



Minutes of the Southern Joint Development Assessment Panel

Meeting Date and Time: 14 November 2018, 11:00 AM
Meeting Number: SJDAP/38
Meeting Venue: Shire of Harvey
102 Uduc Road
Harvey

Attendance

DAP Members

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

Officers in attendance

Ms Elizabeth Edwards (Shire of Harvey)
Mr Simon Hall (Shire of Harvey)
Ms Annie Riordan (Shire of Harvey)
Mr Ben Muller (Western Australia Planning Commission)
Ms Marion Dandridge (Western Australia Planning Commission)
Mr Paul Davies (Western Australian Planning Commission)
Mr Matt Coppin (Western Australian Planning Commission)

Minute Secretary

Mr Shane Collie (Shire of Harvey)

Applicants and Submitters

Mr Matt Raymond (ElementWA)
Mr Edwin Berends (Albemarle)
Mr Mike Whitehead

Members of the Public / Media

There were 7 members of the public in attendance including representatives from the Department of Jobs, Science and Innovation.

1. Declaration of Opening

The Presiding Member declared the meeting open at 11AM on 14th November 2018 and acknowledged the past and present traditional owners and custodians of the land on which the meeting was being held.

Mr Eugene Koltasz
Presiding Member, Southern JDAP



Due to the pecuniary interest of the Presiding Member and in accordance with regulation 27(3A) of the *Planning and Development (Development Assessment Panel) Regulations 2011*, Mr Eugene Koltasz has been appointed as Presiding Member for this meeting.

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

The Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2017 which states 'A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.', the meeting would not be recorded.

2. Apologies

Mr Robert Fenn (Presiding Member)

3. Members on Leave of Absence

Nil

4. Noting of Minutes

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

5. Declaration of Due Consideration

All members declared that they had duly considered the documents.

6. Disclosure of Interests

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

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

7. Deputations and Presentations

Mr Eugene Koltasz
Presiding Member, Southern JDAP



- 7.1 Mr Mike Whitehead addressed the DAP against the application at Item 8 and responded to questions from the panel.
- 7.2 Mr Matt Raymond (Element) and Mr Edwin Berends (Albemarle) addressed the DAP in support of the application at Item 8 and responded to questions from the panel.

The Shire of Harvey tabled the plans TCF-001, TCF-002 and TCF-003 at the meeting.

8. Form 1 – Responsible Authority Reports – DAP Application

8.1a	Property Location:	Portion of Lot 253 Wellesley Road, Wellesley
	Development Description:	Bulk earthworks, drainage diversion, inground electrical and piping services, temporary construction facilities
	Applicant:	Element (formerly TPG + Place Match)
	Owner:	Western Australian Land Authority (Trading as LandCorp) Tony Milne
	Responsible Authority:	Shire of Harvey
	DAP File No:	DAP/18/01404

REPORT RECOMMENDATION

Moved by: Cr Tania Jackson

Seconded by: Mr Vernon Butterly

That the Southern JDAP resolves to:

Approve DAP Application reference DAP/18/01404 and accompanying plans (606541-4100-DD10-LST -0001 Rev B, 606541-4110-DD10-GAD-0001 Rev C, 606541-4120DD10-GAD-0001 Rev C, 606541-4120-DD10-GAD-0002 Rev C, 606541-4130-DD10-GAD-0001 Rev B, 606541-4120-DD10-DTL-0001 Rev C and 606541-4130-DD10-DTL0001 Rev B) in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of Clause 4.8 of the Shire of Harvey District Planning Scheme No. 1, subject to the following conditions:

Conditions

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

Mr Eugene Koltasz
Presiding Member, Southern JDAP



- a. Traffic Management Plan;
- b. Stormwater and sediment control;
- c. Noise control and vibration management;
- d. Air and dust management; and
- e. Public safety, amenity and site security

and submitted for approval, and thereafter implemented to the satisfaction of the Shire of Harvey.

4. Prior to commencement of the development, an Acid Sulphate Soils Management Plan shall be prepared and submitted for approval and thereafter implemented to the satisfaction of the Shire of Harvey.
5. Prior to completion of the development, an approved Water Management Plan shall be implemented to the satisfaction of the Shire of Harvey on advice of the Department of Water and Environmental Regulation.
6. Prior to completion of the development, drainage and road works (including upgrade of the temporary access) shall be undertaken in accordance with approved plans to the satisfaction of the Shire of Harvey.
7. An Audit shall be undertaken and submitted to the Shire of Harvey detailing the condition of Marriott Road pre and post development with any identified remediation works being undertaken to the satisfaction of the Shire of Harvey.

