



Regional Joint Development Assessment Panel Minutes

Meeting Date and Time: Tuesday, 22 November 2022; 9.30am
Meeting Number: RJDAP/75
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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Attendance

DAP Members

Mr Tony Arias (Presiding Member)
Ms Kanella Hope (Deputy Presiding Member)
Mr Justin Page (Third Specialist Member)

Item 8.1

Cr Mary Angus (Local Government Member, Shire of Chittering)
Cr Carmel Ross (Local Government Member, Shire of Chittering)

Item 8.2

Mayor Peter Carter (Local Government Member, Town of Port Hedland)

Officers in attendance

Item 8.1

Mr Jake Whistler (Shire of Chittering)
Mr Peter Stuart (Shire of Chittering)
Mr Isaac Parfrey (Shire of Chittering)

Item 8.2

Mr Chaz Roberts (Town of Port Hedland)

Minute Secretary

Ms Ashlee Kelly (DAP Secretariat)

Applicants and Submitters

Item 8.1

Mr Aniruddha Deshpande (Neoen Australia Pty Ltd)
Mr Nathan Ling (Neoen Australia Pty Ltd)
Mr Rob Karelse (Umwelt Australia Pty Ltd)

Item 8.2

Mr Jake Cutler Alinta Energy)
Mr Russell Slaughter (Alinta Energy)

Members of the Public / Media

Ms Nadia Budihardjo from Business News was in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.33am on 22 November 2022 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 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.

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

2. Apologies

Cr Renae Coles (Local Government Member, Town of Port Hedland)

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

The Presiding Member notes an addendum to the agenda was published to include details of a DAP request for further information and responsible authority response in relation to Item 8.2, received on 17 November 2022.

The Presiding Member notes an addendum to the agenda was published to include details of a DAP request for further information and responsible authority response in relation to Item 8.1, received on 18 November 2022.

The Presiding Member notes an addendum to the agenda was published to include details of a DAP request for further information and responsible authority response in relation to Item 8.2, received on 21 November 2022

All members declared that they had duly considered the documents.

6. Disclosure of Interests

DAP Member, Cr Renae Coles, declared a Direct Pecuniary Interest in item 8.2. Cr Coles daughter is an employee of Alinta Energy and can potentially gain financial gain from her employment.



In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member determined that the member listed above, who had disclosed a Direct Pecuniary Interest was not permitted to participate in the discussion and voting on the item.

7. Deputations and Presentations

7.1 Mr Nathan Ling (Neoen Australia Pty Ltd) and Mr Rob Karelse (Umwelt Australia Pty Ltd) 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 Chittering Officers responded to questions from the panel in relation to Item 8.1.

The presentations at Item 7.1 – 7.2 were heard prior to the application at Item 8.1.

7.3 Mr Jake Cutler and Mr Russell Slaughter (Alinta Energy) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.

7.4 The Town of Port Hedland Officers addressed the DAP in relation to the application at Item 8.2 and responded to questions from the panel.

The presentations at Items 7.3 - 7.4 were heard prior to the application at Item 8.2.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 2364 Byrne Road, Muchea

Development Description:	Proposed Utility Scale Battery Energy Storage System
Applicant:	Neoen Australia Pty Ltd
Owner:	White Toro Pty Ltd
Responsible Authority:	Shire of Chittering
DAP File No:	DAP/22/02230

REPORT RECOMMENDATION

Moved by: Cr Carmel Ross

Seconded by: Cr Mary Angus

That the Regional Joint Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP/22/02230 and accompanying plans (MUBP–GN-LAY-80-00-0001 Revision C; MUBP-GN-ELV-80-00-0001 Revision B; MUBP-GN-LAY-80-00-0001; MUBP-ES-GNA-86-94-0001; Proposed Storage Warehouse Floor Plan) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to the following conditions:



Conditions:

