



Regional Development Assessment Panel Minutes

Meeting Date and Time: Wednesday, 17 June 2026; 9:30am
Meeting Number: RDAP/76
Meeting Venue: 140 William Street, Perth

A recording of the meeting is available via the following link:
[RDAP/76 - 17 June 2026 - Shire of Collie - Shire of Gingin](#)

PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement
2. Apologies
3. Noting of Minutes

PART B – SHIRE OF COLLIE

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 721 (2850) Coalfields Highway, Allanson – Workforce Accommodation, Caravan Park, Tourist Development, Restaurant/Cafe and Shop – DAP/26/03049
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 1 on Deposited Plan 15982, Brand Highway corner Mogumber Road West, Red Gully – Proposed 'Use Not Listed' - Energy Infrastructure (Battery Energy Storage System - BESS) – DAP/26/03087
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART D – OTHER BUSINESS

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

Eugene Koltasz
Presiding Member, Regional DAP



DAP Members

Eugene Koltasz (Presiding Member)

Francesca Lefante (Deputy Presiding Member)

Neema Premji

Cr Ian Miffing (Part B – Shire of Collie)

Cr Joe Italiano (Part B – Shire of Collie)
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Cr Linda Balcombe (Part C – Shire of Gingin)
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Cr Craig Hyne (Part C – Shire of Gingin)
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DAP Secretariat

Shanara Wijethunga

Ashlee Kelly

Eugene Koltasz
Presiding Member, Regional DAP



Part B – Shire of Collie
Submitters
Phyllis Jendrzejak
Applicant
Brendan Foley (Thomsons) Geoff Stowe (Stowe) Ashlee Rose (Harley Dykstra) Ed Wilks (Numans) Joey Armenti (SEC Newgate)
Officers/Technical Advisors in Attendance
David Quelch Alex Wiese

Part C – Shire of Gingin
Applicant
Neil Finney (BLT Energy) Josh Watson (Planning Solutions) Francis Ip (BLT Energy) Vladimir Baltic (Transcore) Paul van der Moezel (PGV Environmental) Matt Nolan (Lloyd George Acoustics) Neil Stoney (Bushfire Prone Planning) Jacqui Hall (Planning Solutions)
Officers/Technical Advisors in Attendance
James Bayliss Casimir Penhiro

Members of the Public / Media

Nil

Observers via livestream

There were 5 persons observing the meeting via the livestream.

Eugene Koltasz
Presiding Member, Regional DAP



PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:42am on 17 June 2026 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 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

Nil

3. Noting of Minutes

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

Eugene Koltasz
Presiding Member, Regional DAP



PART B – SHIRE OF COLLIE

1. Declaration of Due Consideration

The Presiding Member noted that details of a DAP direction for services and responsible authority response in relation to Item 3.1, received on 15 June 2026 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

In accordance with section 2.4.5 of the DAP Code of Conduct 2025, DAP Member, Cr Ian Miffing and Cr Joe Italiano, declared that they had participated in a prior Council workshop in relation to the application at item 3.1. However, under section 2.1.2 of the DAP Code of Conduct 2025, Cr Miffing and Cr Italiano acknowledged that they are 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 them, which will be considered on its planning merits.

In accordance with section 3.3 of the DAP Code of Conduct 2025, the Presiding Member determined that the members listed above, who had disclosed an impartiality interest, were permitted to participate in the discussion and voting on the item.

3. Form 1 DAP Applications

3.1 Lot 721 (2850) Coalfields Highway, Allanson – Workforce Accommodation, Caravan Park, Tourist Development, Restaurant/Cafe and Shop – DAP/26/03049

Deputations

Phyllis Jendrzejak addressed the DAP against the application at Item 3.1.

Brendan Foley (Thomsons) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

The Shire of Collie addressed the DAP in relation to the application at Item 3.1 and responded to questions from the panel.

Eugene Koltasz
Presiding Member, Regional DAP



SUBSTANTIVE MOTION

Moved by: Francesca Lefante

Seconded by: Neema Premji

That the Regional Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP/26/03049 and accompanying plans (Plan No. 24414-01 Rev J - Sheets 1 to 4, Plan No. 24414-07 Rev A - Sheets 1 to 2, Plan No. 24414-08 Rev A - Sheets 1 to 2, Plan No. 24414-04 - Rev B, Plan No. 24614-04 - Rev B, Plan No. 24414-06 - Rev C - Sheets 1 to 2, A1.01 - Rev A, Plan No. 24414-12 - Rev A, Plan No. 24414-10 - Rev A, Plan No. 24414-11 – Rev A and A3.01 issued 10/4/2023, Shed Plan A2.01 issued 10/4/2023, Shed Elevations A2.02 issued 10/4/2023) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of Clause 18 of the Shire of Collie Local Planning Scheme No. 6, subject to the following conditions:

CONDITIONS

1. This development approval will expire if the approved development has not substantially commenced within four (4) years from the date of issue of the approval, or, within any extended period of time for which the Shire of Collie has granted prior written consent.
2. The development shall take place in accordance with the approved plans, and any plans amended and approved as a result of conditions relating to this approval.
3. The four (4) bedroom cabin component of the proposed development (contained on approved plans 24414-06 Rev C and 24414-06 Rev C) is approved as 'Workforce Accommodation' and valid for a period of 15 years from the date of occupancy. Following expiry of this period, the four (4) bedroom cabin component must be demolished, and materials removed from the site unless a further development approval is granted by the Shire of Collie.
4. A vegetation, flora and fauna survey is to be undertaken prior to the clearing of any native vegetation. The survey must be provided to the Shire of Collie, and its recommendations must be implemented to the Shire of Collie's satisfaction.

