



Regional Development Assessment Panel Minutes

Meeting Date and Time: Wednesday, 23 October 2024; 9:30am
Meeting Number: RDAP/25
Meeting Venue: 140 William Street, Perth

A recording of the meeting is available via the following link:
[RDAP/25 - 23 October 2024 - City of Karratha - Shire of Gingin](#)

PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement
2. Apologies
3. Members on Leave of Absence
4. Noting of Minutes

PART B – CITY OF KARRAHTA

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 572 Burrup Road, Burrup - 'Industry - Resource Processing' Additions and Modifications to Existing LNG Processing Facility (Pluto Train 1) – DAP/24/02738
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART C – SHIRE OF GINGIN

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 110 (No. 64) Gingin Road, Lancelin - Proposed Mixed Use Development (Motel, Brewery/Tavern, Tourist & Visitor Accommodation) – DAP/24/02719
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART D – OTHER BUSINESS

1. State Administrative Tribunal Applications and Supreme Court Appeals
2. General Business
3. Meeting Closure

Karen Hyde
Presiding Member, Regional DAP



Attendance	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Karen Hyde (Presiding Member) Dale Page (Deputy Presiding Member) Clayton Higham	Kristen Parker Ryan Keys
<i>Part B – The City of Karratha</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
	Zane Zaidiah Chris Sayer
<i>Part C – Shire of Gingin</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Linda Balcombe Cr Frank Johnson	James Bayliss Jayden Pope (Atlas Planning on behalf of the Shire of Gingin)

Karen Hyde
Presiding Member, Regional DAP



Applicant and Submitters
<i>Part B – City of Karratha</i>
James Rose (Kellogg Brown and Root) Jason Hawley (Kellogg Brown and Root) Nina Bell (Woodside) Tony Jones (Woodside)
<i>Part C – Shire of Gingin</i>
Neil Teo (Dynamic Planning) Antonio Napolitano (Dynamic Planning)

Members of the Public / Media

Nil

Observers via livestream

There were 4 persons observing the meeting via the livestream.

Karen Hyde
Presiding Member, Regional DAP



PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:31am on 23 October 2024 and acknowledged the traditional owners and custodians of the land on which the meeting was held and welcomed members.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2024 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 meeting was recorded and livestreamed on the DAP website in accordance with regulation 40(2A) of the *Planning and Development (Development Assessment Panels) Regulations 2011*. Members were reminded to announce their name and title prior to speaking.

2. Apologies

Tony Arias (Specialist Member)
Cr Kelly Nunn (Local Government DAP Member, City of Karratha)
Cr Travis McNaught (Local Government DAP Member City of Karratha)

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](#).

Karen Hyde
Presiding Member, Regional DAP



PART B – CITY OF KARRAHTA

1. Declaration of Due Consideration

The Presiding Member noted that details of a DAP direction for further information and responsible authority response in relation to Item 3.1, received on 18 October 2024 was published in Part B of the Related Information.

All members declared that they had duly considered the documents contained within Part B of the Agenda and Part B of the Related Information.

2. Disclosure of Interests

DAP Member, Cr Kelly Nunn, declared an indirect pecuniary interest in item 3.1. Woodside has a financial partnership with her employer (Volunteering WA). She is contracted to undertake extra work in Karratha to fulfil the partnership arrangement.

DAP Member, Cr Travis McNaught, declared an indirect pecuniary interest in item 3.1. Cr McNaught currently works for the Murujuga Aboriginal Corporation who has several commercial and sponsorship agreements with Woodside including one which supports his role as Project Director.

In accordance with section 3.3 of the DAP Code of Conduct 2024, the DAP Executive Director determined that the members listed above, who have disclosed an indirect pecuniary interest, were not permitted to participate in the discussion and voting on the item.

DAP Member, Dale Page, declared an impartiality interest in item 3.1. Ms Page was a previous member of the board of Development WA..

DAP Member, Karen Hyde, declared an impartiality interest in item 3.1. Ms Hyde is a deputy chairperson on the Land Redevelopment Committees for Development WA (formally the MRA). The position is not remunerated and covers the areas of the redevelopment schemes in Metro area.

In accordance with section 3.3 of the DAP Code of Conduct 2024, the DAP Executive Director determined that the members listed above, who had disclosed an impartiality interest, are permitted to participate in the discussion and voting on the item.