1. The development shall be generally in accordance with the approved plans and the application as submitted which includes the *Muchea Battery Energy Storage System Planning Report (April 2022)*.
2. A construction management plan shall be prepared and approved by the Shire of Chittering prior to the commencement of any works on-site. The approved Construction Management Plan shall be implemented at all times during the civil works/construction of the proposed development to the satisfaction of the Shire.
3. Byrne Road shall be suitably upgraded to the Shire of Chittering specifications to cater for the construction vehicles associated with the proposed development prior to the commencement of any works occurring on-site, to the satisfaction of the Shire.
4. A landscaping plan shall be submitted to the Shire and approved prior to the commencement of any works on-site. The approved Landscaping Plan shall be implemented to the satisfaction of the Shire prior to the operation and/or use of the proposed development and the landscaping maintained in perpetuity.
5. A pipeline risk management plan shall be prepared at the full cost of the proponent in consultation with the owner of the Neerabup Gas Transfer Station and approved by the Shire, prior to the commencement of any works on-site. The management measures contained within the approved Pipeline Risk Management Plan shall be implemented and maintained in perpetuity to the satisfaction of the Shire.
6. A notification pursuant to Section 70A of the Transfer of Land Act 1893 (as amended) is to be placed on the Certificate of Title of the lot stating the following:

“This land is within a bushfire prone area as designated by an order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan. The management measures within the Bushfire Management Plan are required to be implemented at all times.”

The notification shall be placed on the Certificate of Title of the lot prior to the operation and/or use of the proposed development to the satisfaction of the Shire, at the full cost of the proponent.
7. All management measures contained within the Bushfire Management Plan dated 7/11/2022 shall be implemented prior to the operation and/or use of the proposed development to the satisfaction of the Shire, and maintained in perpetuity.
8. The Bushfire Emergency Information Poster prepared by Bushfire Prone Planning dated 7 November 2022 shall be displayed within the approved site office prior to the operation and/or use of the proposed development to the satisfaction of the Shire, and maintained in perpetuity.



9. An emergency management plan shall be prepared in accordance with Australian Standard 3745-2010 for the construction and commissioning phase of the proposed development and approved by the Shire prior to the commencement of any works on-site. The approved Emergency Management Plan shall be implemented for the entire construction and commissioning phase of the proposed development to the satisfaction of the Shire.
10. A stormwater management plan shall be prepared and approved by the Shire prior to the commencement of any works on-site. The approved Stormwater Management Plan shall be implemented to the satisfaction of the Shire prior to the operation and/or use of the proposed development and maintained in perpetuity.
11. All lighting installed and operated as part of the proposed development shall conform to Australian Standard 4282: 'Control of the obtrusive effects of outdoor lighting' at all times to the satisfaction of the Shire.

Advice Notes

1. The proponent is advised of the requirement for a Section 41 approval to be obtained under the *Dampier to Bunbury Pipeline Act 1997* for any works within the Dampier to Bunbury Natural Gas Pipeline corridor. Detail on the application requirements can be accessed from the Department of Planning, Lands and Heritage.
2. The proponent is advised that the proposed development is located within a sewage sensitive area as defined by the Government Sewerage Policy. An application for a waste water system will need to be accompanied with a site and soil evaluation prepared by a suitably qualified consultant. Additionally, the Shire requires that a waste water disposal system installed on this Lot will need to be a secondary treatment system with nutrient removal capabilities.
3. With regard to the construction management plan, the applicant is advised that the following, at a minimum, should be addressed;
 - Erosion and sedimentation management;
 - Construction waste and litter management;
 - Noise management;
 - Dust management; and
 - Traffic management.
4. With regard to the upgrade of Byrne Road, the applicant is advised to contact the Shire of Chittering regarding the required upgrades to Byrne Road and to obtain the necessary approvals. The applicant is advised that the required upgrade to Byrne Road relates to the unsealed gravel section.
5. With regard to the stormwater management plan, the applicant is advised that water treatment measures shall be incorporated into the stormwater design, which can include the use of biofiltration.
6. With regard to the Emergency Management Plan, the applicant is advised that this Plan should address the fire risk during the construction phase of the development and should ensure that fire protection systems and equipment should be installed at the earliest possible stage of construction.



AMENDING MOTION 1

Moved by: Mr Tony Arias

Seconded by: Ms Kanella Hope

That a new Condition No.12 be added to read as follows:

Prior to occupation, the approved development shall be connected to a wastewater system, on advice of DWER, and approved by the Department of Health.