Eugene Koltasz
Presiding Member, Regional DAP



5. Prior to the commencement of on-site civil works for the development, detailed engineering drawings and plans for the proposed road and intersection shall be submitted to the Shire of Collie for approval, addressing the following:
 - a. The design shall comply with Main Roads Western Australia standard (MRWA). Where MRWA has no standard for a component of the design, the design shall comply with AUSTRROADS Guidelines;
 - b. Stormwater management;
 - c. A detailed design of the Coalfields Road intersection and new access road (plan, profile, and section) shall be provided with technical specifications following the Austroad Guidelines;
 - d. Pavement design;
 - e. Services layout plan for water, power and NBN; and
 - f. A road safety audit must be undertaken at the following 3 stages as a minimum (Refer to the MRWA Policy and Guidelines for Road Safety) i. Stage 1 - Preliminary design ii. Stage 2 - Detailed design iii. Stage 3 - Pre-opening (when the project is substantially complete and before opening to the public). All construction, upgrading, and maintenance costs (including all future costs) related to the access road, including the intersection, are at the full cost of the owner/occupier.

CONDITIONS TO BE MET PRIOR TO APPLYING FOR A BUILDING PERMIT

6. Prior to lodging an application for a building permit, updated development plans must be submitted to and approved by the Shire of Collie to show:
 - a) Clear and legible architectural details, building dimensions and heights (elevations), and floor plans for the ablution/laundry buildings, caretaker's building, wellness studio, function room, and pergola.
 - b) The amendment of 'plan reference number A3.01' to delete 'Campers Kitchen' and 'Typical Cabin Plan' that are not applicable.
7. Prior to lodging an application for a building permit, a Stormwater Management Plan (in accordance with State Planning Policy 2.9) is to be submitted and approved by the Shire of Collie. The plan is to include a detailed design demonstrating that surface water, stormwater, and drainage management will be contained on site or disposed of in an approved manner.
8. Prior to lodging an application for a building permit, the owner must enter into an agreement with the Shire of Collie to construct and thereafter maintain at the full cost of the owner/occupier the road providing vehicle access from the intersection, inclusive of the intersection with Coalfields Road and the entry to the subject site.
9. Prior to lodging an application for a building permit, detailed design plans shall be prepared in accordance with relevant Australian Standards, Austroad Guidelines, and Shire of Collie requirements, for all internal access roads, hardstand areas, carparking and pedestrian movement requirements, to the satisfaction of the Shire of Collie.

Eugene Koltasz
Presiding Member, Regional DAP



10. Prior to lodging an application for a building permit, the Traffic Impact Assessment shall be reviewed to Main Roads specifications and thereafter implemented to the satisfaction of the Shire of Collie.
11. Prior to lodging an application for a building permit, an appropriately qualified acoustic consultant is to undertake an assessment to determine if the development complies with State Planning Policy 5.4 - Road and Rail Noise and the Guidelines.
12. Prior to lodging an application for a building permit, a Landscaping and Maintenance Plan must be submitted and approved by the Shire of Collie. The Landscape and Maintenance Plan must address the following:
 - a) The location, number, size or maturity, density and species of vegetation proposed to be planted, inclusive of those retained adjacent to the development area;
 - b) Vegetation to be removed;
 - c) A key or legend detailing proposed species type grouped under the subheadings of tree, shrub and groundcover;
 - d) The landscaping maintenance schedule for establishment and ongoing maintenance;
 - e) Recreation facilities.
 - f) Fence material, height and treatment.
 - g) Footpaths and travel paths.
 - h) Lighting.
13. Prior to lodging an application for a building permit, a Waste Management Plan must be approved by the Shire of Collie. The management plan shall include, but not be limited to, the following details:
 - a) The location of bin storage areas and bin collection areas;
 - b) The number, volume and type of bins, and the type of waste to be placed in the bins;
 - c) Details on the future ongoing management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas and frequency of bin collections;
 - d) Adequate access for maximum dimensions of servicing vehicles being accommodated;
 - e) The bin enclosure is to be enclosed, covered, lockable and include a water tap;
 - f) The floor of the enclosure is to be constructed of an impermeable material with a minimum thickness of 75mm, and
 - g) The floor of the bin enclosure is to be graded to a drainage pit that is connected to the on-site waste disposal system.

Eugene Koltasz
Presiding Member, Regional DAP



14. Prior to lodging an application for a building permit (including for demolition and/or forward works), a Construction Management Plan that details how the construction of the development will be managed to minimise the impact on the surrounding area must be lodged with and approved by the Shire of Collie. The Construction Management Plan is required to address the following:
 - (a) Public safety, amenity and site security;
 - (b) Contact details of essential site personnel;
 - (c) Construction operating hours;
 - (d) Noise control and vibration management;
 - (e) Air, sand and dust management;
 - (f) Stormwater and sediment control;
 - (g) Soil excavation method;
 - (h) Waste management and materials re-use;
 - (i) Traffic and access management;
 - (j) Parking arrangements for contractors and subcontractors;
 - (k) Community information, consultation and complaints management plan; and
 - (l) Compliance with AS4970-2009 relating to the protection of trees on the development site.
15. Prior to lodging an application for a building permit, the applicant must submit an amended Bushfire Management Plan and Bushfire Emergency Plan. The amended Bushfire Management Plan and Bushfire Emergency Plan must be to the satisfaction of and approved by the Shire of Collie.
16. Prior to lodging an application for a building permit, an 'Application to Construct or Install an Apparatus for the Treatment of Sewage' is to be submitted to the Shire of Collie and approved by the Western Australia Department of Health. The application must comply with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.

