



Regional Joint Development Assessment Panel Minutes

Meeting Date and Time: Friday, 17 July 2020; 1:30pm
Meeting Number: RJDAP/9
Meeting Venue: Via Zoom

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

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Attendance

DAP Members

Mr Ray Haeren (Presiding Member)
Ms Jacqueline Jurmann (A/Deputy Presiding Member)
Mr Justin Page (Third Specialist Member)

Officers in attendance

Mr Richard Hindley (Shire of Esperance)

Minute Secretary

Ms Megan Ventriss (DAP Secretariat)
Mr Phil Goodwin (DAP Secretariat)

Applicants and Submitters

Mr Lee Illingworth (Contract Power Australia Pty Ltd)
Mr Marc Grosser (Contract Power Australia Pty Ltd)

Members of the Public / Media

Nil

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 1:28pm on 17 July 2020 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

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

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*.

1.1 Announcements by Presiding Member

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.

In response to the COVID-19 situation, this meeting was convened via electronic means. Members were reminded to announce their name and title prior to speaking.



2. Apologies

Mr Paul Kotsoglo (Presiding Member)
Ms Kanella Hope (Deputy Presiding Member)

3. Members on Leave of Absence

DAP Member, Ms Kanella Hope has been granted leave of absence by the Director General for the period of 16 July 2020 to 17 July 2020 inclusive.

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 Paul Kotsoglo, declared an Indirect Pecuniary Interest in item 8.1. Mr Kotsoglo is the Managing Director of Planning Solutions. A proposal for professional services was sought from Planning Solutions for the application for approval to commence development. The proponent did not process the matter with Planning Solutions.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2017, the Deputy Presiding Member, Ms Kanella Hope determined that the member listed above, who had disclosed a Indirect Pecuniary Interest, was not permitted to participate in the discussion and voting on the item.

7. Deputations and Presentations

7.1 Mr Lee Illingworth (Contract Power Australia Pty Ltd) responded to questions from the panel in relation to the application at Item 8.1.

7.2 Mr Richard Hindley (Shire of Esperance) 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 Application

8.1 Lot 502 of Plan 413859 – 121 Harbour Road Chadwick (Reserve 31359)

Development Description: Unspecified Land Use (Power Station and associated development)
Applicant: Contract Power Australia Pty Ltd
Owner: Crown Reserve under the Management of the Regional Power Corporation T/A Horizon Power
Responsible Authority: Shire of Esperance
DAP File No: DAP/20/01801

REPORT RECOMMENDATION



Moved by: Ms Jacqueline Jurmann

Seconded by: Mr Justin Page

With the approval of the mover and seconder, the following amendments were made:

AMENDING MOTION

- i. That a new condition no. 6 be added to read as follows:

Implementation of the required Bushfire Management Plan to the satisfaction of the Shire of Esperance.

REASON: To provide additional clarity around Bushfire Management Plan implementation.

- ii. That a new condition no. 7 be added to read as follows:

A landscape plan be prepared addressing screening vegetation and fencing, and implemented prior to occupancy to the satisfaction of the Shire of Esperance.

REASON: Reduce the impact of the high visibility of the subject site.

- iii. That advice note no. 4 be changed to a new condition (condition no. 8), with the remaining advice notes renumbered accordingly.

REASON: This provides additional certainty and clarity of stormwater management.

That the Regional JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/20/01801 is appropriate for consideration as a “unspecified” land use and compatible with the objectives of the zoning table in accordance with Clause 18 (4)(a) of the Shire of Esperance Local Planning Scheme No. 24;
2. **Approve** DAP Application reference DAP/20/01801 and accompanying plans (Attachments 2 – 13) 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 Esperance Local Planning Scheme No. 24, subject to the following conditions:

Conditions

1. Development/land use shall be in accordance with the attached approved plan(s) and subject to any modifications required as a consequence of any condition(s) of this approval. The endorsed plans shall not be modified or altered without the prior written approval of the local government.
2. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the 4 year period, the approval shall lapse and be of no further effect.
3. No signs or hoardings are to be erected on the lot without the prior written approval of the local government.



4. On-site effluent disposal systems shall be to the specifications and satisfaction of the local government. The use of 'non-standard' effluent disposal systems may be required at the discretion of the local government and in any event the following requirements shall be satisfied:
 - (i) a 2 metre separation between the base of the leach drain and the highest recorded groundwater level or bedrock;
 - (ii) at least 100 metres horizontal separation between the effluent disposal system and existing drains, water courses and water bodies;
 - (iii) the area around each effluent disposal system shall be planted with indigenous trees and shrubs shall be maintained;
 - (iv) prevention of direct movement of wastewater and nutrients from the locality of each effluent disposal system.
5. A Section 70A Notification under the *Transfer of Land Act 1893* (as amended) must be registered against the Certificate of Title to the land the subject of the proposed development advising the owners and successors in title that:
 - (i) A Bushfire Management Plan for Lot 502 (#121) Harbour Road, Chadwick has been prepared which contains various protective measures that are required to be maintained at the proponents cost.
6. Implementation of the required Bushfire Management Plan to the satisfaction of the Shire of Esperance.
7. A landscape plan be prepared, addressing screening vegetation and fencing, and implemented prior to occupancy to the satisfaction of the Shire of Esperance.
8. All stormwater and drainage run off from all roofed and impervious areas is to be retained on-site to the satisfaction of the Shire of Esperance.

Advice Notes

1. Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
2. If an applicant is 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.
3. Any additions to or change of use of any part of the building or land (not the subject of this approval) requires further application and development approval.
4. The development the subject of this development approval must comply with the *Environmental Protection Act 1986* and the *Environmental Protection (Unauthorised Discharge) Regulations 2004* in relation to discharges into the environment.

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

REASON: Addressed issues raised during the discussion and in accordance with council officers.



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

Nil

10. State Administrative Tribunal Applications and Supreme Court Appeals

Nil

11. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2017 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

12. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 1:49pm.