WITH THE AGREEMENT OF THE MOVER AND SECONDER, THE AMENDING MOTION WAS WITHDRAWN.

AMENDING MOTION 2

Moved by: Mr Tony Arias

Seconded by: Ms Kanella Hope

That a new Condition No.12 be added to read as follows:

A Site and Soil Evaluation prepared in accordance with AS/NZS 1547 – On-site domestic wastewater management by a suitably qualified consultant shall be submitted to the Shire to identify the most appropriate method for wastewater disposal associated with the proposed development, prior to the commencement of any works on-site. Any wastewater system installed on-site associated with the proposed development shall conform to the recommendations of the submitted Site and Soil Evaluation.

The Amending Motion was put and CARRIED UNANIMOUSLY

REASON: The Condition was required given the site is located within a sewage sensitive area as defined by the Government Sewerage Policy. The development is required to be connected to an appropriate approved on site wastewater system

REPORT RECOMMENDATION (AS AMENDED)

That the Regional Joint Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP/22/02230 and accompanying plans (MUBP-GN-LAY-80-00-0001 Revision C; MUBP-GN-ELV-80-00-0001 Revision B; MUBP-GN-LAY-80-00-0001; MUBP-ES-GNA-86-94-0001; Proposed Storage Warehouse Floor Plan) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, subject to the following conditions:



Conditions:

1. The development shall be generally in accordance with the approved plans and the application as submitted which includes the *Muchea Battery Energy Storage System Planning Report (April 2022)*.
2. A construction management plan shall be prepared and approved by the Shire of Chittering prior to the commencement of any works on-site. The approved Construction Management Plan shall be implemented at all times during the civil works/construction of the proposed development to the satisfaction of the Shire.
3. Byrne Road shall be suitably upgraded to the Shire of Chittering specifications to cater for the construction vehicles associated with the proposed development prior to the commencement of any works occurring on-site, to the satisfaction of the Shire.
4. A landscaping plan shall be submitted to the Shire and approved prior to the commencement of any works on-site. The approved Landscaping Plan shall be implemented to the satisfaction of the Shire prior to the operation and/or use of the proposed development and the landscaping maintained in perpetuity.
5. A pipeline risk management plan shall be prepared at the full cost of the proponent in consultation with the owner of the Neerabup Gas Transfer Station and approved by the Shire, prior to the commencement of any works on-site. The management measures contained within the approved Pipeline Risk Management Plan shall be implemented and maintained in perpetuity to the satisfaction of the Shire.
6. A notification pursuant to Section 70A of the Transfer of Land Act 1893 (as amended) is to be placed on the Certificate of Title of the lot stating the following:

“This land is within a bushfire prone area as designated by an order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan. The management measures within the Bushfire Management Plan are required to be implemented at all times.”

The notification shall be placed on the Certificate of Title of the lot prior to the operation and/or use of the proposed development to the satisfaction of the Shire, at the full cost of the proponent.
7. All management measures contained within the Bushfire Management Plan dated 7/11/2022 shall be implemented prior to the operation and/or use of the proposed development to the satisfaction of the Shire, and maintained in perpetuity.
8. The Bushfire Emergency Information Poster prepared by Bushfire Prone Planning dated 7 November 2022 shall be displayed within the approved site office prior to the operation and/or use of the proposed development to the satisfaction of the Shire, and maintained in perpetuity.



9. An emergency management plan shall be prepared in accordance with Australian Standard 3745-2010 for the construction and commissioning phase of the proposed development and approved by the Shire prior to the commencement of any works on-site. The approved Emergency Management Plan shall be implemented for the entire construction and commissioning phase of the proposed development to the satisfaction of the Shire.
10. A stormwater management plan shall be prepared and approved by the Shire prior to the commencement of any works on-site. The approved Stormwater Management Plan shall be implemented to the satisfaction of the Shire prior to the operation and/or use of the proposed development and maintained in perpetuity.
11. All lighting installed and operated as part of the proposed development shall conform to Australian Standard 4282: 'Control of the obtrusive effects of outdoor lighting' at all times to the satisfaction of the Shire.
12. A Site and Soil Evaluation prepared in accordance with AS/NZS 1547 – On-site domestic wastewater management by a suitably qualified consultant shall be submitted to the Shire to identify the most appropriate method for wastewater disposal associated with the proposed development, prior to the commencement of any works on-site. Any wastewater system installed on-site associated with the proposed development shall conform to the recommendations of the submitted Site and Soil Evaluation.

