



Regional Joint Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 22 February 2024; 9.30am
Meeting Number: RJDAP/135
Meeting Venue: Electronic Means

This DAP meeting was conducted by electronic means (Zoom) open to the public rather than requiring attendance in person

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Tony Arias
Presiding Member, Regional JDAP



Attendance

DAP Members

Tony Arias (Presiding Member)
Kanella Hope (Deputy Presiding Member)
Justin Page (Third Specialist Member)
Cr Chris Connaughton (Local Government Member, Shire of Three Springs)

Officers in attendance

Simon Lancaster (Shire of Three Springs)
Keith Woodward (Shire of Three Springs)

Minute Secretary

Tenielle Brownfield (DAP Secretariat)

Applicants and Submitters

Merinda Logie (Logie Legal)
Rowan Logie (Green Fuel Development)
Jonas Jacobsen (Energise Renewables)
Nick Watson (Pilot Energy)

Members of the Public / Media

Claire Tyrrell from Business News was in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.34am on 22 February 2024 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2020 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 Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2020 which states '*A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.*', the meeting would not be recorded.

Tony Arias
Presiding Member, Regional JDAP



This meeting was convened via electronic means (Zoom). Members were reminded to announce their name and title prior to speaking.

2. Apologies

Nil.

3. Members on Leave of Absence

Nil.

4. Noting of Minutes

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

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of Interests

Nil.

7. Deputations and Presentations

7.1 Merinda Logie (Logie Legal) and Rowan Logie (Green Fuel Development) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.2 The Shire of Three Springs addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot M1366 (163) Wilson Road, Womarden

Development Description:	Proposed Renewable Energy Facility (Solar Farm)
Applicant:	Logie Legal
Owner:	Bestry Farms Pty Ltd
Responsible Authority:	Shire of Three Springs
DAP File No:	DAP/23/02610

Tony Arias
Presiding Member, Regional JDAP



REPORT RECOMMENDATION

Moved by: Justin Page

Seconded by: Kanella Hope

That the Regional DAP resolve to:

1. **Approve** DAP Application reference DAP/23/02610 and accompanying plans (as contained in Attachment 1 - Application Report dated 16 November 2023) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Three Springs 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 5 years from the date of approval. If the subject development is not substantially commenced within the 5-year period, the approval shall lapse and be of no further effect.
2. The development shall be undertaken in accordance with the stamped approved plans and supporting documents (Environmental Survey Assessment prepared by PGV Environmental dated 22 July 2022, Geotechnical Investigation Report prepared by GGC dated 17 March 2022, Bushfire Management Plan prepared by Bushfire Prone Planning dated 10 November 2021, Aboriginal Heritage Assessment Report prepared by Terra Rosa Consulting dated December 2021) including any amendments and additional plans and information arising from the approval conditions.
3. Prior to the commencement of the development a Landscape Plan shall be submitted to the local government for approval.
4. Prior to the commencement of the use the landowner shall implement and thereafter maintain for the lifetime of the development the landscaping shown on the approved Landscape Plan to the satisfaction of the local government.
5. Prior to the commencement of the development a Construction Management Plan shall be submitted to the local government for approval and approved prior to commencement of works.
6. The development shall be completed in accordance with the approved Construction Management Plan to the satisfaction of the local government.
7. Prior to commencement of the development a Stormwater Management Plan shall be submitted to the local government for approval.
8. Prior to the commencement of the use the landowner shall implement and thereafter maintain for the lifetime of the development the recommendations of the approved Stormwater Management Plan to the satisfaction of the local government.

