member

The Presiding Member advised that panel members may refer to technical devices, such as phones and laptops, throughout the meeting to assist them in considering the information before them.

The meeting was recorded and livestreamed on the DAP website in accordance with regulation 40(2A) of the *Planning and Development (Development Assessment Panels) Regulations 2011*. Members were reminded to announce their name and title prior to speaking.

2. Apologies

Cr Audra Smith (Local Government DAP Member, Shire of Ashburton)
Cr Linton Rumble (Local Government DAP Member, Shire of Ashburton)
Cr Matthew Lynch (Local Government DAP Member, Shire of Ashburton)
Cr Alana Sullivan (Local Government DAP Member, Shire of Ashburton)

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](#).

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PART B – SHIRE OF ASHBURTON

1. Declaration of Due Consideration

All members declared that they had duly considered the documents contained within Part B of the Agenda and Part B of the Related Information.

2. Disclosure of Interests

DAP Member, Cr Linton Rumble, declared a pecuniary interest in item 3.1. Cr Rumble is an elected member and shareholder of Rio Tinto.

DAP Member, Cr Alana Sullivan, declared a direct pecuniary interest in item 3.1. Cr Sullivan is an elected member and an employee and shareholder at Rio Tinto.

In accordance with section 3.3 of the DAP Code of Conduct 2024, the DAP Executive Director determined that the members listed above, who have disclosed a pecuniary interest, are not permitted to participate in the discussion and voting on the item.

DAP Member, Mike Mouritz, declared an impartiality interest in item 3.1. Mr Mouritz was previously involved in the area with Arup who are not a party to the subject application and has a prior professional connection to Mr Hightower.

In accordance with section 3.3 of the DAP Code of Conduct 2024, the DAP Executive Director determined that the member listed above, who have disclosed an impartiality interest, are permitted to participate in the discussion and voting on the item.

3. Form 1 DAP Applications

3.1 Land ID 3115647 and 3115653 - Renewable Energy Facility (Solar) – DAP/24/02764

Deputations and Presentations

Madison Mackenzie (RFF) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Jack Hunter (The Shire of Ashburton) addressed the DAP in relation to the application at Item 3.1 and responded to questions from the panel.

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REPORT RECOMMENDATION

Moved by: Clayton Higham

Seconded by: Mike Mouritz

With the agreement of the mover and seconder, Condition No.7 was deleted and remaining conditions renumbered accordingly.

That the Regional Development Assessment Panel, in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the Shire of Ashburton Local Planning Scheme No. 7, **Approves** DAP Application DAP24/02764 for a Renewable Energy Facility (Solar) on Unallocated Crown Land ID 3115647 and 3115653, incorporating the following plans date received 6 November 2024:

- Overall Site Plan - Civil
- Internal Access Road, Tracks, Fence and Access Gates Layout Sheet 1 of 3
- Internal Access Road, Tracks, Fence and Access Gates Layout Sheet 2 of 3
- Internal Access Road, Tracks, Fence and Access Gates Layout Sheet 3 of 3
- Internal Access Road, Tracks, Fence and Access Gates Sections (Typical)
- Internal Access Road, Tracks, Fence and Access Gates Sections Low Level Rock Crossing
- Internal Access Road, Tracks, Fence and Access Gates Sections Road Regrading
- Operation and Maintenance Building Plan
- Operation and Maintenance Building GA and Elevations
- Switchroom Layout
- Firewater Tank Plan and Turning Path
- Site Access Roads Intersection Details

subject to the conditions and advice notes set out below:

Conditions

1. The approved development shall be in accordance with the approved development plans and documentation which form part of this development approval, subject to modifications required as a consequence of any condition(s) of this approval.
2. Prior to commencing construction, the applicant shall submit and have approved by the Local Government, and thereafter implement to the satisfaction of the Local Government, a Construction and Environmental Management Plan addressing the following matters:
 - a) How materials and equipment will be delivered to and removed from the site;
 - b) How materials and equipment will be stored on the site;
 - c) Arrangements for complying with clearing permit conditions;
 - d) Parking arrangements and facilities for construction workers;
 - e) How construction waste will be collected, stored, recycled and/or disposed of; and
 - f) How risks of wind and/or water erosion, sedimentation and dust generation will be minimised during and after the works.