Advice Notes

1. The proponent is advised of the requirement for a Section 41 approval to be obtained under the *Dampier to Bunbury Pipeline Act 1997* for any works within the Dampier to Bunbury Natural Gas Pipeline corridor. Detail on the application requirements can be accessed from the Department of Planning, Lands and Heritage.
2. The proponent is advised that the proposed development is located within a sewage sensitive area as defined by the Government Sewerage Policy. An application for a waste water system will need to be accompanied with a site and soil evaluation prepared by a suitably qualified consultant. Additionally, the Shire requires that a waste water disposal system installed on this Lot will need to be a secondary treatment system with nutrient removal capabilities.
3. With regard to the construction management plan, the applicant is advised that the following, at a minimum, should be addressed;
 - Erosion and sedimentation management;
 - Construction waste and litter management;
 - Noise management;
 - Dust management; and
 - Traffic management.
4. With regard to the upgrade of Byrne Road, the applicant is advised to contact the Shire of Chittering regarding the required upgrades to Byrne Road and to obtain the necessary approvals. The applicant is advised that the required upgrade to Byrne Road relates to the unsealed gravel section.



5. With regard to the stormwater management plan, the applicant is advised that water treatment measures shall be incorporated into the stormwater design, which can include the use of biofiltration.
6. With regard to the Emergency Management Plan, the applicant is advised that this Plan should address the fire risk during the construction phase of the development and should ensure that fire protection systems and equipment should be installed at the earliest possible stage of construction.

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 condition. The Panel was satisfied that all relevant planning considerations had been appropriately addressed.

The Panel considered that the proposed "Proposed Utility Scale Battery Energy Storage System" use could be considered within the use class category of 'Public Utility'. Although the proposal did not entirely satisfy the requirements of a public utility as the applicant was not a public authority or licensed service provider, it will have a relationship with Western Power and connect to Western Power's infrastructure, particularly the South West Interconnected System, operated by Western Power. Although approved as a Public Utility, the Panel noted its support were this to be considered as a Use not Listed for the same reasons set out below.

The proposed use was considered compatible with the objectives of the 'Agricultural Resource' under the Shire of Chittering Local Planning Scheme No. 6 and was consistent with the planning framework.

The locational characteristics of the subject site were appropriate for the proposed development as the site is used for cropping and grazing, being adjacent to existing gas and electricity infrastructure, including the Muchea power substation and Neerabup Gas Transfer Station.

Cr Mary Angus and Cr Carmel Ross (Local Government Members, Shire of Chittering) left the panel at 10.10am.

Mayor Peter Carter (Local Government Member, Town of Port Hedland) joined the panel at 10.10am.



8.2 Lot 1504 and Lot 1499 Great Northern Highway, Boodarie

Development Description: Proposed Port Hedland Solar Farm (Renewable Energy Facility)
Applicant: Alinta DEWAP Pty Ltd & Alinta DEWAH Pty Ltd
Owner: Department of Planning, Lands and Heritage
Responsible Authority: Town of Port Hedland
DAP File No: DAP/22/02307

REPORT RECOMMENDATION

Moved by: Mayor Peter Carter

Seconded by: Mr Justin Page

That the Regional Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/22/02307 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 (2) of the Town of Port Hedland Local Planning Scheme No. 7;
2. **Approve** DAP Application reference DAP/22/02307 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 Town of Port Hedland Local Planning Scheme No. 7, subject to the following conditions:

Conditions

1. All development and use of the development site must be carried out in accordance with the approved plans and all information submitted as part of this application. These details shall not be altered without the prior written consent of the Town of Port Hedland and/or the Joint Development Assessment Panel (as applicable). This approval does not relate to any other development on this lot.
2. 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.
3. Construction Environmental Management Plan
Prior to the commencement of works, the applicant must submit and have approved by the Town of Port Hedland, and thereafter implement, a Construction Environmental Management Plan. The Construction Environmental Management Plan shall include, but not be limited to, the following matters:
 - Contact details of essential site personnel, construction period and operating hours;
 - Community information, consultation and complaints management plan;
 - Public safety, security and amenity;
 - Traffic and parking management;
 - Noise and dust management plan;