Tony Arias
Presiding Member, Regional JDAP



9. Prior to commencement of the development a Bushfire Management Plan shall be submitted to the local government for approval.
10. Prior to the commencement of the use the landowner shall implement and thereafter maintain for the lifetime of the development the recommendations of the approved Bushfire Management Plan to the satisfaction of the local government.
11. The design and location of on-site wastewater/effluent systems shall be in accordance with local government requirements and any requirements of the Local Planning Scheme.
12. Prior to the commencement of the use all vehicle access point(s) onto the local road network, car parking areas and internal vehicle accessways shall be constructed to the satisfaction of the local government.
13. The installation of any directional/traffic/warning/safety signage in the vicinity of the development's access point onto the road network, and relating to the development, shall be to the satisfaction of the local government.
14. All parking of vehicles associated with the development shall be provided for within the property boundary and not the road reserve.
15. The applicant shall be responsible for the repair, reinstatement or replacement of any road infrastructure that is damaged, becomes unsafe or fails to meet appropriate engineering standards where the damage to the road network is caused by reason of use of the road in connection with the approved development, to the satisfaction of the local government (or where agreed to by the local government the applicant may instead arrange payment to the local government for such repair, reinstatement or replacement works to be undertaken).
16. Prior to the commencement of the development a Light Reflection and Emissions Management Plan and a Visual Impact Assessment as per the Western Australian Planning Commission guidelines shall be submitted to the local government for approval.
17. Prior to the commencement of the use the landowner shall implement and thereafter maintain for the lifetime of the development the recommendations of the approved Light Reflection and Emissions Management Plan to the satisfaction of the local government.
18. The applicant is responsible to ensure that biosecurity protocols are maintained for the site.
19. The applicant is to implement and maintain reporting mechanisms for complaints concerning the operation of the development. In the event of a substantiated complaint being received the applicant is required to demonstrate mitigation response(s) to the satisfaction of the local government.

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20. The applicant is required to give at least 3 months notice to the local government if the proposed development is to cease operations and all solar panels and ancillary structures and infrastructure must be decommissioned and removed from the site, and the site rehabilitated through deep ripping/earthworks, to the satisfaction of the local government, within 2 years of giving this notice, unless the local government agrees otherwise.

Advice Notes

- (a) 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 local government and be approved before any work requiring a building permit can commence on site.
- (b) The applicant is advised that the proposed works are near an area of high risk. It is recommended that persons planning to build or undertake works in high risk areas near transmission or communication assets act in a safe manner at all times and in accordance with all applicable legal and safety requirements (including the 'duty of care' under the laws of negligence, Worksafe requirements and guidelines, Australian Standards and Western Power policies and procedures).
- (c) The applicant is advised that this planning approval does not negate the requirement for any additional approvals, and adherence to due diligence, which may be required under separate legislation. This including, but not limited to, the obtaining of any required approvals from the Department of Health, the Department of Energy, Mines, Industry Regulation & 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.
- (d) The applicant will need to consult with the Main Roads WA Heavy Vehicle Services branch to ascertain any approval requirements that may be required for their proposed heavy vehicle combinations, transport routes and operations.
- (e) In relation to conditions 3 & 4 the Landscape Plan shall detail landscaping about the tourism area and landscaping and fencing to be provided along the perimeter of the site.
- (f) In relation to conditions 5 & 6 the Construction Management Plan shall address noise, traffic and vehicle movements, road upgrades, parking, storage of materials, dust and structures (both temporary and permanent) associated with the construction of the development or any other matters considered relevant by the local government.
- (g) In relation to conditions 9 & 10 the Bushfire Management Plan shall address the issues raised by the Department of Fire & Emergency Services and any other matters considered relevant by the local government.

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Presiding Member, Regional JDAP



- (h) In relation to condition 11 the applicant is advised that approval from the Department of Health is required for any on-site wastewater/effluent treatment processes.
- (i) In relation to condition 16 the Light Reflection and Emissions Management Plan shall demonstrate how the proposed solar panels and lighting will not cause adverse off-site visual impacts to the surrounding properties and locality to the satisfaction of the local government.
- (j) In relation to condition 18 biosecurity protocols should be maintained for the site to minimise biosecurity risks for the landowner, adjoining farms and along the transport route and should further information be required on appropriate practices the applicant should contact the Department of Primary Industries & Regional Development in this regard.
- (k) Should the applicant be aggrieved by this determination there is a right (pursuant to the *Planning and Development Act 2005*) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

AMENDING MOTION 1

Moved by: Justin Page

Seconded by: Kanella Hope

The following changes were moved en bloc:

- (i) That Condition No. 18 be deleted, and the remaining conditions be renumbered accordingly.
- (ii) That Advice Note (j) be amended to read as follows:

~~*In relation to condition 18*~~ *Biosecurity protocols should be maintained for the site to minimise biosecurity risks for the landowner, adjoining farms and along the transport route and should further information be required on appropriate practices the applicant should contact the Department of Primary Industries & Regional Development in this regard.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: This requirement is more appropriate as an advice note given biosecurity protocols are already covered under other legislation.

AMENDING MOTION 2

Moved by: Kanella Hope

Seconded by: Justin Page

That Advice Note (e) be amended to read as follows:

In relation to conditions 3 & 4 the Landscape Plan shall detail landscaping about the tourism area and landscaping and fencing to be provided along the perimeter of the site and as may be required by Condition 16.