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3. Prior to lodging a building permit, the applicant shall submit a Parking and Access Plan addressing the requirements of Clause 6.17 of the Scheme to the satisfaction of the Local Government. The approved plan shall be implemented prior to commencing operations and thereafter maintained to the satisfaction of the Local Government.
4. Prior to commencing construction, and subject to approval from the Local Government, the applicant shall install the onsite sewerage treatment system associated with the operations and maintenance building and systems associated with temporary facilities for construction workers.
5. Prior to commencing operations, the applicant shall submit to the Local Government, certification from a suitably qualified Bushfire Planning and Design (BPAD) Practitioner that the recommendations of the Linfire Bushfire Risk Management Plan (BRMP) dated 9 September 2024 have been implemented to the satisfaction of the practitioner and that sufficient procedures and processes are in place to reasonably secure ongoing compliance with the operational requirements of the BRMP.
6. Prior to commencing construction of the renewable energy facility, an Outline Decommissioning and Rehabilitation Plan (ODRP) shall be submitted to the Local Government for approval. The ODRP shall address the following to the satisfaction of the Local Government:
 - a) Provide an initial strategy for decommissioning the facility and rehabilitating the site at the end of its operational life;
 - b) The anticipated lifespan of the facility;
 - c) Methods and measures to remove infrastructure and restore the site to its current standard;
 - d) Arrangements for managing waste generated from decommissioning operations and redundant/removed infrastructure;
 - e) An indicative estimate of decommissioning and rehabilitation costs; and
 - f) Arrangements to secure decommissioning and rehabilitation obligations, which may include a bank guarantee, bond, trust fund, or other acceptable financial instrument.
7. No later than one (1) year prior to the cessation of operations (anticipated or otherwise), the operator shall submit to the Local Government for approval, a Detailed Decommissioning and Rehabilitation Plan (DDRP). The DDRP shall address the following to the satisfaction of the Local Government:
 - a) Establishment of a suitable financial mechanism such as a bank guarantee or bond to secure the operator's decommissioning and rehabilitation obligations, as outlined in the DDRP;
 - b) A comprehensive schedule and methodology for the removal of all above-ground and below-ground infrastructure associated with the facility;
 - c) Detailed measures for the recycling, reuse, or disposal of materials in accordance with relevant legislation and guidelines;

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- d) Specific proposals for site rehabilitation and land restoration, including soil stabilisation and revegetation strategies;
 - e) An updated and detailed estimate of decommissioning and rehabilitation costs, prepared by a qualified independent professional; and
 - f) Finalised details of the financial security mechanism to ensure that sufficient funds are available to carry out the decommissioning and rehabilitation works.
8. If the renewable energy facility ceases to generate electricity for a period of twelve (12) consecutive months, the operator shall, within six (6) months of the end of that period, submit a DDRP to the Local Government for approval and proceed to decommission the facility in accordance with the approved DDRP to the satisfaction of the Local Government.

Advice Notes

1. The proponent 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 local government and be approved before any work requiring a building permit can commence on site.
2. The proponent is advised that this development approval does not negate the requirement for any additional approvals, and adherence to due diligence, which may be required under separate legislation. This includes, but is not limited to, the obtaining of any required approvals from the Department of Health, the Department of Energy, Mines, Industry Regulation and Safety, the Department of Water & Environment Regulation and Main Roads WA and consulting of Before You Dig Australia. It is the applicant's responsibility to obtain any additional approvals, and undertaking of due diligence, required before the development/use lawfully commences.
3. In relation to the operations and maintenance building, given the building meets the definition of a habitable building, if it is located in a BAL-40 or BAL-FZ area then the provisions of SPP 3.7 are triggered and the development must demonstrate compliance with applicable bushfire planning guidelines.
4. Onsite sewerage treatment systems require approval from the Local Government's Environmental Health Services. The system must comply with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 and any other applicable legislation, regulations, or standards. It is recommended that the applicant engages with the Local Government early in the planning process to ensure that all design, installation, and operational requirements are met prior to commencing works
5. The proponent is advised to liaise directly with the Civil Aviation Safety Authority (CASA) and/or Airservices Australia regarding any requirements for a specific type of hazard/warning obstacle light/s that may need to be installed in order to ensure other users of the airspace are aware of the structures.

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6. The applicant is advised that the Hydrologia Jinbi Flood Extents Study dated 23 May 2024 does not address recent changes to the Australian Rainfall and Runoff Guidelines (ARR) in Book 1 Chapter 6 – Climate Change Considerations as the modelling does not account for the impact of climate change on the magnitude or frequencies of occurrence for flood events. It is recommended that the flood extents study be updated to address these changes, noting the new chapter was published on 27 August 2024, well after the date of the study.
7. In relation to the BRMP recommendations include, but are not limited to:
 - a) Establishment of an Asset Protection Zone (APZ) around the perimeter of the development;
 - b) Provision of sufficient and appropriately positioned bushfire water supply;
 - c) Electrical infrastructure designed to comply with all relevant design, construction and installation standards;
 - d) Provision of appropriate vehicular access to all parts of the development, including multiple points of ingress and egress, passing bays every 600m and all-weather construction;
 - e) Establishment and adherence to an Emergency Management Plan; and
 - f) Establishment of procedures and processes to establish ongoing compliance with the operational requirements for the BRMP.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The proposal aligns with the Shire's Local Planning Strategy, the relevant matters for consideration under Clause 67 of the Deemed Provisions, and the aims and relevant provisions of Local Planning Scheme No. 7. The proposal is largely supported by relevant external government agencies. Although the proposal could result in some environmental impacts, the minimisation and mitigation measures proposed by the applicant would prevent significant impacts on the environment. Clearing of the site has already been approved and a range of conditions imposed to ensure the applicant avoids, minimises and mitigates the impacts of clearing native vegetation. The proposal also aligns well with relevant aspects of the State's Position Statement on Renewable Energy Facilities, touching on the issues of community consultation, environmental impact, visual and landscape impact, noise impact, heritage, public aviation and safety, bushfire, and construction impacts. Whilst the issue of decommissioning has not yet been fully addressed by the applicant, a series of conditions and advice notes has been imposed so the Shire can manage this future issue through the planning approval, to complement the State's requirements for decommission under any lease agreement.