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- Waste management, including the storage and disposal of hydrocarbons, chemicals, and potentially hazardous substances, to be in accordance with the Department of Water and Environmental Regulation Guidelines and Water Quality Protection Notes;
 - Earthworks, excavation, land retention/piling methods and associated matters, all to be contained with the approved development site; and
 - Stormwater and sediment control;
 - Parking plan shall be submitted;
 - Security fencing details;
 - Revegetation/ rehabilitation plan.
4. Prior to the commencement of any works, the applicant shall comply with the Town of Port Hedland Local Planning Policy 04 Percent for Public Art, and provide public art with a minimum value of 1% (capped at \$150,000) of the estimated total construction cost of the development, being \$150,000. Alternatively, a cash-in-lieu payment of this amount shall be made prior to the occupation or use of the development. In order to comply with the Policy, the owner or applicant, on behalf of the owner shall submit a statutory declaration within 60 days of the date of approval stipulating the choice of:
 - Option 1: Applicant chooses to co-ordinate the Public Art project themselves or by engaging an art consultant; or
 - Option 2: Applicant chooses to pay cash-in-lieu.
 5. The applicant must implement all of the recommendations contained in the Bushfire Management Plan prepared by Emelee Peet (BPAD Level 1 No. 56430) dated 15/02/2022 and approved by the Town of Port Hedland.
 6. Prior to the use or occupation of the development, the Asset Protection Zone (APZ) must be established and the property thereafter maintained in accordance with the Bushfire Management Plan as approved by the Town of Port Hedland.
 7. A Section 70A Notification pursuant to the *Transfer of Land Act 1893* (or as amended) must be placed on the title of the land and/or lease (as appropriate), at the full cost of the applicant/owner, prior to the use or occupancy. This shall alert to the people to the existence of the approved Bushfire Management Plan and advising landowners of their obligations in respect to the use and ongoing management of the land. The notification is to state as follows: "This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan. Additional planning and building requirements may apply to develop on this land."
 8. All stormwater must be contained and disposed of on the development site at all times to the satisfaction of the Town of Port Hedland.
 9. All recommendations contained within Baseline Flora and Vegetation Survey and a Detailed Terrestrial Fauna and Targeted Bilby Survey dated 6 January 2022 and 13 January 2022 respectively and prepared by Phoenix Environmental Sciences shall be complied with at all times during the construction and on-going operation of the development, to the satisfaction of the Town of Port Hedland.



Advice Notes

1. A Building Permit is required for the development in accordance with the *Building Act 2011*.
2. It is the responsibility of the proponent to manage any impacts on aboriginal heritage in accordance with the *Aboriginal Heritage Act 1972*.
3. The applicant must obtain a Section 79 Crown Lease for the Lot 1504 on Deposited Plan 404497 under the *Land Administration Act 1997* prior to commencement of any works.
4. The development must comply with the *Environmental Protection (Noise) Regulations 1997* at all times. The applicant is advised that should any construction work occur outside of the hours of 7 am and 7pm Monday to Saturday, a Regulation 13 Approval shall be required to be obtained. This approval is issued by the CEO of the Town of Port Hedland and 7day notice sent to nearby residents.

If an applicant or owner is aggrieved by this decision there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005*, Part 14.

AMENDING MOTION 1

Moved by: Mr Justin Page

Seconded by: Ms Kanella Hope

That Condition No.2 be amended to read as follows:

*This decision constitutes development approval only and is valid for a period of ~~two~~ **years 4 years** from the date of approval. If the subject development is not substantially commenced within the ~~two-year~~ **four year** period, the approval shall lapse and be of no further effect.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To be consistent with Regulation 16(2)(a) of the *Planning and Development (Development Assessment Panels) Regulations 2011*, the approval period for DAP applications is four years.