Tony Arias
Presiding Member, Regional JDAP



The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To clarify the extent of landscaping expected and how this also relates to Condition 16.

AMENDING MOTION 3

Moved by: Kanella Hope

Seconded by: Cr Connaughton

That Condition No. 9 be amended to read as follows:

*Prior to commencement of the development an **updated** Bushfire Management Plan shall be submitted to the local government for approval **on advice of the Department of Fire and Emergency Services.***

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To clarify an updated and not a new BMP is required at detailed design.

AMENDING MOTION 4

Moved by: Kanella Hope

Seconded by: Cr Connaughton

That Condition No. 15 be amended to read as follows:

*The applicant shall be responsible for the **upgrade**, repair, reinstatement or replacement of any road infrastructure that is damaged, becomes unsafe or fails to meet appropriate engineering standards where the damage to the road network is Page | 2 OFFICIAL caused by reason of use of the road in connection with the approved development, to the satisfaction of the local government (or where agreed to by the local government the applicant may instead arrange payment to the local government for such repair, reinstatement or replacement works to be undertaken).*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: In hand with Condition 5 and Advice Note (f), this is clarifying that traffic management arising from the development may also compel road upgrades.

REPORT RECOMMENDATION (AS AMENDED)

That the Regional DAP resolve to:

1. **Approve** DAP Application reference DAP/23/02610 and accompanying plans (as contained in Attachment 1 - Application Report dated 16 November 2023) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Three Springs Local Planning Scheme No.2 subject to the following conditions:

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Conditions

1. This decision constitutes planning approval only and is valid for a period of 5 years from the date of approval. If the subject development is not substantially commenced within the 5 year period, the approval shall lapse and be of no further effect.
2. The development shall be undertaken in accordance with the stamped approved plans and supporting documents (Environmental Survey Assessment prepared by PGV Environmental dated 22 July 2022, Geotechnical Investigation Report prepared by GGC dated 17 March 2022, Bushfire Management Plan prepared by Bushfire Prone Planning dated 10 November 2021, Aboriginal Heritage Assessment Report prepared by Terra Rosa Consulting dated December 2021) including any amendments and additional plans and information arising from the approval conditions.
3. Prior to the commencement of the development a Landscape Plan shall be submitted to the local government for approval.
4. Prior to the commencement of the use the landowner shall implement and thereafter maintain for the lifetime of the development the landscaping shown on the approved Landscape Plan to the satisfaction of the local government.
5. Prior to the commencement of the development a Construction Management Plan shall be submitted to the local government for approval and approved prior to commencement of works.
6. The development shall be completed in accordance with the approved Construction Management Plan to the satisfaction of the local government.
7. Prior to commencement of the development a Stormwater Management Plan shall be submitted to the local government for approval.
8. Prior to the commencement of the use the landowner shall implement and thereafter maintain for the lifetime of the development the recommendations of the approved Stormwater Management Plan to the satisfaction of the local government.
9. Prior to commencement of the development an updated Bushfire Management Plan shall be submitted to the local government for approval on advice of the Department of Fire and Emergency Services.
10. Prior to the commencement of the use the landowner shall implement and thereafter maintain for the lifetime of the development the recommendations of the approved Bushfire Management Plan to the satisfaction of the local government.
11. The design and location of on-site wastewater/effluent systems shall be in accordance with local government requirements and any requirements of the Local Planning Scheme.

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12. Prior to the commencement of the use all vehicle access point(s) onto the local road network, car parking areas and internal vehicle accessways shall be constructed to the satisfaction of the local government.
13. The installation of any directional/traffic/warning/safety signage in the vicinity of the development's access point onto the road network, and relating to the development, shall be to the satisfaction of the local government.
14. All parking of vehicles associated with the development shall be provided for within the property boundary and not the road reserve.
15. The applicant shall be responsible for the upgrade, repair, reinstatement or replacement of any road infrastructure that is damaged, becomes unsafe or fails to meet appropriate engineering standards where the damage to the road network is caused by reason of use of the road in connection with the approved development, to the satisfaction of the local government (or where agreed to by the local government the applicant may instead arrange payment to the local government for such repair, reinstatement or replacement works to be undertaken).
16. Prior to the commencement of the development a Light Reflection and Emissions Management Plan and a Visual Impact Assessment as per the Western Australian Planning Commission guidelines shall be submitted to the local government for approval.
17. Prior to the commencement of the use the landowner shall implement and thereafter maintain for the lifetime of the development the recommendations of the approved Light Reflection and Emissions Management Plan to the satisfaction of the local government.
18. The applicant is to implement and maintain reporting mechanisms for complaints concerning the operation of the development. In the event of a substantiated complaint being received the applicant is required to demonstrate mitigation response(s) to the satisfaction of the local government.
19. The applicant is required to give at least 3 months notice to the local government if the proposed development is to cease operations and all solar panels and ancillary structures and infrastructure must be decommissioned and removed from the site, and the site rehabilitated through deep ripping/earthworks, to the satisfaction of the local government, within 2 years of giving this notice, unless the local government agrees otherwise.