4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

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PART C – SHIRE OF HARVEY

Cr Craig Carbone and Cr Michelle Campbell (Local Government DAP Member, Shire of Harvey) joined the panel at 9:46am.

1. Declaration of Due Consideration

The Presiding Member noted that an addendum to the agenda was published to include details of a DAP direction for further information and responsible authority response in relation to Item 3.1, received on 2 December 2024 and 3 December 2024.

All members declared that they had duly considered the documents contained within Part C of the Agenda and Part C of the Related Information.

2. Disclosure of Interests

Nil.

3. Form 1 DAP Applications

3.1 Lot 4 Runnymede Road and Lot 5 Wellesley Road North, Wellesley - Proposed Renewable Energy Facility (Battery Energy Storage System) – DAP/24/02747

Deputations and Presentations

Shane Durlik (Trina ISBU) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Dale Newsome (Western Environmental) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Dane Gaunt (Urbi) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Mark Knox (Westsun Energy) responded to questions from the panel.

Elizabeth Edwards (Shire of Harvey) addressed the DAP in relation to the application at Item 3.1 and responded to questions from the panel.

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Presiding Member, Regional DAP



REPORT RECOMMENDATION

Moved by: Cr Craig Carbone

Seconded by: Cr Michelle Campbell

That the Regional DAP resolves to:

1. **Accept** that the DAP Application reference DAP/24/02747 is appropriate for consideration as a “Renewable Energy Facility” land use and compatible with the objectives of the zoning table in accordance with Clause 16 of the Shire of Harvey Local Planning Scheme No. 2.
2. **Approve** DAP Application reference DAP/24/02747 and accompanying plans (Site Overview and General Layout dated 24/06/2024, Operation Building Plan and Storage Building Plan dated 17/06/2024, and the Bushfire Management Plan dated 14/11/2024) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause 16 of the Shire of Harvey Local Planning Scheme No. 2, subject to the following conditions:

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 specified period, the approval shall lapse and be of no further effect.
2. The approved development shall be in accordance with the approved development plans and documentation which form part of this development approval, subject to modifications required as a consequence of any condition(s) of this approval.
3. Prior to the commencement of works associated with the approved development or the issue of a Building Permit (whichever occurs first), detailed amended plans shall be submitted to, and approved by the Shire of Harvey, in consultation with the Department of Water and Environmental Regulation and the Department of Biodiversity and Attractions. The detailed plans shall address the following:
 - (a) Realignment of the transmission lines to:
 - i. Avoid the Conservation Category Wetland UFI-1496
 - ii. Avoid clearing of native vegetation
 - (b) Native vegetation proposed to be cleared.
 - (c) Inclusion of the proposed secondary access to ensure consistency with the Bushfire Management Plan.
 - (d) Car parking for onsite operational personnel.
4. Prior to the commencement of works associated with the approved development or the issue of a Building Permit (whichever occurs first), the Environmental Noise Assessment shall be reviewed and submitted to, and approved by the Shire of Harvey, in consultation with the Department of Water and Environmental Regulation. The reviewed Environmental Noise Assessment shall include:

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- (a) Assessed noise levels for all nearby sensitive receivers.
- (b) Background noise levels.
- (c) Operating noise levels of equipment selected for installation.
- (d) Assessment of noise levels for worst-case scenario of night-time at 100% capacity operation.
- (e) Recommended measures to reduce noise level exceedances.

Any recommended measures to reduce noise level exceedances identified in the approved reviewed Environmental Noise Assessment shall be implemented to the satisfaction of the Shire of Harvey, in consultation with the Department of Water and Environmental Regulation, prior to the operation of the approved development.