AMENDING MOTION 2

Moved by: Mr Justin Page

Seconded by: Mr Tony Arias

That Condition No.4 be deleted, and the remaining conditions be renumbered accordingly.

The Motion was put and CARRIED (2/2) by Presiding Member's vote.

For: Mr Tony Arias
Mr Justin Page

Against: Ms Kanella Hope
Mayor Peter Carter

REASON: On majority vote, the Panel deleted Condition 4 on the following basis:

A \$150,000 public art contribution was previously imposed on the Applicant's adjoining battery storage facility by the RJDAP in its decision on 7 April 2022. The solar farm has sufficient nexus with the Applicant's battery storage facility so as not to duplicate a public art contribution, particularly as the Applicant has stated that both the battery storage facility and solar farm will be delivered as a single project under two development approvals. The Panel considered that a public art contribution for the Applicant's total project development at this location is reasonable. The Town's Public Art policy could be given due regard under Clause 67, however proposed Condition 4 set out in the RAR was not sufficiently justified or based on reasonable planning certainty. It was considered that the Town's Public Art policy should not be applied rigidly and without considering the particular circumstances of the application, including, the significant public infrastructure and community benefit that will be derived from the proposed development.

AMENDING MOTION 3

Moved by: Mr Justin Page

Seconded by: Ms Kanella Hope

That Condition No.5 (now Condition No.4) be amended to read as follows:

*The applicant must implement all of the recommendations contained in the Bushfire Management Plan prepared by Emelee Peet (BPAD Level 1 No. 56430) dated 15/02/2022 and **minor modifications** approved by the Town of Port Hedland.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: For clarity and to provide flexibility for an update to the BMP based on the final design.



AMENDING MOTION 4

Moved by: Mr Justin Page

Seconded by: Ms Kanella Hope

That Condition No.7 (now Condition No.6) be deleted, and the remaining conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The s.70A notification is not considered necessary to be registered on the subject site (Crown Land). There are other mechanisms (for example but not limited to a Section 79 lease under the Land Administration Act) that can adequately address the matter of informing the leasee.

AMENDING MOTION 5

Moved by: Mr Justin Page

Seconded by: Ms Kanella Hope

That Condition No.8 (now Condition No.6) be amended to read as follows:

*All stormwater must be ~~contained and disposed of~~ **managed** on the development site at all times to the satisfaction of the Town of Port Hedland.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: For clarity stormwater will generally be managed as outlined in the Surface Water Assessment technical report provided by the applicant, which does not require all stormwater to be contained and disposed on-site, acknowledging the large size of the site and relative area which the solar farm will occupy. However, stormwater in general shall be managed in accordance with the Surface Water Assessment in consultation and to the satisfaction of the Town of Port Hedland through the amended wording.

AMENDING MOTION 6

Moved by: Mr Justin Page

Seconded by: Ms Kanella Hope

That Condition No.9 (now Condition No.7) be deleted, and the remaining conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The applicant is required to obtain the necessary environmental approvals under the *Environmental Protection Act 1986 (WA)* and *Environmental Protection and Biodiversity Conservation Act 1999 (Commonwealth)*. The management of flora and fauna is considered sufficiently addressed through compliance with any conditions imposed as part of those environmental approvals.



AMENDING MOTION 7

Moved by: Mr Justin Page

Seconded by: Ms Kanella Hope

That Advice Note 1 be deleted, and the remaining conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: A building permit is not required for development associated with an electricity generation facility as per Section 70(1) of the *Building Act 2011*.

AMENDING MOTION 8

Moved by: Ms Kanella Hope

Seconded by: Mr Justin Page

The following amendments were made en bloc:

- (i) That Condition 1 be amended to read as follows:

*All development and use of the development site must be carried out **generally** in accordance with the approved plans and all information submitted as part of this application **and the conditions set out.***

- (ii) That a new Condition 3 be added, and the remaining conditions be renumbered accordingly to read as follows:

Pursuant to Schedule 2, clause 74 of the Planning and Development (Local Planning Schemes) Regulations 2015, further detailed plans for the proposed development shall be submitted to the Local Government for consideration and approval prior to the commencement of development. This is to confirm the final development details including solar panel design, site layout and operational matters.