CONDITIONS TO BE MET PRIOR TO OCCUPATION OR USE OF THE DEVELOPMENT

17. Prior to occupation or use, any recommendations of the noise assessment from Condition 11 must be implemented or addressed to the satisfaction of the Shire of Collie.
18. Prior to occupation or use, the landscaped area(s) must be planted and established in accordance with the approved Landscaping and Maintenance Plan. These areas must be maintained at all times in accordance with the Landscaping and Maintenance Plan and to the satisfaction of the Shire of Collie.
19. Prior to occupation or use, stormwater drainage works must be completed in accordance with the approved plans and the Stormwater Management Plan to the satisfaction of the Shire of Collie.
20. Prior to occupation or use, the car parking, loading, vehicle access and circulation areas shown on the approved plans are to be constructed, drained, and line-marked to the satisfaction of the Shire of Collie.

Eugene Koltasz
Presiding Member, Regional DAP



21. Prior to occupation or use, the access road, vehicle crossover, internal roads and carparking must be constructed in accordance with the approved plans, and to the satisfaction of the Shire of Collie. The on-site parking bays are to be provided in accordance with Australian Standards AS 2890.1, AS 2890.5 and AS 2890.6.
22. Prior to occupation or use, all existing crossovers are to be decommissioned, the road verge rehabilitated, and fenced to Main Roads standards and specifications, to the satisfaction of the Shire of Collie.
23. Prior to occupation or use, the approved Bushfire Management Plan and Bushfire Emergency Plan (including the asset protection zone) must be implemented and maintained thereafter to the satisfaction of the Shire of Collie for the duration of the development.
24. Prior to occupation or use, a notification under section 70A of the *Transfer of Land Act 1893* is to be prepared and lodged with the Registrar of Titles at the Western Australian Land Information Authority (Landgate), at the full cost of the applicant, alerting landowners to the existence of the approved Bushfire Fire Management Plan and advising landowners of their obligations in respect to the use and ongoing management of the land.
25. Prior to use, a notification under section 70A of the *Transfer of Land Act 1893* is to be prepared and lodged with the Registrar of Titles at the Western Australian Land Information Authority (Landgate), at the full cost of the applicant, for endorsement on the Certificate of Title at the applicant's cost. The notification shall state as follows:

There is potential for the subject land to be affected by:

 - i. *Subsidence due to historic underground mining activities; and*
 - ii. *Mining operations on adjacent properties.*
26. Prior to occupation or use, landscaping shall be installed, reticulated and/or irrigated in accordance with the approved plan and maintained thereafter to the satisfaction of the Shire of Collie. The landscaping shall be implemented during the first available planting season post completion of development, and any species that fail to establish within a period of 12 months from planting shall be replaced to the satisfaction of the Shire of Collie.

CONDITIONS TO BE MET ON AN ONGOING BASIS

27. The approved Restaurant / Café and Shop must only operate between the hours of 6.00 am and 10.00 pm each day.
28. The approved Wellness Studio / Function Room must only operate between the hours of 6.00 am and 10.00 pm each day.
29. The Apparatus for the Treatment of Sewage must be maintained at all times in accordance with the approval issued by the Western Australia Department of Health.

Eugene Koltasz
Presiding Member, Regional DAP



30. The approved Waste Management Plan must be implemented at all times to the satisfaction of the Shire of Collie.
31. Two hundred and forty two (242) onsite car parking bays and four (4) bus bays, inclusive of accessible parking bays, vehicle access, loading and circulation areas are to be maintained and available for car parking, vehicle access, loading and circulation on an ongoing basis to the satisfaction of the Shire of Collie.

Advice Notes

- a) This is a Development Approval only and is not a Building Permit. The development that is the subject of this approval requires a separate building permit approval. The developer/ landowner is advised that an application for a Building Permit must be made to and approved by the Shire of Collie before the development authorised by this Development Approval can commence.
- b) The Applicant is advised that the clearing of native vegetation in Western Australia requires a Clearing Permit under the Environmental Protection Act 1986 unless the clearing is for an exempt purpose. Proponents are advised to contact the Department of Environment Regulation on (08) 9725 4300 for further advice in this regard. It should also be noted that the clearing of native vegetation within the Shire of Collie may result in impacts upon the Country Areas Water Supply Act 1947 and an additional permit from the Department of Water may be required. The Department of Water can be contacted on (08) 6364 7600 for further advice in this regard.
- c) This development approval does not remove or affect any statutory responsibility the to notify or seek approvals from the relevant public authority(s) under the legislation for site works, clearing, Aboriginal heritage and ongoing operations.
- d) The development contains element(s) defined as a 'Food Business' under the *Food Act 2008* which must be registered and approved by the Shire of Collie.
- e) The proponent is recommended to contact the Department of Water and Environmental Regulation to initiate the application process for a works approval and registration under *Category 85 – Sewage Facility* under the *Environmental Protection Act of 1986*.
- f) The subject site is within the Collie River Central Surface Water Sub-area of the Collie River Irrigation District proclaimed under the *Rights in Water and Irrigation Act 1914*.
- g) The proposed creek crossing may require a permit to interfere with the bed or banks, and the take of surface water may require a licence. The applicant is therefore advised to contact the Department of Water and Environmental Regulation.