5. Prior to the commencement of works associated with the approved development or the issue of a Building Permit (whichever occurs first), detailed Flora and Fauna Survey Reports shall be submitted to, and approved by the Shire of Harvey, in consultation with the Department of Water and Environmental Regulation and the Department of Biodiversity and Attractions. The Flora and Fauna Survey Reports shall address:
 - (a) Banksia Woodlands of the Swan Coastal Plain Threatened Ecological Community.
 - (b) Threatened Orchid species *Drakea micrantha* and *Drakea elastica*.
 - (c) Presence of other Threatened or Priority flora species.
 - (d) Vegetation assessment of the wetland community and buffer area of Conservation Category Wetland UFID 1496.
 - (e) Threatened Black Cockatoo habitat, including quantification of breeding habitat and the application of Habitat Quality Scoring Systems.
 - (f) Threatened Western Ringtail Possum habitat.
 - (g) Impacts of the proposal on items a. to f. and recommended mitigation measures.

The approved recommended mitigation measures shall thereafter be implemented to the satisfaction of the Shire of Harvey.

6. Prior to the commencement of works associated with the approved development or the issue of a Building Permit (whichever occurs first), a detailed Water Management Plan shall be submitted to, and approved by the Shire of Harvey, in consultation with the Department of Water and Environmental Regulation. The detailed Water Management Plan shall include:
 - (a) Detailed design plans of stormwater management.
 - (b) Groundwater protection measures.
 - (c) Water supply requirements.

The approved Water Management Plan shall thereafter be implemented and maintained to the satisfaction of the Shire of Harvey.



7. Prior to the commencement of works associated with the approved development or the issue of a Building Permit (whichever occurs first), a Dust Management Plan shall be submitted to, and approved by the Shire of Harvey, in consultation with the Department of Water and Environmental Regulation.

The approved Dust Management Plan shall thereafter be implemented to the satisfaction of the Shire of Harvey.

8. Prior to the commencement of works associated with the approved development or the issue of a Building Permit (whichever occurs first), detailed engineering drawings and specifications of the proposed structures and infrastructure shall be submitted to and approved by the Shire of Harvey.
9. Prior to the commencement of works associated with the approved development or the issue of a Building Permit (whichever occurs first), a pre-works geotechnical report advising of the groundwater and construction methods for foundations and road layer works shall be submitted to and approved by the Shire of Harvey.
10. Prior to the commencement of works associated with the approved development or the issue of a Building Permit (whichever occurs first), a Construction Management Plan shall be submitted to and approved by the Shire. The Construction Management Plan shall detail how the following matters will be managed during the construction phase:
 - a. Access to and from the site.
 - b. Delivery of materials and equipment to the site.
 - c. Storage of materials and equipment on the site.
 - d. Provision of parking for contractors and subcontractors.
 - e. Traffic management within and around the site.
 - f. Management of construction waste.
 - g. Mitigation measures to prevent potential for weed and disease spread.
11. No native vegetation clearing shall occur unless additional approval has been obtained from the Shire of Harvey.
12. Prior to the operation of the approved development, a post works geotechnical report shall be submitted to and approved by the Shire.
13. Within 60 days of the proceeding winter after commencing operation of the approved development, an updated Environmental Noise Assessment shall be submitted to, and approved by the Shire of Harvey, in consultation with the Department of Water and Environmental Regulation. The updated Environmental Noise Assessment shall:
 - (a) Confirm the actual running operation patterns/procedures and noise levels.
 - (b) Recommended measures to reduce noise level exceedances.

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14. Within 60 days of the updated Environmental Noise Assessment being approved, the recommended measures to reduce noise level exceedances identified shall be implemented to the satisfaction of the Shire of Harvey, in consultation with the Department of Water and Environmental Regulation
15. The approved Bushfire Management Plan shall be implemented, to the satisfaction of the Shire of Harvey.

Advice Notes

1. In regard to Condition No. 8, the engineering drawings shall provide details and specifications which detail how the approved structures and infrastructure are to be constructed.
2. In regard to Condition No. 12, the post-works geotechnical report shall provide confirmation that the recommendations of the pre-works geotechnical report have been satisfactorily applied.
3. The Applicant is reminded of their obligations under the *Aboriginal Heritage Act 1972*.
4. The proponent/landowner is reminded of their obligation to manage acid sulfate soils and should refer to the Department of Water and Environmental Regulation's guidelines for identifying and managing acid sulfate soils.
5. In accordance with the *Building Act 2011*, a Building Permit will be required.
6. The Applicant is reminded of the following advice from the Department of Fire and Emergency Services:
 - a. The DFES District Officer responsible for this region and the local fire and emergency services should be consulted during the development, construction and leading up to the commissioning of the facility.
 - b. Access to the water supplies by BFB Appliances should be compatible with local BFB Appliances Storz / Cam lock couplings.
 - c. Recommend any signage and construction be in accordance with AS 2419. Additionally, consideration for a Facility Point of Contact phone number be provided on the main and southern entry gates providing advice to arriving fire crews if required.
 - d. Detection and other critical monitoring systems used within this facility are registered on an Australian Standard Maintenance Regime e.g. AS 1851. Maintenance of Fire Equipment.
 - e. Consideration of:
 - i. The effects of aerial fire suppression activities operating within the facility Area of Operation.
 - ii. Whether aerial fire suppression activities of the adjoining bushland will damage the electrical infrastructure (Structural/component damage) located within this site.