Karen Hyde
Presiding Member, Regional DAP



3. Form 1 DAP Applications

3.1 Lot 572 Burrup Road, Burrup - 'Industry - Resource Processing' Additions and Modifications to Existing LNG Processing Facility (Pluto Train 1) – DAP/24/02738

Deputations and Presentations

James Rose (KBR) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

The City of Karratha addressed the DAP in relation to the application at Item Number and responded to questions from the panel.

REPORT RECOMMENDATION

Moved by: Dale Page

Seconded by: Clayton Higham

That the Regional Development Assessment Panel resolves to:

Approve DAP Application reference **DAP/24/02738** and accompanying plans

Drawing No: XA0000AG00001881;
Drawing No: XA1700DM0008.0001;
Drawing No: XA1900DM0020.0001;
Drawing No: XA0000DA0005.0001
Drawing No: XA0000DA0011.0001
Drawing No: XA0000DA0002.0001
Drawing No: XA0000DA0017.0001
Drawing No: XA0000DA0010.0001
Drawing No: XA0000RH000001;
Drawing No: XA0000RH000004;
Drawing No: XA0000RH000002;
Drawing No: XA0000RH000003;
Drawing No: XA0000RH000005;

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 City of Karratha Local Planning Scheme No. 8, subject to the following conditions:

Conditions

1. This decision constitutes development approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. The Construction Environmental Management Plan prepared by Kellogg Brown and Root (KBR) and dated 04 April 2024 shall be implemented throughout the construction phase of the development to the satisfaction of the City of Karratha.

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Presiding Member, Regional DAP



3. The Traffic Management Plan prepared by Kellogg Brown and Root (KBR) and dated 12 April 2024 shall be implemented throughout the construction phase of the development.
4. The Cultural Heritage Management Plan prepared by Kellogg Brown and Root (KBR) and dated 19 April 2024 shall be implemented throughout the construction and operational phases of the development to the satisfaction of the City of Karratha.
5. The recommendations and fire protection measures contained within the Pluto LNG Park Emergency Response Plan prepared by Woodside Energy Pty Ltd and endorsed by the Department of Fire and Emergency Services, including all on-site firebreaks, fire-fighting equipment and other appropriate fire protection measures shall be implemented throughout the construction and operational phases of the development to the satisfaction of the City of Karratha.
6. The Treated Wastewater Management Plan prepared by Woodside and dated 13 March 2014 shall be implemented throughout the operational phase of the development to the satisfaction of the City of Karratha.
7. The temporary construction facilities (TCF) shall be removed from the site upon completion of the approved additions and modifications to the LNG Processing Facility (Pluto Train 1).
8. Damage to road pavements, kerbing, footpaths or City assets (as applicable) caused by construction activity including but not limited to vehicle movements, shall be repaired at the proponent's cost in accordance with specifications and works supervision and scheduling arrangements to be approved by the City of Karratha.

Advice Notes

1. The proponent is required to comply with the *Aboriginal Heritage Act 1972*.
2. The proponent is required to comply with the *Environmental Protection Act 1986* and any Works Approval/s required for the proposed development under *Schedule 1 of the Environmental Protection Regulations 1987* issued by the Department of Water and Environmental Regulation at all times.
3. In relation to Condition 4, the DPLH recommends that the proponent continue to engage with the Murujuga Aboriginal Corporation and allow for best practice management of Aboriginal heritage in the vicinity of the current National Heritage Listed and World Heritage Listing nominated place.
4. The proponent may be required to submit an application to the City of Karratha's Environmental Health Services and/or the Department of Health for the use of temporary effluent disposal systems.

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Presiding Member, Regional DAP



5. Should any future on-ground development works be required within the nearby DBNGP corridor, the proponent must seek approval in writing from the DBNGP Land Access Minister.
6. Pilbara Ports Authority (PPA) requests that section 2.1.3 of the existing Emergency Response and Preparedness Plan for the site be amended. It is recommended that the proponent consult the PPA regarding this matter.
7. In relation to Condition 3, PPA has stated that movements of oversize/overmass items along PPA roads require permit approvals from the PPA's Landside Operations Team. The Dampier Landside Operations Team can be contacted on (08) 9159 6533 or landside.dampier@pilbaraports.com.au. For completeness, the proponent should include this requirement in the approved traffic management plan for the site.
8. Approvals may need to be sought from the City of Karratha and/or other relevant authorities should Mof Road be required to be utilised for the transportation of modules and oversized loads between the port and the development site. The City will consider factors including the number of vehicle trips, size and weight of vehicles, and current condition and ability of Mof Road to accommodate proposed usage.

The Report Recommendation was put and CARRIED UNANIMOUSLY.