Eugene Koltasz
Presiding Member, Regional DAP



- h) Clearing of riparian vegetation detailed in this proposal is not exempt from the requirement for a clearing permit under the *Environmental Protection Act 1986* nor the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.

AMENDING MOTION 1

Moved by: Francesca Lefante

Seconded by: Neema Premji

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

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: This matter is covered by separate legislation which include obligations on the applicant.

AMENDING MOTION 2

Moved by: Francesca Lefante

Seconded by: Neema Premji

That Condition No. 8 (now Condition No. 7) be amended to read as follows:

~~*Prior to lodging an application for a building permit, the owner must enter into an agreement with the Shire of Collie to construct and thereafter maintain at the full cost of the owner/occupier the road providing vehicle access from the intersection, inclusive of the intersection with Coalfields Road and the entry to the subject site.*~~

Prior to lodging an application for a building permit, the owner must enter into a legal agreement with the Shire of Collie to provide for:

- a. the construction of a new intersection between Coalfields Road and the access road serving the development;***
- b. the construction and ongoing maintenance of the service road servicing the development, between the main driveway to the development and the intersection with Coalfields Road; and***
- c. no construction or maintenance costs arising from points a) and b) above, are to be borne by the Shire of Collie.***

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To provide clarity on the obligations for location, construction and maintenance of the intersection and access road works.

Eugene Koltasz
Presiding Member, Regional DAP



AMENDING MOTION 3

Moved by: Francesca Lefante

Seconded by: Neema Premji

That a new Condition No. 31 be added to read as follows:

Prior to building permit a Development Staging Plan be provided, or as amended to the satisfaction and approval of the Shire of Collie incorporating buildings, parking, access, loading and circulation infrastructure.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The proposal incorporates a range of accommodation options, and this condition provides the ability for staging of the proposal in consultation with the Shire.

SUBSTANTIVE MOTION (AS AMENDED)

That the Regional Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP/26/03049 and accompanying plans (Plan No. 24414-01 Rev J - Sheets 1 to 4, Plan No. 24414-07 Rev A - Sheets 1 to 2, Plan No. 24414-08 Rev A - Sheets 1 to 2, Plan No. 24414-04 - Rev B, Plan No. 24614-04 - Rev B, Plan No. 24414-06 - Rev C - Sheets 1 to 2, A1.01 - Rev A, Plan No. 24414-12 - Rev A, Plan No. 24414-10 - Rev A, Plan No. 24414-11 – Rev A and A3.01 issued 10/4/2023, Shed Plan A2.01 issued 10/4/2023, Shed Elevations A2.02 issued 10/4/2023) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of Clause 18 of the Shire of Collie Local Planning Scheme No. 6, subject to the following conditions:

CONDITIONS

1. This development approval will expire if the approved development has not substantially commenced within four (4) years from the date of issue of the approval, or, within any extended period of time for which the Shire of Collie has granted prior written consent.
2. The development shall take place in accordance with the approved plans, and any plans amended and approved as a result of conditions relating to this approval.
3. The four (4) bedroom cabin component of the proposed development (contained on approved plans 24414-06 Rev C and 24414-06 Rev C) is approved as 'Workforce Accommodation' and valid for a period of 15 years from the date of occupancy. Following expiry of this period, the four (4) bedroom cabin component must be demolished, and materials removed from the site unless a further development approval is granted by the Shire of Collie.

Eugene Koltasz
Presiding Member, Regional DAP



4. Prior to the commencement of on-site civil works for the development, detailed engineering drawings and plans for the proposed road and intersection shall be submitted to the Shire of Collie for approval, addressing the following:
 - a. The design shall comply with Main Roads Western Australia standard (MRWA). Where MRWA has no standard for a component of the design, the design shall comply with AUSTRROADS Guidelines;
 - b. Stormwater management;
 - c. A detailed design of the Coalfields Road intersection and new access road (plan, profile, and section) shall be provided with technical specifications following the Austroad Guidelines;
 - d. Pavement design;
 - e. Services layout plan for water, power and NBN; and
 - f. A road safety audit must be undertaken at the following 3 stages as a minimum (Refer to the MRWA Policy and Guidelines for Road Safety) i. Stage 1 - Preliminary design ii. Stage 2 - Detailed design iii. Stage 3 - Pre-opening (when the project is substantially complete and before opening to the public). All construction, upgrading, and maintenance costs (including all future costs) related to the access road, including the intersection, are at the full cost of the owner/occupier.

CONDITIONS TO BE MET PRIOR TO APPLYING FOR A BUILDING PERMIT

5. Prior to lodging an application for a building permit, updated development plans must be submitted to and approved by the Shire of Collie to show:
 - a) Clear and legible architectural details, building dimensions and heights (elevations), and floor plans for the ablution/laundry buildings, caretaker's building, wellness studio, function room, and pergola.
 - b) The amendment of 'plan reference number A3.01' to delete 'Campers Kitchen' and 'Typical Cabin Plan' that are not applicable.
6. Prior to lodging an application for a building permit, a Stormwater Management Plan (in accordance with State Planning Policy 2.9) is to be submitted and approved by the Shire of Collie. The plan is to include a detailed design demonstrating that surface water, stormwater, and drainage management will be contained on site or disposed of in an approved manner.
7. Prior to lodging an application for a building permit, the owner must enter into a legal agreement with the Shire of Collie to provide for:
 - a. the construction of a new intersection between Coalfields Road and the access road serving the development;
 - b. the construction and ongoing maintenance of the service road servicing the development, between the main driveway to the development and the intersection with Coalfields Road; and
 - c. no construction or maintenance costs arising from points a) and b) above, are to be borne by the Shire of Collie.