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- iii. Whether a NOTAM (notice to airmen containing information essential to personnel concerned with flight operations during an incident) is required for this facility.
- f. Information should be provided in relation to the extinguishing medium to be used in the power conversion units, and whether any aerosol to be used will introduce an additional hazard such as a respiratory irritant.
- g. Specific detail of the active ventilation system should be provided, including the construction material, dimensions and mechanism for operation of the ventilation system.
- h. The site needs to identify criteria clearly and unambiguously for in-house investigation / assessment of unusual BESS parameters vs DFES being called for a thermal runaway.
- i. Prior to commissioning the BESS, notification is specifically provided to DFES Southwest Region.

AMENDING MOTION 1

Moved by: Dale Page

Seconded by: Clayton Higham

That Condition No.3 be amended to read as follows:

Prior to the commencement of works associated with the approved development or the issue of a Building Permit (whichever occurs first), detailed amended plans shall be submitted to, and approved by the Shire of Harvey, in consultation with the Department of Water and Environmental Regulation and the Department of Biodiversity and Attractions. The detailed plans shall address the following:

- (a) *Realignment of the transmission lines to:*
 - i. **Minimise the Impact on** ~~Avoid~~ *the Conservation Category Wetland UFI-1496*
 - ii. **Minimise** ~~Avoid~~ *clearing of native vegetation*
- (b) *Native vegetation proposed to be cleared.*
- (c) *Inclusion of the proposed secondary access to ensure consistency with the Bushfire Management Plan.*
- (d) *Car parking for onsite operational personnel.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The change to the condition recognises that some clearing of vegetation and some impact will occur. The original condition effectively prevented the development from occurring.

Dale Page
Presiding Member, Regional DAP



REPORT RECOMMENDATION (AS AMENDED)

That the Regional DAP resolves to:

1. **Accept** that the DAP Application reference DAP/24/02747 is appropriate for consideration as a “Renewable Energy Facility” land use and compatible with the objectives of the zoning table in accordance with Clause 16 of the Shire of Harvey Local Planning Scheme No. 2.
2. **Approve** DAP Application reference DAP/24/02747 and accompanying plans (Site Overview and General Layout dated 24/06/2024, Operation Building Plan and Storage Building Plan dated 17/06/2024, and the Bushfire Management Plan dated 14/11/2024) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause 16 of the Shire of Harvey Local Planning Scheme No. 2, subject to the following conditions:

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 specified period, the approval shall lapse and be of no further effect.
2. The approved development shall be in accordance with the approved development plans and documentation which form part of this development approval, subject to modifications required as a consequence of any condition(s) of this approval.
3. Prior to the commencement of works associated with the approved development or the issue of a Building Permit (whichever occurs first), detailed amended plans shall be submitted to, and approved by the Shire of Harvey, in consultation with the Department of Water and Environmental Regulation and the Department of Biodiversity and Attractions. The detailed plans shall address the following:
 - (a) Realignment of the transmission lines to:
 - i. Minimise the impact on Conservation Category Wetland UFI-1496
 - ii. Minimise clearing of native vegetation
 - (b) Native vegetation proposed to be cleared.
 - (c) Inclusion of the proposed secondary access to ensure consistency with the Bushfire Management Plan.
 - (d) Car parking for onsite operational personnel.

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Presiding Member, Regional DAP



4. Prior to the commencement of works associated with the approved development or the issue of a Building Permit (whichever occurs first), the Environmental Noise Assessment shall be reviewed and submitted to, and approved by the Shire of Harvey, in consultation with the Department of Water and Environmental Regulation. The reviewed Environmental Noise Assessment shall include:
- (a) Assessed noise levels for all nearby sensitive receivers.
 - (b) Background noise levels.
 - (c) Operating noise levels of equipment selected for installation.
 - (d) Assessment of noise levels for worst-case scenario of night-time at 100% capacity operation.
 - (e) Recommended measures to reduce noise level exceedances.

Any recommended measures to reduce noise level exceedances identified in the approved reviewed Environmental Noise Assessment shall be implemented to the satisfaction of the Shire of Harvey, in consultation with the Department of Water and Environmental Regulation, prior to the operation of the approved development.