REASON: The applicant confirmed the finer details of the plan are still be resolved, with this to occur at detailed design stage, noting the development will continue to fit into the footprint and parameters set out in the application material. In discussion the Town was generally supportive of this approach. The changes to Condition 1 and the addition of a new Condition 3 provides clarity and the mechanisms to enable this to occur.



REPORT RECOMMENDATION (AS AMENDED)

That the Regional Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/22/02307 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 (2) of the Town of Port Hedland Local Planning Scheme No. 7;
2. **Approve** DAP Application reference DAP/22/02307 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 Town of Port Hedland Local Planning Scheme No. 7, subject to the following conditions:

Conditions

1. All development and use of the development site must be carried out generally in accordance with the approved plans and all information submitted as part of this application and the conditions set out.
2. This decision constitutes development approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the four year period, the approval shall lapse and be of no further effect.
3. Pursuant to Schedule 2, clause 74 of the Planning and Development (Local Planning Schemes) Regulations 2015, further detailed plans for the proposed development shall be submitted to the Local Government for consideration and approval prior to the commencement of development. This is to confirm the final development details including solar panel design, site layout and operational matters.
4. Construction Environmental Management Plan
Prior to the commencement of works, the applicant must submit and have approved by the Town of Port Hedland, and thereafter implement, a Construction Environmental Management Plan. The Construction Environmental Management Plan shall include, but not be limited to, the following matters:
 - Contact details of essential site personnel, construction period and operating hours;
 - Community information, consultation and complaints management plan;
 - Public safety, security and amenity;
 - Traffic and parking management;
 - Noise and dust management plan;
 - Waste management, including the storage and disposal of hydrocarbons, chemicals, and potentially hazardous substances, to be in accordance with the Department of Water and Environmental Regulation Guidelines and Water Quality Protection Notes;
 - Earthworks, excavation, land retention/piling methods and associated matters, all to be contained within the approved development site; and
 - Stormwater and sediment control;
 - Parking plan shall be submitted;



- Security fencing details;
 - Revegetation/ rehabilitation plan.
5. The applicant must implement all of the recommendations contained in the Bushfire Management Plan (~~BPAD Level 1 No. 56430~~) dated 15/02/2022 and minor modifications approved by the Town of Port Hedland.
 6. Prior to the use or occupation of the development, the Asset Protection Zone (APZ) must be established and the property thereafter maintained in accordance with the Bushfire Management Plan as approved by the Town of Port Hedland.
 7. All stormwater must be managed on the development site at all times to the satisfaction of the Town of Port Hedland.

Advice Notes

1. It is the responsibility of the proponent to manage any impacts on aboriginal heritage in accordance with the *Aboriginal Heritage Act 1972*.
2. The applicant must obtain a Section 79 Crown Lease for the Lot 1504 on Deposited Plan 404497 under the *Land Administration Act 1997* prior to commencement of any works.
3. The development must comply with the *Environmental Protection (Noise) Regulations 1997* at all times. The applicant is advised that should any construction work occur outside of the hours of 7 am and 7pm Monday to Saturday, a Regulation 13 Approval shall be required to be obtained. This approval is issued by the CEO of the Town of Port Hedland and 7day notice sent to nearby residents.

If an applicant or owner is aggrieved by this decision there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005*, Part 14.

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

REASON: The Panel concluded that on merit, the proposal satisfactorily complies with the planning framework and the proposed solar farm development is in a suitable location.

The Panel was satisfied that all relevant planning considerations had been appropriately addressed. The conditions proposed are suitable to provide a degree of flexibility in the final detailed design of the development (a concern that was raised by the Applicant) for the Town's approval. The conditions also adequately manage potential environmental impacts such as construction impacts, noise, dust and stormwater/sediment control.



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

Nil

10. State Administrative Tribunal Applications and Supreme Court Appeals

The Presiding Member noted the following SAT Applications –

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DP/14/00039 DR 65/2020	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/21/02120 DR49/2022	City of Busselton	Lot 400 (No.24) Dunn Bay Road, Dunsborough	Proposed six storey mixed use (Restaurant/Cafe and Multiple Dwellings) Development	23 March 2022

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 11.33am.