REASON: The panel considered that the development proposal, which is an extension of existing land uses and operations currently on site, to be consistent with the prevailing planning framework for strategic industry. The development application was supported by a range of technical documents and existing agreements which informed relevant conditions under which the proposal could be managed to limit impact on adjoining land uses. The panel were of the view that the proposal could therefore be supported and approved with conditions.

4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

Karen Hyde
Presiding Member, Regional DAP



PART C – SHIRE OF GINGIN

Cr Linda Balcombe and Cr Frank Johnson (Local Government DAP Member, Shire of Gingin) joined the panel at 9:51am.

1. Declaration of Due Consideration

All members declared that they had duly considered the documents contained within Part C of the Agenda and Part C of the Related Information.

2. Disclosure of Interests

Nil

3. Form 1 DAP Applications

3.1 Lot 110 (No. 64) Gingin Road, Lancelin - Proposed Mixed Use Development (Motel, Brewery/Tavern, Tourist & Visitor Accommodation) – DAP/24/02719

Deputations and Presentations

Neil Teo (Dynamic Planning) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

James Bayliss (Shire of Gingin) and Jayden Pope (Altus Planning acting for the Shire of Gingin) addressed the DAP in relation to the application at Item 3.1 and responded to questions from the panel.

REPORT RECOMMENDATION

Moved by: Cr Linda Balcombe

Seconded by: Cr Frank Johnson

That the Regional DAP resolves to:

1. **Accept** that the DAP Application reference DAP/24/02719 is appropriate for consideration as a “Brewery”, “Tavern” and “Tourist and Visitor Accommodation” land use and compatible with the objectives of the zoning table in accordance with Clause 3.2.2 of the Shire of Gingin Local Planning Scheme No. 9;
2. **Approve** DAP Application reference DAP/24/02719 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 provisions of the Shire of Gingin Local Planning Scheme No. 9, subject to the following conditions:

Karen Hyde
Presiding Member, Regional DAP



Conditions

1. 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 specified period, the approval shall lapse and be of no further effect.
2. The development plans and accompanying documentation (as amended), together with any requirements and annotations detailed thereon, are the plans approved as part of this application and shall form part of the development approval issued, unless conditioned otherwise.
3. Prior to applying for a Building Permit, revised development plans are to be submitted to the Shire of Gingin for approval, that at a minimum includes revised design elements to the western façade of Units 1 – 5 within Building Group B.
4. All habitable buildings in building groups A and B, as reflected on the approved Site Development Plan, are to have a minimum finished floor level of 2.9 metres AHD to ensure adequate protection from inundation.
5. The individual components of Building Groups A and B of the development are time limited and shall expire upon the earliest occurrence of any one of the following events:
 - a. the most landward part of the Horizontal Shoreline Datum being within 11 metres of the most seaward part of the approved structure;
 - b. a public road no longer being available or able to provide legal access to the lot; or
 - c. when water, sewerage or electricity to the lot is no longer available as they have been removed/decommissioned by the relevant authority due to coastal hazards.
6. Upon the expiration of the development approval, the owner shall, at the owner's cost:
 - a. remove the development; and
 - b. rehabilitate the land to the specifications and satisfaction of the City of Shire of Gingin.

Karen Hyde
Presiding Member, Regional DAP



7. A notification pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the Certificate of Title of the proposed development lot advising of the existence of a hazard. The notification is to state as follows:
- "VULNERABLE COASTAL AREA – This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years and is subject to conditions of development approval which require removal and/or rehabilitation of development to pre-development conditions if any one of the following events occurs:*
- a. *the most landward part of the Horizontal Shoreline Datum being within 11 metres of the most seaward part of the approved structure;*
 - b. *a public road no longer being available or able to provide legal access to the property;*
 - c. *when water, sewerage or electricity to the lot is no longer available as they have been removed/decommissioned by the relevant authority due to coastal hazards."*
8. Prior to applying for a Building Permit, a Stormwater Management Plan showing how stormwater from the proposed buildings and hardstand areas is to be connected to the existing drainage system, shall be submitted to and approved by the Shire of Gingin. The approved Stormwater Management Plan shall be implemented and thereafter maintained to the satisfaction of the Shire of Gingin.
9. Prior to the commencement of site works, a Landscaping Plan shall be submitted to and approved by the Shire of Gingin. The Landscaping Plan is to include the following:
- a. Existing street trees and other vegetation.
 - b. Vegetation to be retained on the site.
 - c. Landscape treatments such as lawn, mulch areas, and bin collection areas.
 - d. The location, species, quantity and pot size of proposed trees and shrubs.
 - e. Areas to be irrigated.
10. Prior to occupation of the development, the approved Landscaping Plan shall be implemented and thereafter maintained to the satisfaction of the Shire of Gingin.