5. Prior to the commencement of works associated with the approved development or the issue of a Building Permit (whichever occurs first), detailed Flora and Fauna Survey Reports shall be submitted to, and approved by the Shire of Harvey, in consultation with the Department of Water and Environmental Regulation and the Department of Biodiversity and Attractions. The Flora and Fauna Survey Reports shall address:
- (a) Banksia Woodlands of the Swan Coastal Plain Threatened Ecological Community.
 - (b) Threatened Orchid species *Drakea micrantha* and *Drakea elastica*.
 - (c) Presence of other Threatened or Priority flora species.
 - (d) Vegetation assessment of the wetland community and buffer area of Conservation Category Wetland UFID 1496.
 - (e) Threatened Black Cockatoo habitat, including quantification of breeding habitat and the application of Habitat Quality Scoring Systems.
 - (f) Threatened Western Ringtail Possum habitat.
 - (g) Impacts of the proposal on items a. to f. and recommended mitigation measures.

The approved recommended mitigation measures shall thereafter be implemented to the satisfaction of the Shire of Harvey.

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Presiding Member, Regional DAP



6. Prior to the commencement of works associated with the approved development or the issue of a Building Permit (whichever occurs first), a detailed Water Management Plan shall be submitted to, and approved by the Shire of Harvey, in consultation with the Department of Water and Environmental Regulation. The detailed Water Management Plan shall include:
 - (a) Detailed design plans of stormwater management.
 - (b) Groundwater protection measures.
 - (c) Water supply requirements.

The approved Water Management Plan shall thereafter be implemented and maintained to the satisfaction of the Shire of Harvey.

7. Prior to the commencement of works associated with the approved development or the issue of a Building Permit (whichever occurs first), a Dust Management Plan shall be submitted to, and approved by the Shire of Harvey, in consultation with the Department of Water and Environmental Regulation.

The approved Dust Management Plan shall thereafter be implemented to the satisfaction of the Shire of Harvey.

8. Prior to the commencement of works associated with the approved development or the issue of a Building Permit (whichever occurs first), detailed engineering drawings and specifications of the proposed structures and infrastructure shall be submitted to and approved by the Shire of Harvey.
9. Prior to the commencement of works associated with the approved development or the issue of a Building Permit (whichever occurs first), a pre-works geotechnical report advising of the groundwater and construction methods for foundations and road layer works shall be submitted to and approved by the Shire of Harvey.
10. Prior to the commencement of works associated with the approved development or the issue of a Building Permit (whichever occurs first), a Construction Management Plan shall be submitted to and approved by the Shire. The Construction Management Plan shall detail how the following matters will be managed during the construction phase:
 - a. Access to and from the site.
 - b. Delivery of materials and equipment to the site.
 - c. Storage of materials and equipment on the site.
 - d. Provision of parking for contractors and subcontractors.
 - e. Traffic management within and around the site.
 - f. Management of construction waste.
 - g. Mitigation measures to prevent potential for weed and disease spread.
11. No native vegetation clearing shall occur unless additional approval has been obtained from the Shire of Harvey.
12. Prior to the operation of the approved development, a post works geotechnical report shall be submitted to and approved by the Shire.



13. Within 60 days of the proceeding winter after commencing operation of the approved development, an updated Environmental Noise Assessment shall be submitted to, and approved by the Shire of Harvey, in consultation with the Department of Water and Environmental Regulation. The updated Environmental Noise Assessment shall:
 - (a) Confirm the actual running operation patterns/procedures and noise levels.
 - (b) Recommended measures to reduce noise level exceedances.
14. Within 60 days of the updated Environmental Noise Assessment being approved, the recommended measures to reduce noise level exceedances identified shall be implemented to the satisfaction of the Shire of Harvey, in consultation with the Department of Water and Environmental Regulation
15. The approved Bushfire Management Plan shall be implemented, to the satisfaction of the Shire of Harvey.

Advice Notes

1. In regard to Condition No. 8, the engineering drawings shall provide details and specifications which detail how the approved structures and infrastructure are to be constructed.
2. In regard to Condition No. 12, the post-works geotechnical report shall provide confirmation that the recommendations of the pre-works geotechnical report have been satisfactorily applied.
3. The Applicant is reminded of their obligations under the *Aboriginal Heritage Act 1972*.
4. The proponent/landowner is reminded of their obligation to manage acid sulfate soils and should refer to the Department of Water and Environmental Regulation's guidelines for identifying and managing acid sulfate soils.
5. In accordance with the *Building Act 2011*, a Building Permit will be required.
6. The Applicant is reminded of the following advice from the Department of Fire and Emergency Services:
 - a. The DFES District Officer responsible for this region and the local fire and emergency services should be consulted during the development, construction and leading up to the commissioning of the facility.
 - b. Access to the water supplies by BFB Appliances should be compatible with local BFB Appliances Storz / Cam lock couplings.
 - c. Recommend any signage and construction be in accordance with AS 2419. Additionally, consideration for a Facility Point of Contact phone number be provided on the main and southern entry gates providing advice to arriving fire crews if required.

