



## Kimberley/Pilbara/Gascoyne Development Assessment Panel Minutes

**Meeting Date and Time:** 24 October 2019; 1PM  
**Meeting Number:** KPGJDAP/26  
**Meeting Venue:** Department of Planning, Lands and Heritage  
140 William Street  
Perth

### Attendance

#### DAP Members

Mr Eugene Koltasz (Presiding Member)  
Mr Christopher Antill (A/Deputy Presiding Member)  
Mr Patrick Dick (Specialist Member)  
Commissioner Fred Riebeling (Local Government Member, Town of Port Hedland)

#### Officers in attendance

Mr Chaz Roberts (Town of Port Hedland)  
Mr Craig Zanotti (Town of Port Hedland)  
Ms Katherine McKelvie (Governance Officer, DAP Secretariat)

#### Minute Secretary

Mr Phil Goodwin (DAP Secretariat)

#### Applicants and Submitters

Mr Rod Evans (Port Hedland International Airport)  
Mr Inayat Zaman (Port Hedland International Airport)  
Mr Jeff Gidman (NS Projects Pty Ltd)  
Mr Alex Knight (NS Projects Pty Ltd)  
Ms Kristen DiGregorio (Woods Bagot)  
Mr Rowan Gilbert (Woods Bagot)  
Ms Linda Randall (Woods Bagot)

#### Members of the Public / Media

Nil

### 1. Declaration of Opening

The Presiding Member declared the meeting open at 1pm on 24 October 2019 and acknowledged the traditional owners and pay 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 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.

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.

## **2. Apologies**

Ms Samantha Thompson (Deputy 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, Ms Samantha Thompson, declared an indirect pecuniary interest in item 8.1. Taylor Burrell Barnett whom Ms Thompson works for are engaged by the Town of Port Hedland to undertake the Spoilbank Marina Project.

In accordance with section 6.3.1 of the DAP Standing Orders 2017, the Presiding Member 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.

In accordance with section 2.4.9 of the DAP Code of Conduct 2017, DAP Member, Commissioner Fred Riebeling, declared that he participated in a prior Council meeting in relation to the application at item 8.1. However, under section 2.1.2 of the DAP Code of Conduct 2017, Commissioner Riebeling acknowledged that he is not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before him, which will be considered on its planning merits.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2017, the Presiding Member determined that the member listed above, who had disclosed a



impartiality interest, was permitted to participate in the discussion and voting on the item.

## 7. Deputations and Presentations

7.1 Mr Chaz Roberts (Town of Port Hedland) addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

7.2 Mr Craig Zanotti (Town of Port Hedland) 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 Property Location:	Lot 9007 Great Northern Highway, Port Hedland
Development Description:	Airport terminal redevelopment
Applicant:	NS Projects Pty Ltd
Owner:	Town of Port Hedland
Responsible Authority:	Town of Port Hedland
DAP File No:	DAP/19/01639

## REPORT RECOMMENDATION

**Moved by:** Commissioner Fred Riebeling

**Seconded by:** Mr Chris Antill

That the Kimberley Pilbara Gascoyne JDAP resolves to:

1. **Approve** DAP Application reference DAP/19/01639 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the Town of Port Hedland Local Planning Scheme No. 5 subject to the following conditions:

### Conditions:

1. This decision constitutes planning 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 and use of the land must be carried out in accordance with the approved plans as listed below, with the exception of any minor changes as approved in writing by the Town of Port Hedland following the decision of the JDAP:
  - a. Development application of Port Hedland International Airport, Sheet No. DA-10000, Revision J, Date 13/09/19;
  - b. Site Plan, Sheet No. DA-11000, Revision J, Date 13/09/19;
  - c. Site Plan – Overlay, Sheet No. DA-11100, Revision B, Date 13/09/19;
  - d. Terminal Overall Floor Plan, Sheet No. DA-12000, Revision J, Date 13/09/19;
  - e. Terminal Overall Roof Plan, Sheet No. DA-12001, Revision J, Date 13/09/19;
  - f. Overall Elevations; Sheet No. DA-13000, Revision J, Date 13/09/19;
  - g. Overall Sections; Sheet No. DA-13001; Revision J, Date 13/09/19; and