Eugene Koltasz
Presiding Member, Regional DAP



8. Prior to lodging an application for a building permit, detailed design plans shall be prepared in accordance with relevant Australian Standards, Austroad Guidelines, and Shire of Collie requirements, for all internal access roads, hardstand areas, carparking and pedestrian movement requirements, to the satisfaction of the Shire of Collie.
9. Prior to lodging an application for a building permit, the Traffic Impact Assessment shall be reviewed to Main Roads specifications and thereafter implemented to the satisfaction of the Shire of Collie.
10. Prior to lodging an application for a building permit, an appropriately qualified acoustic consultant is to undertake an assessment to determine if the development complies with State Planning Policy 5.4 - Road and Rail Noise and the Guidelines.
11. Prior to lodging an application for a building permit, a Landscaping and Maintenance Plan must be submitted and approved by the Shire of Collie. The Landscape and Maintenance Plan must address the following:
 - a) The location, number, size or maturity, density and species of vegetation proposed to be planted, inclusive of those retained adjacent to the development area;
 - b) Vegetation to be removed;
 - c) A key or legend detailing proposed species type grouped under the subheadings of tree, shrub and groundcover;
 - d) The landscaping maintenance schedule for establishment and ongoing maintenance;
 - e) Recreation facilities.
 - f) Fence material, height and treatment.
 - g) Footpaths and travel paths.
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12. Prior to lodging an application for a building permit, a Waste Management Plan must be approved by the Shire of Collie. The management plan shall include, but not be limited to, the following details:
 - a) The location of bin storage areas and bin collection areas;
 - b) The number, volume and type of bins, and the type of waste to be placed in the bins;
 - c) Details on the future ongoing management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas and frequency of bin collections;
 - d) Adequate access for maximum dimensions of servicing vehicles being accommodated;
 - e) The bin enclosure is to be enclosed, covered, lockable and include a water tap;
 - f) The floor of the enclosure is to be constructed of an impermeable material with a minimum thickness of 75mm, and
 - g) The floor of the bin enclosure is to be graded to a drainage pit that is connected to the on-site waste disposal system.

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13. Prior to lodging an application for a building permit (including for demolition and/or forward works), a Construction Management Plan that details how the construction of the development will be managed to minimise the impact on the surrounding area must be lodged with and approved by the Shire of Collie. The Construction Management Plan is required to address the following:
 - (a) Public safety, amenity and site security;
 - (b) Contact details of essential site personnel;
 - (c) Construction operating hours;
 - (d) Noise control and vibration management;
 - (e) Air, sand and dust management;
 - (f) Stormwater and sediment control;
 - (g) Soil excavation method;
 - (h) Waste management and materials re-use;
 - (i) Traffic and access management;
 - (j) Parking arrangements for contractors and subcontractors;
 - (k) Community information, consultation and complaints management plan; and
 - (l) Compliance with AS4970-2009 relating to the protection of trees on the development site.
14. Prior to lodging an application for a building permit, the applicant must submit an amended Bushfire Management Plan and Bushfire Emergency Plan. The amended Bushfire Management Plan and Bushfire Emergency Plan must be to the satisfaction of and approved by the Shire of Collie.
15. Prior to lodging an application for a building permit, an 'Application to Construct or Install an Apparatus for the Treatment of Sewage' is to be submitted to the Shire of Collie and approved by the Western Australia Department of Health. The application must comply with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.

CONDITIONS TO BE MET PRIOR TO OCCUPATION OR USE OF THE DEVELOPMENT

16. Prior to occupation or use, any recommendations of the noise assessment from Condition 11 must be implemented or addressed to the satisfaction of the Shire of Collie.
17. Prior to occupation or use, the landscaped area(s) must be planted and established in accordance with the approved Landscaping and Maintenance Plan. These areas must be maintained at all times in accordance with the Landscaping and Maintenance Plan and to the satisfaction of the Shire of Collie.
18. Prior to occupation or use, stormwater drainage works must be completed in accordance with the approved plans and the Stormwater Management Plan to the satisfaction of the Shire of Collie.
19. Prior to occupation or use, the car parking, loading, vehicle access and circulation areas shown on the approved plans are to be constructed, drained, and line-marked to the satisfaction of the Shire of Collie.

Eugene Koltasz
Presiding Member, Regional DAP



20. Prior to occupation or use, the access road, vehicle crossover, internal roads and carparking must be constructed in accordance with the approved plans, and to the satisfaction of the Shire of Collie. The on-site parking bays are to be provided in accordance with Australian Standards AS 2890.1, AS 2890.5 and AS 2890.6.
21. Prior to occupation or use, all existing crossovers are to be decommissioned, the road verge rehabilitated, and fenced to Main Roads standards and specifications, to the satisfaction of the Shire of Collie.
22. Prior to occupation or use, the approved Bushfire Management Plan and Bushfire Emergency Plan (including the asset protection zone) must be implemented and maintained thereafter to the satisfaction of the Shire of Collie for the duration of the development.
23. Prior to occupation or use, a notification under section 70A of the *Transfer of Land Act 1893* is to be prepared and lodged with the Registrar of Titles at the Western Australian Land Information Authority (Landgate), at the full cost of the applicant, alerting landowners to the existence of the approved Bushfire Fire Management Plan and advising landowners of their obligations in respect to the use and ongoing management of the land.
24. Prior to use, a notification under section 70A of the *Transfer of Land Act 1893* is to be prepared and lodged with the Registrar of Titles at the Western Australian Land Information Authority (Landgate), at the full cost of the applicant, for endorsement on the Certificate of Title at the applicant's cost. The notification shall state as follows:

There is potential for the subject land to be affected by:

 - i. *Subsidence due to historic underground mining activities; and*
 - ii. *Mining operations on adjacent properties.*
25. Prior to occupation or use, landscaping shall be installed, reticulated and/or irrigated in accordance with the approved plan and maintained thereafter to the satisfaction of the Shire of Collie. The landscaping shall be implemented during the first available planting season post completion of development, and any species that fail to establish within a period of 12 months from planting shall be replaced to the satisfaction of the Shire of Collie.

CONDITIONS TO BE MET ON AN ONGOING BASIS

26. The approved Restaurant / Café and Shop must only operate between the hours of 6.00 am and 10.00 pm each day.
27. The approved Wellness Studio / Function Room must only operate between the hours of 6.00 am and 10.00 pm each day.
28. The Apparatus for the Treatment of Sewage must be maintained at all times in accordance with the approval issued by the Western Australia Department of Health.

Eugene Koltasz
Presiding Member, Regional DAP



29. The approved Waste Management Plan must be implemented at all times to the satisfaction of the Shire of Collie.
30. Two hundred and forty two (242) onsite car parking bays and four (4) bus bays, inclusive of accessible parking bays, vehicle access, loading and circulation areas are to be maintained and available for car parking, vehicle access, loading and circulation on an ongoing basis to the satisfaction of the Shire of Collie.
31. Prior to building permit a Development Staging Plan be provided, or as amended to the satisfaction and approval of the Shire of Collie incorporating buildings, parking, access, loading and circulation infrastructure.

Advice Notes

- a) This is a Development Approval only and is not a Building Permit. The development that is the subject of this approval requires a separate building permit approval. The developer/ landowner is advised that an application for a Building Permit must be made to and approved by the Shire of Collie before the development authorised by this Development Approval can commence.
- b) The Applicant is advised that the clearing of native vegetation in Western Australia requires a Clearing Permit under the Environmental Protection Act 1986 unless the clearing is for an exempt purpose. Proponents are advised to contact the Department of Environment Regulation on (08) 9725 4300 for further advice in this regard. It should also be noted that the clearing of native vegetation within the Shire of Collie may result in impacts upon the Country Areas Water Supply Act 1947 and an additional permit from the Department of Water may be required. The Department of Water can be contacted on (08) 6364 7600 for further advice in this regard.
- c) This development approval does not remove or affect any statutory responsibility the to notify or seek approvals from the relevant public authority(s) under the legislation for site works, clearing, Aboriginal heritage and ongoing operations.
- d) The development contains element(s) defined as a 'Food Business' under the *Food Act 2008* which must be registered and approved by the Shire of Collie.
- e) The proponent is recommended to contact the Department of Water and Environmental Regulation to initiate the application process for a works approval and registration under *Category 85 – Sewage Facility* under the *Environmental Protection Act of 1986*.
- f) The subject site is within the Collie River Central Surface Water Sub-area of the Collie River Irrigation District proclaimed under the *Rights in Water and Irrigation Act 1914*.

Eugene Koltasz
Presiding Member, Regional DAP



- g) The proposed creek crossing may require a permit to interfere with the bed or banks, and the take of surface water may require a licence. The applicant is therefore advised to contact the Department of Water and Environmental Regulation.

Clearing of riparian vegetation detailed in this proposal is not exempt from the requirement for a clearing permit under the *Environmental Protection Act 1986* nor the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.

The Substantive Motion (as amended) was put and CARRIED UNANIMOUSLY.

REASON: Members were satisfied the proposal is consistent with the planning framework, including LPS6, Rural zoning, policy provisions with land uses that are compatible with objectives of the Scheme. The proposal design is low scale building and incorporates a mix of materials that blend well with the existing landscape, with minimal visual impacts from Coalfields Road. The mix of accommodation options for the site is consistent with the location context and strategic framework.

Due consideration was given to issues raised in the submissions with members concurring with the assessment in the Shire's RAR and information provided by referral authorities. The Transport Impact Statement outlined road access works including deceleration lane, to address vehicle movements generated by the development. Members concurred with Shire officers' comments the works within road reserves to the network would provide safe vehicles movements. To facilitate the implementation of the various site-works and accommodation types, Members agreed the provision of Development Staging Plan was appropriated. On balance the proposal was supported inclusive of minor condition changes.

4. Form 2 DAP Applications

Nil

5. Section 31 SAT Reconsiderations

Nil

Cr Ian Miffing and Cr Joe Italiano (Local Government DAP Members, Shire of Collie) left the panel at 11:17am.

Eugene Koltasz
Presiding Member, Regional DAP



PART C – SHIRE OF GINGIN

Cr Linda Balcombe and Cr Craig Hyne (Local Government DAP Members, Shire of Gingin) joined the panel at 11:20am.

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 1 on Deposited Plan 15982, Brand Highway corner Mogumber Road West, Red Gully – Proposed 'Use Not Listed' - Energy Infrastructure (Battery Energy Storage System - BESS) – DAP/26/03087

Deputations

Neil Finney (BLT Energy) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

Josh Watson (Planning Solutions) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

Neil Stoney (Bushfire Prone Planning) responded to questions from the panel in relation to Item 3.1.