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- d. Detection and other critical monitoring systems used within this facility are registered on an Australian Standard Maintenance Regime e.g. AS 1851. Maintenance of Fire Equipment.
- e. Consideration of:
 - i. The effects of aerial fire suppression activities operating within the facility Area of Operation.
 - ii. Whether aerial fire suppression activities of the adjoining bushland will damage the electrical infrastructure (Structural/component damage) located within this site.
 - iii. Whether a NOTAM (notice to airmen containing information essential to personnel concerned with flight operations during an incident) is required for this facility.
- f. Information should be provided in relation to the extinguishing medium to be used in the power conversion units, and whether any aerosol to be used will introduce an additional hazard such as a respiratory irritant.
- g. Specific detail of the active ventilation system should be provided, including the construction material, dimensions and mechanism for operation of the ventilation system.
- h. The site needs to identify criteria clearly and unambiguously for in-house investigation / assessment of unusual BESS parameters vs DFES being called for a thermal runaway.
- i. Prior to commissioning the BESS, notification is specifically provided to DFES Southwest Region.

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

REASON: This is an important development for the area and a development of State significance. Whilst there are still some technical gaps to be filled through detailed design and the completion of further studies, these will require approval by the Shire of Harvey and State Government. The panel was satisfied that the information provided was reasonable for a development of this nature.

3.2 Lot 568 Paris Road, Australind - Service Station, Bulky Goods Showrooms, Recreation - Private, Liquor Store – small – DAP/24/02767

Deputations and Presentations

Mark Scarfone (Element Advisory) addressed the DAP in support of the recommendation for the application at Item 3.2 and responded to questions from the panel.

Elizabeth Edwards (Shire of Harvey) addressed the DAP in relation to the application at Item 3.2 and responded to questions from the panel.

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REPORT RECOMMENDATION

Moved by: Cr Craig Carbone

Seconded by: Mike Mouritz

With the agreement of the mover and seconder, Condition No.13 and Advice Note No.1 have been deleted and remaining Advice Notes renumbered accordingly.

That the Regional DAP resolves to:

1. **Accept** that the DAP Application reference DAP/24/02767 is appropriate for consideration as a 'Service Station', 'Bulk Goods Showrooms', 'Recreation – Private' and 'Liquor Store – Small' land uses and compatible with the objectives of the zoning table in accordance with Clause 16 of the Shire of Harvey Local Planning Scheme No. 2.
2. **Approve** DAP Application reference DAP/24/02767 and accompanying plans (contained within the Plans Schedule at **Attachment 1**) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clauses 16 and 34 of the Shire of Harvey Local Planning Scheme No. 2, subject to the following conditions:

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 specified period, the approval shall lapse and be of no further effect.
2. The approved development shall be in accordance with the attached approved development plans and documentation which form part of this development approval, subject to modifications required as a consequence of any condition(s) of this approval.
3. Prior to the commencement of works associated with the approved development or the issue of a Building Permit (whichever occurs first), a Groundwater Management Plan shall be submitted to and approved by the Shire of Harvey, in consultation with the Department of Water and Environmental Regulation.

The approved Groundwater Management Plan shall thereafter be implemented to the satisfaction of the Shire of Harvey.

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4. Prior to the commencement of works associated with the approved development or the issue of a Building Permit (whichever occurs first), a Stormwater Management Plan shall be submitted to and approved by the Shire of Harvey, in consultation with the Department of Water and Environmental Regulation. The Stormwater Management Plan shall include detailed plans and specifications of all stormwater management measures.

The approved Stormwater Management Plan shall thereafter be implemented to the satisfaction of the Shire of Harvey.

5. Prior to the commencement of works associated with the approved development or the issue of a Building Permit (whichever occurs first), an amended Landscape and Reticulation Plan shall be submitted to and approved by the Shire of Harvey. The amended Landscape and Reticulation Plan shall include all landscaped and reticulation areas within the development site and specify the following:
 - a. Vegetation species utilising only local endemic species.
 - b. Number, location and spacing of plants.
 - c. Location and details of treatments for non-vegetated areas.
 - d. Source of water for reticulation.
 - e. Ongoing maintenance and weed control.

All landscaping and reticulation shown on the approved amended Landscaping and Reticulation Plan shall be installed to the satisfaction of the Shire of Harvey, prior to occupation of the approved development, and thereafter maintained to the satisfaction of the Shire of Harvey.