Karen Hyde
Presiding Member, Regional DAP



11. Prior to the commencement of site works, a Construction Management Plan (CMP) for the construction phase of the development shall be submitted to and approved by the Shire of Gingin, and thereafter implemented, that at a minimum:
 - a. Ensures site works, machinery and materials on the site do not generate unreasonable levels of noise, vibration, dust, wastewater, or waste products; and
 - b. Outlines the location of construction amenities.
12. Prior to occupation of the development, an Operational Management Plan (OMP) is to be submitted to and approved by the Shire of Gingin. The approved Operational Management Plan is to be implemented thereafter to the satisfaction of the Shire of Gingin.
13. Prior to occupation of the development, the landowner/applicant shall install a new crossover from Gingin Road to a sealed standard and in a location to the satisfaction of the Shire of Gingin, as per the submitted Site Development Plan (drawing A.03(p), dated 3 October 2024. The landowner/operator shall be responsible for all costs associated with the crossover installation.
14. Prior to occupation of the development, vehicle parking, access and circulation areas must be sealed, kerbed, line marked, signposted and drained in accordance with the approved plans and maintained in a good condition thereafter to the satisfaction of the Shire of Gingin.
15. Goods, materials, equipment or the like must not be stored or displayed within the verge or areas dedicated to parking, landscaping or vehicle manoeuvring areas.
16. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Shire of Gingin. Any lighting should be consistent with the International Dark Sky Association's LED Practical Guide.
17. Prior to occupation of the development, the landowner shall demonstrate to the Shire of Gingin that the development is suitably connected to reticulated sewer, and on advice from the Water Corporation (if required).
18. Prior to occupation of the development, the landowner shall demonstrate to the Shire of Gingin that the development is suitably connected to scheme water, to the satisfaction of the Shire of Gingin, and on advice from the Water Corporation (if required).
19. The Bushfire Management Pan prepared by Bushfire Prone Planning dated 25 September 2024 or as amended, including ongoing management obligations, shall form part of the development approval issued and is to be implemented to the satisfaction of the Shire of Gingin thereafter, for the life of the development.

Karen Hyde
Presiding Member, Regional DAP



20. Prior to the commencement of site works, the landowner shall enter into an Agreement with the Shire of Gingin for the modification and ongoing maintenance of vegetation on Lot 619 (Reserve 35990) as outlined under the Bushfire Management Plan prepared by Bushfire Prone Planning dated 25 September 2024. The landowner shall be responsible for all costs associated with the preparation of the Agreement (including all drafts).
21. Prior to occupation of the development, a notification, pursuant to Section 70 of the *Transfer of Land Act 1893*, is to be placed on the certificate(s) of title of the subject lot(s) with a Bushfire Attack Level (BAL) rating of 12.5 or above. 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 development on this land.”
22. The development must be designed and all works must be carried out in accordance with the Transport Impact Statement prepared by Urbii Consulting Pty Ltd and dated 10 August 2024, to the satisfaction of the Shire of Gingin for the duration of development.
23. The development must be designed and all works must be carried out in accordance with the Waste Management Plan prepared by Urbii Consulting Pty Ltd and dated 10 August 2024, to the satisfaction of the Shire of Gingin for the duration of development.

Advice Notes

1. If you are aggrieved by the conditions of this approval, you have the right to request that the State Administrative Tribunal (SAT) review the decision under Part 14 of the Planning and Development Act 2005.
2. Where an approval has lapsed, no development may be carried out without further approval of the RDAP having first been sought and obtained.
3. The applicant is advised that the Horizontal Shoreline Datum means the active limit of the shoreline under storm activity, as defined in State Planning Policy 2.6 – State Coastal Planning Policy.
4. The applicant is advised that the 11 metre distance between the Horizontal Shoreline Datum and the most seaward part of the building is the S1 value for this location which has been obtained from the Coastal Erosion Hazard Assessment – Ledge Point, Lancelin, Cervantes, Report No. R721 Rev 2, MP Rogers and Associates (2016) which informed the Coastal Hazard Risk Management and Adaption Plan 2019 and draft 2023 prepared for the Shire of Gingin. S1 is the allowance for absorbing the current risk of storm erosion as defined in State Planning Policy 2.6 – State Coastal Planning Policy.