- h. Landscape Concept Plan; D1.101A; Revision D; Date September 2019.
3. Prior to lodging a building permit, a detailed landscaping and reticulation plan must be submitted to and approved by the Town of Port Hedland. The landscaping plan must be completed within 60 days of completion of the final works covered under this approval. Landscaping shall be maintained thereafter, to the satisfaction of the Town of Port Hedland.
  4. Prior to lodging a building permit, the applicant must either elect in writing to the Town of Port Hedland that they will:
    - a. Develop a Public Art project on-site to a minimum value of \$147,000 and complete it within 60 days of the completion of final works covered under this application; or
    - b. Make a cash-in-lieu contribution to the Town of \$147,000, prior to lodgement of a building permit, in which case the Town will coordinate a Public Art project on-site.
  5. Prior to lodging a building permit, a stormwater management plan shall be submitted to and approved by the Town of Port Hedland in accordance with the Town's Stormwater Guidelines. The applicant shall undertake the necessary works in accordance with the stormwater management plan within the timeframe identified under the plan.
  6. A minimum of 115 car bays (including disabled bays) must be made available at all times for public use. This excludes car hire/rental space, rideshare, taxi and pick up, drop off bays. All internal road and car parking areas shall be sealed, kerbed, drained and marked in accordance with AS 2890.1:2004 Parking facilities, within 60 days of completion of all other works covered under this approval. All car bays shall be maintained thereafter to the satisfaction of the Town of Port Hedland.
  7. Within 60 days of the completion of all works covered under this approval, all redundant crossovers, driveways, kerbing, access roads, utilities, effluent disposal systems, pumps, electricity and water must be removed and reinstated to the specification and satisfaction of the Town of Port Hedland.
  8. All areas of outdoor storage, all piped, ducted and wired services, air conditioners, water systems, water tanks, service metres and bin storage areas, must be screened from public view within 60 days of completion of all works covered under this approval. Design plans for the location, materials and construction of proposed screening must be submitted and approved by the Town of Port Hedland prior to lodging an application for building permit.
  9. Prior to lodging a building permit, the applicant must submit, have approved, and thereafter implement, a management plan detailing how risks of wind and/or water borne erosion and sedimentation will be minimised during the works, to the satisfaction of the Town of Port Hedland.
  10. Prior to lodging an application for a building permit, the applicant must submit a Construction Waste Management Plan to the Town of Port Hedland. The Plan must address, but not be limited to, the following matters:



- a. Removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines; and
- b. Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air.

### Advice Notes

1. The Civil Aviation Safety Authority has recommended an Aviation Impact Assessment be developed. This report should confirm any impacts from both the works associated with the construction phase and the completed development. Specifically, there may be an impact on the published terminal instrument flight procedures and the plans should be sent to Airservices and Naverus/GE for assessment. Any crane operations will need to be assessed and the impacts mitigated. The aviation aspects to be considered include the following:
  - a. protecting an airport's operational airspace;
  - b. lighting in the vicinity of airports;
  - c. building generated windshear and turbulence; and
  - d. protecting aviation facilities - communications, navigation and surveillance facilities.
2. The landscaping plan should address the following:
  - a. Retention of vegetation with a trunk diameter of 500mm or greater;
  - b. Shade trees for all car parking areas;
  - c. Shade trees to have full canopy cover over all pedestrian walkways at maturity;
  - d. Fully screen the effluent disposal area and all associated infrastructure such as water tanks, pumping stations, etc. from the Great Northern Highway and all public areas within the property; and
  - e. All plants shall be provided with a reticulated water supply.
3. Should the applicant elect to coordinate a Public Art Project; Town Policy shall be satisfied in accordance with Local Planning Policy Percent for Public Art Guidelines June 2013, prior to lodging a building permit. Should the applicant elect to make a cash-in-lieu contribution to the Town, \$147,000 shall be paid to the Town of Port Hedland prior to lodging a building permit.
4. The stormwater management plan shall address stormwater disposal on-site, culvert design under the Great Northern Highway and the open drain east of the Great Northern Highway, including any upgrades required.
5. Main Roads WA advises the following:
  - a. Water shall not be discharged onto the road reserve (includes via culverts) without prior written approval from Main Roads.
  - b. Water run-off from Port Hedland International Airport land has been of concern for some time due to the large increase of non-permeable areas as a result of Airport infrastructure improvements.