Advice Notes

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

AMENDING MOTION

Moved by: Mr Eugene Koltasz

Seconded by: Mr Vernon Butterly

The following amendments were made en bloc.

- (i) That the plans TCF-001, TCF-002 and TCF-003 be included in the preamble to read as follows:

Approve DAP Application reference DAP/18/01404 and accompanying plans (606541-4100-DD10-LST -0001 Rev B, 606541-4110-DD10-GAD-0001 Rev C, 606541-4120DD10-GAD-0001 Rev C, 606541-4120-DD10-GAD-0002 Rev C, 606541-4130-DD10-GAD-0001 Rev B, 606541-4120-DD10-DTL-0001 Rev C and 606541-4130-DD10-DTL0001 Rev B), **TCF-001, TCF-002 and TCF-003** in accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of Clause 4.8 of the Shire of Harvey District Planning Scheme No. 1, subject to the following conditions:

Mr Eugene Koltasz
Presiding Member, Southern JDAP



- (ii) That condition 5 be amended to read as follows:

*Prior to ~~completion~~ **commencement** of the development, an ~~approved~~ Water Management Plan shall be approved and then implemented to the satisfaction of the Shire of Harvey on advice of the Department of Water and Environmental Regulation.*

- (iii) That Condition 7 be amended to read as follows:

An Audit shall be undertaken and submitted to the Shire of Harvey detailing the condition of Marriott Road pre and post development with any identified remediation works resulting from works being undertaken by the proponent to the satisfaction of the Shire of Harvey.

REASON: To include all relevant plans that are the subject of the Application, to ensure that the Water Management Plan was finalised prior to any works commencing, and to ensure that any road damage to Marriot Road sustained during the Development attributed to the Development, are in fact as a result of the Development.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REPORT RECOMMENDATION (AS AMENDED)

That the Southern JDAP resolves to:

Approve DAP Application reference DAP/18/01404 and accompanying plans (606541-4100-DD10-LST -0001 Rev B, 606541-4110-DD10-GAD-0001 Rev C, 606541-4120DD10-GAD-0001 Rev C, 606541-4120-DD10-GAD-0002 Rev C, 606541-4130-DD10-GAD-0001 Rev B, 606541-4120-DD10-DTL-0001 Rev C , 606541-4130-DD10-DTL0001 Rev B), TCF-001, TCF-002 and TCF-003 in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of Clause 4.8 of the Shire of Harvey District Planning Scheme No. 1, subject to the following conditions:

Conditions

1. This decision constitutes development approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.
2. All development shall occur in accordance with the stamped, approved plans, unless varied by a condition of approval or a minor amendment, to the satisfaction of the Shire of Harvey.
3. Prior to commencement of the development, a Construction and Environmental Management Plan shall be prepared and approved including:
 - a. Traffic Management Plan;
 - b. Stormwater and sediment control;
 - c. Noise control and vibration management;

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Presiding Member, Southern JDAP



- d. Air and dust management; and
- e. Public safety, amenity and site security

and thereafter implemented to the satisfaction of the Shire of Harvey.

4. Prior to commencement of the development, an Acid Sulphate Soils Management Plan shall be prepared and submitted for approval and thereafter implemented to the satisfaction of the Shire of Harvey.
5. Prior to commencement of the development, a Water Management Plan shall be approved and then implemented to the satisfaction of the Shire of Harvey on advice of the Department of Water and Environmental Regulation.
6. Prior to completion of the development, drainage and road works (including upgrade of the temporary access) shall be undertaken in accordance with approved plans to the satisfaction of the Shire of Harvey.
7. An Audit shall be undertaken and submitted to the Shire of Harvey detailing the condition of Marriott Road pre and post development with any identified remediation works resulting from works being undertaken by the proponent to the satisfaction of the Shire of Harvey.