Karen Hyde
Presiding Member, Regional DAP



5. In relation to the time/event limited condition, the development may be removed in a staged manner as the S1 trigger reaches the most seaward part of the buildings as grouped A and B as reflected on the hereby approved Site Development Plan, allowing the more landward based building groups to remain until such time as the S1 trigger reaches the most seaward part of the next building group. It is further noted that the existing cafe/residence indicated as part of Building Group A is not included in this application and therefore not subject to a time/event limited condition. It is recommended that the landowner is to undertake monitoring and review the coastal hazards every five years.
6. The development subject of this approval may be impacted by coastal hazards in the short to medium term (likely by 2070). Should the development be affected by coastal hazards in the future as projected, the development and any associated works are likely to require partial or complete relocation at the landowner's cost. The local government is under no obligation to assist or protect structures from coastal erosion/inundation threats and accepts no liability and will pay no costs associated with relocation or any protection from or damages caused by coastal processes.
7. In relation to the time/event limited condition, upon removal of the development the relevant portion of the site is to be rehabilitated to pre-development condition which comprises of a bare earth lot, free of any buildings, demolition rubble or remnants of the approved development.
8. Further to this approval, the applicant is required to submit working drawings and specifications to comply with the requirements of the Building Act 2011 and Health Act 2016, which are to be approved by the Shire of Gingin.
9. The operation is required to comply with the *Environmental Protection (Noise) Regulations 1997*.
10. In relation to the Operational Management Plan (OMP), this is intended to outline operational matters such as staff numbers, operating hours, noise management, complaints handling procedures and guest code of conduct, at a minimum.

Karen Hyde
Presiding Member, Regional DAP



AMENDING MOTION 1

Moved by: Clayton Higham

Seconded by: Cr Frank Johnson

That Condition No. 3 be amended to read as follows:

*Prior to applying for a Building Permit, revised development plans are to be submitted to the Shire of Gingin for approval, that at a minimum includes revised design elements **including the removal of screen walls and consideration of the bedroom windows** to the western façade of Units 1 – 5 within Building Group B.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The amendment provides greater clarity and certainty to the condition with the intention of reducing the area of blank walls and providing greater passive surveillance and articulation to the built form.

AMENDING MOTION 2

Moved by: Clayton Higham

Seconded by: Karen Hyde

That Condition No. 4 be amended to read as follows:

All habitable buildings in building groups A ~~and B~~, B and C as reflected on the approved Site Development Plan, are to have a minimum finished floor level of 2.9 metres AHD to ensure adequate protection from inundation.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The amendment provides for building block C to be included in the condition and to require minimum finished floor levels of habitable buildings, to be consistent with the advice from the Department of Planning, Lands and Heritage and to reflect the recommendations of the coastal engineering study for this development proposal.

Karen Hyde
Presiding Member, Regional DAP



AMENDING MOTION 3

Moved by: Clayton Higham

Seconded by: Karen Hyde

The following amendments were made en bloc:

- (i) That Condition No. 6 be amended to read as follows:

*Upon the expiration of the development approval **for Building Components A and B**, the owner shall, at the owner's cost:*

- a. remove the development; and*
- b. rehabilitate the land to the specifications and satisfaction of the ~~City of~~ Shire of Gingin.*

- (ii) That Condition No. 13 be amended to read as follows:

Prior to occupation of the development, the landowner/applicant shall install a new crossover from Gingin Road to a sealed standard ~~and in a location~~ to the satisfaction of the Shire of Gingin, as per the submitted Site Development Plan (drawing A.03(p), dated 3 October 2024. The landowner/operator shall be responsible for all costs associated with the crossover installation.

- (iii) That Condition No. 19 be amended to read as follows:

*The Bushfire Management ~~Plan~~ **Plan** prepared by Bushfire Prone Planning dated 25 September 2024 or as amended, including ongoing management obligations, shall form part of the development approval issued and is to be implemented to the satisfaction of the Shire of Gingin thereafter, for the life of the development.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The amendment provided greater certainty and clarity for condition 6 as to the future development process in the vent of inundation and the cessation of the land uses of building blocks A and B; provided a degree of flexibility for the cross over location referred to in condition 13, and corrected typographical error in condition 19.

Karen Hyde
Presiding Member, Regional DAP



AMENDING MOTION 4

Moved by: Dale Page

Seconded by: Clayton Higham

That a new Condition No. 24 be added to read as follows:

Submission of a Noise Management plan for the approval of the Shire prior to the submission of an application for a building permit.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: A noise management plan will assist in designing the building(s) to managing potential noise impacts, rather than relying only on an Operational Management Plan to try and address potential noise impacts. This condition will serve to protect the interests of both the operator of the premises and nearby residents.