- c. The consultant's report regarding culvert upgrade on the Highway is noted; however, a robust engineering review on the proposed design is required to ensure culvert drainage suitability.
6. Public Art design, construction or contributions are guided by the Town's Local Planning Policy – Percent for Public Art (2012) and Percent for Public Art Guidelines June 2013. Public art should be included for all proposed water tanks.
7. The development and/or land use must comply with the following:
  - a. Contaminated Sites Act 2003;
  - b. Contaminated Sites Regulations 2006;
  - c. Environmental Protection Act 1986;
  - d. Environmental Protection (Controlled Waste) Regulations 2004;
  - e. Environmental Protection (Noise) Regulations 1997;
  - f. Environmental Protection (Unauthorised Discharges) Regulations 2004;
  - g. Health (Asbestos) Regulations 1992;
  - h. Health (Public Buildings) Regulations 1992;
  - i. Health (Treatment of Sewerage and Disposal of Liquid Waste) Regulations 1974; and
  - j. Town of Port Hedland Animals, Environment and Nuisance Local Law 2016.
8. The applicant is advised that in respect to the need for a stormwater management plan the Town's Technical Services will need to be contacted.
9. The decommissioning of any redundant on-site effluent disposal system shall be in accordance with the Health (Miscellaneous Provisions) Act 1911.
10. The applicant shall gain approval from the Town of Port Hedland for the installation of any new on-site effluent disposal system, prior to the commencement of site works for the infrastructure.
11. Due to the potential presence of asbestos material, preliminary soil sampling and assessment of the total land area must be done to determine the presence of contaminants. Any demolition and removal work must be undertaken by a contractor with a current unrestricted asbestos removal licence and all contaminated waste must be disposed of at a licenced waste acceptor. Information pertaining to this can be gained from contacting the Town of Port Hedland Health Services.
12. Lot 9007 has been classified as possibly contaminated – investigation required under the Contaminated Sites Act 2003. The proposed works are located in areas of Lot 9007 that have been identified as potentially being contaminated due to current or historical site activities. Relevant areas include the former Mobil aviation fuel depot (hydrocarbons), the hire care depots (hydrocarbons), stormwater drains (asbestos), and the wastewater pond (nutrients, pathogens, asbestos). The Department of Water and Environmental Regulation (DWER) recommends that all works be undertaken in accordance with a site-specific construction environmental management plan that includes provisions for the management of potential contamination. Any assessment or management of contaminated material undertaken during site works should be undertaken in accordance with DWER's Contaminated Sites guidelines and reported to DWER at the conclusion of works. The Civil Aviation Safety Authority have recommended





that the Aviation Impact Assessment identifies whether any impacts or otherwise from both the works associated with the construction phase and the completed works. Specifically, there may be an impact on the published terminal instrument flight procedures and the plans should be sent to Airservices and Naverus/GE for assessment. Additionally, any crane operations will also need to be assessed and the impacts mitigated. The aviation aspects to be considered include the following:

- a. protecting an airport's operational airspace;
- b. lighting in the vicinity of airports;
- c. building generated windshear and turbulence; and
- d. protecting aviation facilities - communications, navigation and surveillance facilities.