Advice Notes

- (a) 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 local government and be approved before any work requiring a building permit can commence on site.

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- (b) The applicant is advised that the proposed works are near an area of high risk. It is recommended that persons planning to build or undertake works in high risk areas near transmission or communication assets act in a safe manner at all times and in accordance with all applicable legal and safety requirements (including the 'duty of care' under the laws of negligence, Worksafe requirements and guidelines, Australian Standards and Western Power policies and procedures).
- (c) The applicant is advised that this planning approval does not negate the requirement for any additional approvals, and adherence to due diligence, which may be required under separate legislation. This including, but not limited to, the obtaining of any required approvals from the Department of Health, the Department of Energy, Mines, Industry Regulation & 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.
- (d) The applicant will need to consult with the Main Roads WA Heavy Vehicle Services branch to ascertain any approval requirements that may be required for their proposed heavy vehicle combinations, transport routes and operations.
- (e) In relation to conditions 3 & 4 the Landscape Plan shall detail landscaping about the tourism area and landscaping and fencing to be provided along the perimeter of the site and as may be required by Condition 16.
- (f) In relation to conditions 5 & 6 the Construction Management Plan shall address noise, traffic and vehicle movements, road upgrades, parking, storage of materials, dust and structures (both temporary and permanent) associated with the construction of the development or any other matters considered relevant by the local government.
- (g) In relation to conditions 9 & 10 the Bushfire Management Plan shall address the issues raised by the Department of Fire & Emergency Services and any other matters considered relevant by the local government.
- (h) In relation to condition 11 the applicant is advised that approval from the Department of Health is required for any on-site wastewater/effluent treatment processes.
- (i) In relation to condition 16 the Light Reflection and Emissions Management Plan shall demonstrate how the proposed solar panels and lighting will not cause adverse off-site visual impacts to the surrounding properties and locality to the satisfaction of the local government.
- (j) Biosecurity protocols should be maintained for the site to minimise biosecurity risks for the landowner, adjoining farms and along the transport route and should further information be required on appropriate practices the applicant should contact the Department of Primary Industries & Regional Development in this regard.

Tony Arias
Presiding Member, Regional JDAP



- (k) Should the applicant be aggrieved by this determination there is a right (pursuant to the *Planning and Development Act 2005*) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

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

REASON: The Panel having considered the Responsible Authority Report (RAR) and all materials and information presented, was satisfied with the RAR recommendation but with the amended Conditions and Advice Notes. The Panel was satisfied that all relevant planning considerations had been appropriately addressed.

The Panel was satisfied that the proposed solar farm development meets the land use definition of 'Renewable Energy Facility' which is classified in the Shire's Scheme as an 'A' use within the 'Rural' zone and is a discretionary use capable of being approved. The proposed Renewable Energy Facility' is an appropriate use within the Rural Zone.

The subject site is predominantly cleared and used for farming (cropping and grazing) purposes excepting some minor remnant vegetation pockets on outcrop slopes. The site has significant separation from existing residences and unlikely to generate adverse impacts.

The consultation period identified no significant issues that would give reason to not support the development. The state government agencies submissions provided technical comment which are addressed by proposed conditions.

9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval

Nil.

10. 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
DAP/23/02479 DR146/2023	Shire of Capel	Lot 148 (No.168) Skippings Road, Boyanup	Extractive Industry Development Proposal	30 August 2023

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Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DAP/23/02506 DR199/2023	Shire of Augusta-Margaret River	Lot 11 & 12 Fearn Avenue, Margaret River	Proposed Hotel and Restaurant	22 December 2023
DAP/23/02549 DR197/2023	City of Greater Geraldton	Lots 150 - 151 (205 and 181-195) Marine Terrace, Lot 152 (15) Fitzgerald Street and Lot 153 (222-228) Lester Avenue, Geraldton	Proposed Mixed Use Development	3 January 2024

11. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2020 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.

12. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 10.44am.

Tony Arias
Presiding Member, Regional JDAP