AMENDING MOTION 5

Moved by: Dale Page

Seconded by: Clayton Higham

That a new Condition No. 25 be added to read as follows:

A submission of a detailed schedule of colours and materials to be submitted to the Shire for approval before submission of an application for a building permit.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: There is reference to fibre cement panels on the balustrades of the balcony, but it is unclear exactly how these will look. A detailed schedule of all colours and materials will assist the Shire in ensuring the materials to be used are aesthetically appropriate and will be enduring (from a maintenance perspective).

AMENDING MOTION 6

Moved by: Dale Page

Seconded by: Karen Hyde

That a new Condition No. 26 be added to read as follows:

Screening of air conditioners and any other service infrastructure that is visible from adjoining properties or the nearby public realm to the satisfaction of the Shire.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: It is not clear whether there will be any mechanical plant or infrastructure on the roof structures. This condition will ensure that any infrastructure to be added during detailed design (or post construction) will be appropriately screened from public view. This includes any air conditioners on balconies or elsewhere.

Karen Hyde
Presiding Member, Regional DAP



AMENDING MOTION 7

Moved by: Karen Hyde

Seconded by: Dale Page

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

Prior to the commencement of site works, a Landscaping Plan shall be submitted to and approved by the Shire of Gingin. The Landscaping Plan is to include the following:

- a. *Existing street trees and other vegetation.*
- b. *Vegetation to be retained on the site.*
- c. *Landscape treatments such as lawn, mulch areas, and bin collection areas.*
- d. *The location, species, quantity and pot size of proposed trees and shrubs.*
- e. *Areas to be irrigated.*
- f. ***The landscape plan to identify pedestrian footpaths***

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The amendment seeks to ensure that pedestrian circulation is adequately catered for and designed to ensure good levels of safety and accessibility.

AMENDING MOTION 8

Moved by: Cr Frank Johnson

Seconded by: Karen Hyde

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

Prior to the commencement of site works, a Landscaping Plan shall be submitted to and approved by the Shire of Gingin. The Landscaping Plan is to include the following:

- a. *Existing street trees and other **trees and** vegetation.*
- b. *Vegetation to be retained on the site.*
- c. *Landscape treatments such as lawn, mulch areas, and bin collection areas.*
- d. *The location, species, quantity and pot size of proposed trees and shrubs.*
- e. *Areas to be irrigated.*
- f. *The landscape plan to identify pedestrian footpaths*

The Amending Motion was put and CARRIED UNANIMOUSLY.

Karen Hyde
Presiding Member, Regional DAP



REASON: The amendment incorporates other on site vegetation which will need to be considered holistically as part of the revised landscape design and management plan.

REPORT RECOMMENDATION (AS AMENDED)

That the Regional DAP resolves to:

1. **Accept** that the DAP Application reference DAP/24/02719 is appropriate for consideration as a “Brewery”, “Tavern” and “Tourist and Visitor Accommodation” land use and compatible with the objectives of the zoning table in accordance with Clause 3.2.2 of the Shire of Gingin Local Planning Scheme No. 9;
2. **Approve** DAP Application reference DAP/24/02719 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 provisions of the Shire of Gingin Local Planning Scheme No. 9, subject to the following conditions:

Conditions

1. 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 specified period, the approval shall lapse and be of no further effect.
2. The development plans and accompanying documentation (as amended), together with any requirements and annotations detailed thereon, are the plans approved as part of this application and shall form part of the development approval issued, unless conditioned otherwise.
3. Prior to applying for a Building Permit, revised development plans are to be submitted to the Shire of Gingin for approval, that at a minimum includes revised design elements including the removal of screen walls and consideration of the bedroom windows to the western façade of Units 1 – 5 within Building Group B..
4. All habitable buildings in building groups A, B and C as reflected on the approved Site Development Plan, are to have a minimum finished floor level of 2.9 metres AHD to ensure adequate protection from inundation.
5. The individual components of Building Groups A and B of the development are time limited and shall expire upon the earliest occurrence of any one of the following events:
 - a. the most landward part of the Horizontal Shoreline Datum being within 11 metres of the most seaward part of the approved structure;
 - b. a public road no longer being available or able to provide legal access to the lot; or