### **AMENDING MOTION 1**

**Moved by:** Mr Chris Antill

**Seconded by:** Mr Eugene Koltasz

That Condition 3 be amended to read as follows:

*Prior to lodging a building permit, a detailed landscaping and reticulation plan must be submitted to and approved by the Town of Port Hedland. The landscaping plan must be ~~completed~~ **implemented** within 60 days of completion of the final works covered under this approval. Landscaping shall be maintained thereafter, to the satisfaction of the Town of Port Hedland.*

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

**REASON:** To provide clarity around the intent of the report recommendation.

### **AMENDING MOTION 2**

**Moved by:** Mr Patrick Dick

**Seconded by:** Mr Eugene Koltasz

The following amendments were made en bloc:

- i. That Advice Note 12 be amended to read as follows:

*Lot 9007 has been classified as possibly contaminated – investigation required under the Contaminated Sites Act 2003. The proposed works are located in areas of Lot 9007 that have been identified as potentially being contaminated due to current or historical site activities. Relevant areas include the former Mobil aviation fuel depot (hydrocarbons), the hire care depots (hydrocarbons), stormwater drains (asbestos), and the wastewater pond (nutrients, pathogens, asbestos). The Department of Water and Environmental Regulation (DWER) recommends that all works be undertaken in accordance with a site-specific construction environmental management plan that includes provisions for the management of potential contamination. Any assessment or management of contaminated material undertaken during site works should be undertaken in accordance with DWER's Contaminated Sites guidelines and reported to DWER at the conclusion of works. ~~The Civil Aviation Safety Authority have recommended that the Aviation Impact Assessment identifies whether any impacts or otherwise from both the works associated with the construction phase and the completed works. Specifically, there may be an impact on the~~*



~~published terminal instrument flight procedures and the plans should be sent to Airservices and Naverus/GE for assessment. Additionally, any crane operations will also need to be assessed and the impacts mitigated. The aviation aspects to be considered include the following:~~

- ~~a. protecting an airport's operational airspace;~~
- ~~b. lighting in the vicinity of airports;~~
- ~~c. building generated windshear and turbulence; and~~
- ~~d. protecting aviation facilities — communications, navigation and surveillance facilities.~~

ii. That Condition 4 be amended to read as follows:

*Prior to lodging a building permit, the applicant must either elect in writing to the Town of Port Hedland that they will either:*

- a. Develop a Public Art project on-site to a minimum value of \$147,000 and complete it within 60 days of the completion of final works covered under this application; or*
- b. Make a cash-in-lieu contribution to the Town of \$147,000, prior to lodgement of a building permit, in which case the Town will coordinate a Public Art project on-site.*

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

**REASON:** This information was a duplication of wording contained in Advice Note 1 and to provide clarity that only one option is required.

#### **REPORT RECOMMENDATION (AS AMENDED)**

That the Kimberley Pilbara Gascoyne JDAP resolves to:

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  6. A minimum of 115 car bays (including disabled bays) must be made available at all times for public use. This excludes car hire/rental space, rideshare, taxi and pick up, drop off bays. All internal road and car parking areas shall be sealed, kerbed, drained and marked in accordance with AS 2890.1:2004 Parking facilities, within 60 days of completion of all other works covered under this approval. All car bays shall be maintained thereafter to the satisfaction of the Town of Port Hedland.
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  - i. Health (Treatment of Sewerage and Disposal of Liquid Waste) Regulations 1974; and
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asbestos). The Department of Water and Environmental Regulation (DWER) recommends that all works be undertaken in accordance with a site-specific construction environmental management plan that includes provisions for the management of potential contamination. Any assessment or management of contaminated material undertaken during site works should be undertaken in accordance with DWER's Contaminated Sites guidelines and reported to DWER at the conclusion of works.

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

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

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

Nil

**10. Appeals to the State Administrative Tribunal**

Current SAT Applications		
LG Name	Property Location	Application Description
City of Karratha	Lot 211 & 326 Madigan Road, Gap Ridge	Short Stay Accommodation

**11. General Business / Meeting Close**

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.

There being no further business, the Presiding Member declared the meeting closed at 1:19pm.