Advice Notes

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

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

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

8.1b	Property Location:	Portion of Lot 253 Wellesley Road, Wellesley
	Development Description:	Bulk earthworks, drainage diversion, inground electrical and piping services, temporary construction facilities
	Applicant:	Element (formerly TPG + Place Match)
	Owner:	Western Australian Land Authority (Trading as LandCorp) Tony Milne
	Responsible Authority:	Western Australian Planning Commission
	DAP File No:	DAP/18/01404

REPORT RECOMMENDATION

Moved by: Cr Tania Jackson

Seconded by: Cr Paul Beech

That the Southern JDAP resolves to:

1. **Approve** DAP Application reference DAP/18/01404 and accompanying plans 4100-DD10-LST-001, 4110-DD10-GAD-0001, 4120-DD10-GAD-0001, 4120-DD10-GAD-0002, 4130-DD10-GAD-0001, 4120-DD10-DTL-0001 and 4130-

Mr Eugene Koltasz
Presiding Member, Southern JDAP



DD10-DTL-0001 in accordance with Clause 24 of the *Greater Bunbury Region Scheme* subject to the following conditions:

Conditions

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

Advice Notes

1. All recommended environmental conditions and procedures are to be implemented as per the Minister for Environment's Statement No. 1085.
2. An own risk assessment regarding the proposal's potential to impact Aboriginal Heritage should be undertaken. The State's Aboriginal Heritage Due Diligence Guidelines can be found on the DPLH website.
3. Any information provided by Western Power should not be used in isolation and it is recommended that the proponent refer to the Occupational Safety and Health Act 1984 and Occupational Safety and Health Regulations 1996. These documents outline WorkSafe WA requirements for working near electricity.
4. Any proposed road crossing over the Dampier to Bunbury Natural Gas Pipelines that are associated with the establishment and or operation of the plant will need to be assessed by Dampier Bunbury Pipeline. The cost of any additional protection measures identified will be at the cost of the applicant.

AMENDING MOTION

Moved by: Mr Vernon Butterly

Seconded by: Ms Shelley Shepherd

That the plans TCF-001, TCF-002 and TCF-003 be included in the preamble to read as follows:

Approve DAP Application reference DAP/18/01404 and accompanying plans 4100-DD10-LST-001, 4110-DD10-GAD-0001, 4120-DD10-GAD-0001, 4120-DD10-GAD-0002, 4130-DD10-GAD-0001, 4120-DD10-DTL-0001 and 4130-DD10-DTL-0001, **TCF-001, TCF-002 and TCF-003** in accordance with Clause 24 of the *Greater Bunbury Region Scheme* subject to the following conditions:

REASON: To ensure that all plan numbers were included for the project and that the plan numbers matched those of the Shire of Harvey.

The Amending Motion was put and CARRIED UNANIMOUSLY.

Mr Eugene Koltasz
Presiding Member, Southern JDAP



REPORT RECOMMENDATION (AS AMENDED)

That the Southern JDAP resolves to:

1. **Approve** DAP Application reference DAP/18/01404 and accompanying plans 4100-DD10-LST-001, 4110-DD10-GAD-0001, 4120-DD10-GAD-0001, 4120-DD10-GAD-0002, 4130-DD10-GAD-0001, 4120-DD10-DTL-0001, 4130-DD10-DTL-0001, TCF-001, TCF-002 and TCF-003 in accordance with Clause 24 of the *Greater Bunbury Region Scheme* subject to the following conditions:

Conditions

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

Advice Notes

1. All recommended environmental conditions and procedures are to be implemented as per the Minister for Environment's Statement No. 1085.
2. An own risk assessment regarding the proposal's potential to impact Aboriginal Heritage should be undertaken. The State's Aboriginal Heritage Due Diligence Guidelines can be found on the DPLH website.
3. Any information provided by Western Power should not be used in isolation and it is recommended that the proponent refer to the Occupational Safety and Health Act 1984 and Occupational Safety and Health Regulations 1996. These documents outline WorkSafe WA requirements for working near electricity.
4. Any proposed road crossing over the Dampier to Bunbury Natural Gas Pipelines that are associated with the establishment and or operation of the plant will need to be assessed by Dampier Bunbury Pipeline. The cost of any additional protection measures identified will be at the cost of the applicant.

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

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

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

Nil

Mr Eugene Koltasz
Presiding Member, Southern JDAP



10. Appeals to the State Administrative Tribunal

Nil

11. General Business / Meeting Close

The Presiding Member announced that in accordance with Section 7.3 of DAP Standing Order 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 11.35AM.

A handwritten signature in black ink that reads "Eugene Koltasz".

Mr Eugene Koltasz
Presiding Member, Southern JDAP