Karen Hyde
Presiding Member, Regional DAP



- c. when water, sewerage or electricity to the lot is no longer available as they have been removed/decommissioned by the relevant authority due to coastal hazards.
6. Upon the expiration of the development approval, for Building Components A and B, the owner shall, at the owner's cost:
 - a. remove the development; and
 - b. rehabilitate the land to the specifications and satisfaction of the Shire of Gingin.
7. A notification pursuant to Section 70A of the *Transfer of Land Act 1893* is to be placed on the Certificate of Title of the proposed development lot advising of the existence of a hazard. The notification is to state as follows:

"VULNERABLE COASTAL AREA – This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years and is subject to conditions of development approval which require removal and/or rehabilitation of development to pre-development conditions if any one of the following events occurs:

 - a. the most landward part of the Horizontal Shoreline Datum being within 11 metres of the most seaward part of the approved structure;*
 - b. a public road no longer being available or able to provide legal access to the property;*
 - c. when water, sewerage or electricity to the lot is no longer available as they have been removed/decommissioned by the relevant authority due to coastal hazards."*
8. Prior to applying for a Building Permit, a Stormwater Management Plan showing how stormwater from the proposed buildings and hardstand areas is to be connected to the existing drainage system, shall be submitted to and approved by the Shire of Gingin. The approved Stormwater Management Plan shall be implemented and thereafter maintained to the satisfaction of the Shire of Gingin.
9. Prior to the commencement of site works, a Landscaping Plan shall be submitted to and approved by the Shire of Gingin. The Landscaping Plan is to include the following:
 - a. Existing street trees and other trees and vegetation.
 - b. Vegetation to be retained on the site.
 - c. Landscape treatments such as lawn, mulch areas, and bin collection areas.
 - d. The location, species, quantity and pot size of proposed trees and shrubs.

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- e. Areas to be irrigated.
 - f. The landscape plan to identify pedestrian footpaths
10. Prior to occupation of the development, the approved Landscaping Plan shall be implemented and thereafter maintained to the satisfaction of the Shire of Gingin.
 11. Prior to the commencement of site works, a Construction Management Plan (CMP) for the construction phase of the development shall be submitted to and approved by the Shire of Gingin, and thereafter implemented, that at a minimum:
 - a. Ensures site works, machinery and materials on the site do not generate unreasonable levels of noise, vibration, dust, wastewater, or waste products; and
 - b. Outlines the location of construction amenities.
 12. Prior to occupation of the development, an Operational Management Plan (OMP) is to be submitted to and approved by the Shire of Gingin. The approved Operational Management Plan is to be implemented thereafter to the satisfaction of the Shire of Gingin.
 13. Prior to occupation of the development, the landowner/applicant shall install a new crossover from Gingin Road to a sealed standard to the satisfaction of the Shire of Gingin, as per the submitted Site Development Plan (drawing A.03(p), dated 3 October 2024. The landowner/operator shall be responsible for all costs associated with the crossover installation.
 14. Prior to occupation of the development, vehicle parking, access and circulation areas must be sealed, kerbed, line marked, signposted and drained in accordance with the approved plans and maintained in a good condition thereafter to the satisfaction of the Shire of Gingin.
 15. Goods, materials, equipment or the like must not be stored or displayed within the verge or areas dedicated to parking, landscaping or vehicle manoeuvring areas.
 16. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Shire of Gingin. Any lighting should be consistent with the International Dark Sky Association's LED Practical Guide.
 17. Prior to occupation of the development, the landowner shall demonstrate to the Shire of Gingin that the development is suitably connected to reticulated sewer, and on advice from the Water Corporation (if required).
 18. Prior to occupation of the development, the landowner shall demonstrate to the Shire of Gingin that the development is suitably connected to scheme water, to the satisfaction of the Shire of Gingin, and on advice from the Water Corporation (if required).

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19. The Bushfire Management Plan prepared by Bushfire Prone Planning dated 25 September 2024 or as amended, including ongoing management obligations, shall form part of the development approval issued and is to be implemented to the satisfaction of the Shire of Gingin thereafter, for the life of the development.
20. Prior to the commencement of site works, the landowner shall enter into an Agreement with the Shire of Gingin for the modification and ongoing maintenance of vegetation on Lot 619 (Reserve 35990) as outlined under the Bushfire Management Plan prepared by Bushfire Prone Planning dated 25 September 2024. The landowner shall be responsible for all costs associated with the preparation of the Agreement (including all drafts).
21. Prior to occupation of the development, a notification, pursuant to Section 70 of the *Transfer of Land Act 1893*, is to be placed on the certificate(s) of title of the subject lot(s) with a Bushfire Attack Level (BAL) rating of 12.5 or above. 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 development on this land."
22. The development must be designed and all works must be carried out in accordance with the Transport Impact Statement prepared by Urbii Consulting Pty Ltd and dated 10 August 2024, to the satisfaction of the Shire of Gingin for the duration of development.
23. The development must be designed and all works must be carried out in accordance with the Waste Management Plan prepared by Urbii Consulting Pty Ltd and dated 10 August 2024, to the satisfaction of the Shire of Gingin for the duration of development.
24. Submission of a Noise Management plan for the approval of the Shire prior to the submission of an application for a building permit.
25. A submission of a detailed schedule of colours and materials to the Shire for approval before submission of an application for a building permit.
26. Screening of air conditioners and any other service infrastructure that is visible from adjoining properties or the nearby public realm to the satisfaction of the Shire.