Shire of Gingin addressed the DAP in relation to the application at Item 3.1 and responded to questions from the panel.

SUBSTANTIVE MOTION

Moved by: Francesca Lefante

Seconded by: Neema Premji

That the Regional DAP resolves to:

1. **Accept** that the DAP Application reference DAP/26/03087 is appropriate for consideration as a 'Use Not Listed' land use and compatible with the objectives of the zoning table in accordance with Clause 3.2.7 of the Shire of Gingin Local Planning Scheme No. 9;
2. **Approve** DAP Application reference DAP/26/03087 and accompanying plans included in **Attachment 3** in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes)*

Eugene Koltasz
Presiding Member, Regional DAP



Conditions

1. This decision constitutes planning 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 approved development plans, 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 commencement of site works, final designs of the overall layout, built form and configuration of the proposed development within the development zone are to be provided to the Shire of Gingin for approval.
4. Prior to the commencement of site works, an Environmental and Construction Management Plan is to be submitted to the Shire of Gingin for approval and shall include the following:
 - a) Contact details of essential site personnel, construction period and operating hours;
 - b) Community information, consultation and complaints management plan;
 - c) Public safety, security and amenity;
 - d) Traffic and parking management;
 - e) Noise and dust management plan;
 - f) Waste management during construction, 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;
 - g) Earthworks, excavation, land retention/piling methods and associated matters, all to be contained within the approved development site;
 - h) Stormwater Management and sediment control;
 - i) Access and parking plan shall be submitted;
 - j) Security and Hazardous Work Zone / Restricted Area fencing details;
 - k) Amenity and office buildings;
 - l) Potable water supply.
5. The approved Environmental and Construction Management Plan is to be implemented and adhered to thereafter, to the satisfaction of the Shire of Gingin.

Eugene Koltasz
Presiding Member, Regional DAP



6. Prior to the commencement of the approved use, an Operational Management Plan is to be submitted to the Shire of Gingin for approval, and on advice from relevant state agencies (if required), that at a minimum includes the following:
 - a. Operating Strategy;
 - b. Stormwater Management Plan (including surface water and wind erosion management).
 - c. Biosecurity Management Plan;
 - d. Washdown area;
 - e. Dust Management;
 - f. Lighting Management (refer to WAPC Dark Sky and Astrotourism position statement).
7. The approved Operational Management Plan is to be implemented and adhered to thereafter for the life of the development, to the satisfaction of the Shire of Gingin.
8. Prior to the commencement of site works, an amended Traffic Management Plan is to be submitted to and approved by the Shire of Gingin.
9. Restricted Access Vehicles are prohibited from accessing the site until such time as the landowner/operator demonstrates to the Shire of Gingin that relevant permits have been obtained from Main Roads Western Australia in relation to use of Mogumber Road West.
10. Prior to the commencement of site works, the applicant/operator shall enter into a Deed of Agreement for the upgrade of the intersection between the crossover for the internal access road and Mogumber Road West. The applicant/operator shall be responsible for all costs associated with the preparation of the deed (including all drafts). The landowner shall be responsible for all costs related to the road /intersection upgrades and any associated works.
11. Prior to the commencement of the approved use, the works specified in the Deed of Agreement for the upgrade on the intersection between the crossover for the internal access road and Mogumber Road West shall be undertaken at the expense of the landowner to the satisfaction of the Shire of Gingin.
12. Prior to the commencement of site works, a revised Bushfire Management Plan shall be submitted to and approved by the Shire of Gingin, in consultation with the Department of Fire and Emergency Services (if required).
13. The approved Bushfire Management Plan is to be implemented and adhered to thereafter for the life of the development, to the satisfaction of the Shire of Gingin.
14. Prior to the commencement of the approved use, an Emergency Management Plan shall be submitted to and approved by the Shire of Gingin, in consultation with Department of Fire and Emergency Services (as required).
15. The approved Emergency Management Plan is to be implemented and adhered to thereafter for the life of the development, to the satisfaction of the Shire of Gingin.

Eugene Koltasz
Presiding Member, Regional DAP



16. A detailed Risk Management Plan (RMP) addressing the requirements of the CFA Design Guidelines and Model Requirements – Renewable Energy Facilities (REF Guidelines) shall be prepared and submitted to the Shire of Gingin for approval prior to commencement of the use.
17. Prior to the commencement of construction, a Site and Soil Evaluation (SSE) shall be prepared by a suitably qualified consultant during the wettest time of year in accordance with AS/NZS 1547:2012 and submitted to the Shire of Gingin for approval, demonstrating the suitability of the land for on-site treatment and disposal of wastewater.
18. Prior to the commencement of the approved use, the landowner shall provide consent to a notification pursuant to Section 70A of the *Transfer of Land Act 1893* to be registered on the title to the land as notification to prospective purchasers as follows:

Bushfire Prone Area – This lot is located within a bushfire prone area and is subject to a Bushfire Management Plan and Emergency Management Plan in relation to the operation of an approved battery energy storage system.

Further information may be obtained from the offices of the Shire of Gingin.