6. Prior to the commencement of works associated with the approved development or the issue of a Building Permit (whichever occurs first), a Construction Management Plan shall be submitted to and approved by the Shire of Harvey. The Construction Management Plan shall detail how the following matters will be managed during the construction phase:
 - a. Delivery of materials and equipment to the site.
 - b. Storage of materials and equipment on the site.
 - c. Provision of parking for contractors and subcontractors on the site.
 - d. Management of construction waste.
 - e. Management of dust and noise emissions.
 - f. Traffic management within and around the site.
 - g. Complaints handling procedure.

The approved Construction Management Plan shall thereafter be implemented to the satisfaction of the Shire of Harvey.



7. Prior to the commencement of any works proposed within the 'Clayfield Road' road reserve, detailed plans and specifications for such works shall be submitted to and approved by the Shire of Harvey.

The approved plans for works within the 'Clayfield Road' road reserve shall be implemented to the satisfaction of the Shire of Harvey, prior to occupation of the approved development.

8. Prior to occupation of the approved development, an Operational Waste Management Plan shall be submitted to and approved by the Shire of Harvey, and thereafter implemented to the satisfaction of the Shire of Harvey.
9. Prior to occupation of the approved development, vehicle crossovers, car parking areas, access ways and pedestrian paths shall be constructed, sealed, drained, marked, appropriately signposted to the satisfaction of the Shire of Harvey, and thereafter implemented to the satisfaction of the Shire of Harvey.
10. Prior to occupation of the approved development, all car parking and pedestrian areas shall be illuminated in accordance with AS 428-1997 'Control of the Obtrusive Effects of Outdoor Lighting' to the satisfaction of the Shire of Harvey, and thereafter maintained to the satisfaction of the Shire of Harvey.
11. Prior to occupation of the approved development, the approved development shall be connected to reticulated sewer.
12. Goods shall not be stored, or left exposed, outside the building so as to be visible from any public road or thoroughfare to the satisfaction of the Shire of Harvey.

Advice Notes:

1. The Groundwater Management Plan should be prepared in accordance with the Department of Water and Environmental Regulation's Water Quality Protection Note 56 'Tanks for fuel and chemical storage near sensitive water resources'.
2. The Stormwater Management Plan should be prepared in accordance with the Department of Water and Environmental Regulation's 'Stormwater Management Manual for Western Australia' and 'Decision process for stormwater management in WA'.
3. The proponent/landowner is reminded of their obligation to manage acid sulfate soils and should refer to the Department of Water and Environmental Regulation's guidelines for identifying and managing acid sulfate soils.
4. The proponent/landowner is reminded of their obligation to liaise with the Department of Water and Environmental Regulation with respect to any requirement for a dewatering licence.



5. The proponent/landowner is reminded that the installation of underground fuel storage tanks should be in accordance with Australian Standard 4897—2008 'The design, installation and operation of underground petroleum storage systems'.
6. The proponent/landowner is reminded of their obligation to liaise with the Department of Energy, Mines, Industry Regulation and Safety to obtain the necessary approvals, including a dangerous goods licence.
7. In accordance with the *Building Act 2011*, a Building Permit will be required.
8. The building 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 Code of Australia, *Building Regulations 2012*, Disability (Access to Premises Building) Standards 2010 and AS 1428.1 Design for Access and Mobility.
9. The development is required to comply with the *Food Act 2008*, *Food Standards Code*, *Food Regulations* and *Health Act 1911*.
10. In accordance with the *Liquor Control Act 1988*, a Liquor Licence will be required for the Liquor Store – Small.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The proposal is consistent with the relevant Structure Plan and Local Development Plan. There were no community objections to the component of the development that was advertised for public comment. The minor areas of discretion sought – namely the size of the retail component for the Service Station and the number and size of advertising signs proposed – were well justified in the RAR. The Shire officers supported the removal of Condition 13 as they agreed there was no need for the condition. The Shire officers also supported deletion of Advice Note given further conversations held with and clarifications provided by the applicant.

4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

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PART D – OTHER BUSINESS

1. State Administrative Tribunal Applications and Supreme Court Appeals

The DAP noted the status of the following State Administrative Tribunal Applications and Supreme Court Appeals:

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DP/14/00039 DR65/2020	Shire of York	Lots 4869 (2256), 5931, 9926 (2948) and 26934 Great Southern Highway, St Ronans	Construction and Use of Allawuna Farm for the purposes of a Class II Landfill	28 July 2020
DAP/21/02063 DR241/2021	Shire of Dardanup	Lot 2 Banksia Road, Crooked Brook	Cleanaway Dardanup Landfill Facility	5 November 2021

Finalised SAT Applications*				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/23/02510 DR84/2024	Shire of Harvey	Lot 28 (No.79) Tredrea Place, Myalup	Workforce Accommodation	13 June 2024

* Matters finalised during the last meeting cycle.

2. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 10:40am.

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