Advice Notes

1. If you are aggrieved by the conditions of this approval, you have the right to request that the State Administrative Tribunal (SAT) review the decision under Part 14 of the Planning and Development Act 2005.
2. Where an approval has lapsed, no development may be carried out without further approval of the RDAP having first been sought and obtained.

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3. The applicant is advised that the Horizontal Shoreline Datum means the active limit of the shoreline under storm activity, as defined in State Planning Policy 2.6 – State Coastal Planning Policy.
4. The applicant is advised that the 11 metre distance between the Horizontal Shoreline Datum and the most seaward part of the building is the S1 value for this location which has been obtained from the Coastal Erosion Hazard Assessment – Ledge Point, Lancelin, Cervantes, Report No. R721 Rev 2, MP Rogers and Associates (2016) which informed the Coastal Hazard Risk Management and Adaption Plan 2019 and draft 2023 prepared for the Shire of Gingin. S1 is the allowance for absorbing the current risk of storm erosion as defined in State Planning Policy 2.6 – State Coastal Planning Policy.
5. In relation to the time/event limited condition, the development may be removed in a staged manner as the S1 trigger reaches the most seaward part of the buildings as grouped A and B as reflected on the hereby approved Site Development Plan, allowing the more landward based building groups to remain until such time as the S1 trigger reaches the most seaward part of the next building group. It is further noted that the existing cafe/residence indicated as part of Building Group A is not included in this application and therefore not subject to a time/event limited condition. It is recommended that the landowner is to undertake monitoring and review the coastal hazards every five years.
6. The development subject of this approval may be impacted by coastal hazards in the short to medium term (likely by 2070). Should the development be affected by coastal hazards in the future as projected, the development and any associated works are likely to require partial or complete relocation at the landowner's cost. The local government is under no obligation to assist or protect structures from coastal erosion/inundation threats and accepts no liability and will pay no costs associated with relocation or any protection from or damages caused by coastal processes.
7. In relation to the time/event limited condition, upon removal of the development the relevant portion of the site is to be rehabilitated to pre-development condition which comprises of a bare earth lot, free of any buildings, demolition rubble or remnants of the approved development.
8. Further to this approval, the applicant is required to submit working drawings and specifications to comply with the requirements of the Building Act 2011 and Health Act 2016, which are to be approved by the Shire of Gingin.
9. The operation is required to comply with the *Environmental Protection (Noise) Regulations 1997*.
10. In relation to the Operational Management Plan (OMP), this is intended to outline operational matters such as staff numbers, operating hours, noise management, complaints handling procedures and guest code of conduct, at a minimum.

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

REASON: Whilst the panel acknowledged that the development was in a location at risk of coastal erosion and potential sea level rise, the technical analysis for the proposal indicated that the likelihood of this event was many years in the future. In the meantime, the panel felt that development could occur and provide for the tourism development needs of the area and that the risks could be managed through the specific design of the development and conditions of approval. The conditions were carefully reviewed and amended to provide greater clarity and certainty. The panel overall were satisfied that the development could be approved with the amended conditions.

4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

A handwritten signature in blue ink that reads "Karen Hyde".

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PART D – OTHER BUSINESS

1. State Administrative Tribunal Applications and Supreme Court Appeals

The DAP noted the status of the following 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/23/02506 DR199/2023	Shire of Augusta-Margaret River	Lot 11 & 12 Fearn Avenue, Margaret River	Proposed Hotel and Restaurant	22 December 2023
DAP/23/02510 DR84/2024	Shire of Harvey	Lot 28 (No.79) Tredrea Place, Myalup	Workforce Accommodation	13 June 2024

2. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2024 a DAP member must not publicly comment on any action or determination of a DAP.

3. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 10:45am.

Karen Hyde
Presiding Member, Regional DAP