19. Prior to the commencement of site works, a Gas Pipeline Management Plan is to be submitted to the Shire of Gingin for approval, and on advice from relevant state agencies and the APA (if required), that at a minimum includes management measures for the Dampier to Bunbury Natural Gas Pipeline (DBNGP) corridor such as:
 - a) Prohibit the use of rippers or horizontal directional drills unless otherwise agreed by the operator of the gas transmission pipeline.
 - b) Avoid significant vibration, heavy loadings stored over the pipeline and heavy vehicle / plant crossings of the pipeline within the easement.
 - c) Be endorsed by the operator of the gas transmission pipeline where the works are within or crossing the relevant gas transmission easement.
20. Prior to the operation of the approved use, a Safety Management Study (SMS), in accordance with Australian Standards 2885 for Pipelines – Gas and Liquid Petroleum, must be conducted by the landowner and its recommendations/actions must be implemented to the satisfaction of the Shire of Gingin, on advice from the APA. All costs associated with the SMS, and implementing its recommendations/actions are to be borne by the applicant;
21. Prior to the operation of the approved use, and to inform detailed design, the applicant must conduct electrical hazard studies in accordance with (the requirements of) Australian Standard 4853-2012 (for Low Frequency Induction and Earth Potential Rise). The applicant must address any relevant requirements and recommendations, including validation testing upon completion and/or actions must be implemented to the satisfaction of the Shire of Gingin, on advice from the APA. All costs associated with the electrical hazard study, and implementing its recommendations and/or actions are to be borne by the applicant.

Eugene Koltasz
Presiding Member, Regional DAP



22. The applicant shall conduct electrical interference studies in accordance with the requirements of AS2832 once detailed design is complete. The applicant shall amend its design as required in order to obtain results for the electrical interference studies and electrical hazard studies which comply with the applicable Australian Standard and promptly provide a copy of the studies and reports to APA. The proponent shall provide Earth Potential Rise (EPR) and Low Frequency Induction (LFI) studies to the satisfaction of the Shire of Gingin, on advice from the APA.
23. During construction, the boundary of the Dampier to Bunbury Natural Gas Pipeline (DBNGP) corridor easement must be clearly delineated on the subject site as agreed by APA and clearly marked as a hazardous work zone/ restricted area. All controls as determined by the SMS to be implemented by the proponent and their cost.
24. The Shire of Gingin is to be notified in writing of completion within 14 days of completion of the construction phase of the development, prior to the operational phase commencing;
25. Within 12 months of the development being decommissioned, a Decommissioning Plan is to be submitted to and approved by the Shire of Gingin, and on advice from relevant state agencies. The Decommissioning Plan, at a minimum, is to outline the following:
 - All infrastructure associated with the development shall be decommissioned and removed within 12 months of the use /development ceasing, unless the Shire of Gingin agrees otherwise.
 - In conjunction with decommissioning of the development, The plan shall demonstrate how the site will be remediated and returned to agricultural production without residual contamination at the end of the operational lifespan of the facility, to the satisfaction of the Shire of Gingin.

Advice Notes

1. The applicant is advised that granting of development approval does not constitute a building permit and that an application for relevant building permits must be submitted to the local government and be approved before any work requiring a building permit can commence on site.
2. Should the applicant be aggrieved by this determination there is a right (pursuant to the Planning and Development Act 2005) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.
3. 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.

Eugene Koltasz
Presiding Member, Regional DAP



4. The operation is required to comply with the Environmental Protection (Noise) Regulations 1997. Please be advised that the Shire of Gingin's Environmental Health Section may request an acoustic report/statement to accompany the Noise Management section of the OEMP.
5. Please be advised that the property may be re-rated to reflect the change in intensification and use approved as part of this application.
6. Onsite, wastewater treatment systems for amenities facilities are required to be secondary treatment systems and the proponent will be required to submit a formal application to the local government. This should include the required supplementary information: a site and soil evaluation (mid-July/August), scaled plans and specification of the wastewater treatment system as outlined in the Health (Treatment of Sewage and Disposal of Effluent and Liquid Wastes) Regulations 1974 and Government Sewage Policy.
7. Dark sky is critical to UWA's scientific research and studies at the Gingin gravity/observatory precinct. Refer to the following link: <https://www.wa.gov.au/government/publications/position-statement-dark-sky-and-astrotourism>
8. The applicant is advised to consult the Heavy Vehicle Services (HVS) division of Main Roads Western Australia in relation to obtaining a Restricted Vehicle Access (RAV) permit to use 27.5m B-double vehicles on Mogumber Road West (if required).
9. Any proposed meteorological masts will need to comply with Air Services Australia/Department of Defence regulations in relation to tall structure requirements.
10. Regarding Condition 16: The RMP shall address, at a minimum: detailed site plans showing the location of site vehicle access points, internal roads, battery containers, substations, buildings, and fire water supplies; battery chemistry, relevant specifications, and technical data sheets; fire, smoke, heat, and toxic off-gassing detection systems; explosion prevention and venting systems; battery management and monitoring systems; and warning and alarm systems, to the satisfaction of the Shire of Gingin.
11. Regarding Condition 17: Buildings, structures, roadway, pavement, pipeline, cable, fence, change in ground level, or any other improvement on or under the land, must not be constructed within the gas transmission pipeline easement, without the prior authorisation of relevant state agencies and APA. This includes both temporary and permanent improvements of the type detailed above.
12. Wastewater disposal shall comply with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974, and an 'Application to Construct or Install an Apparatus for the Treatment of Sewage' shall be submitted to the Shire of Gingin prior to installation of any wastewater treatment system.

Eugene Koltasz
Presiding Member, Regional DAP



13. In relation to removal of the development and rehabilitation of the development site, “pre-development condition” means a bare earth area, free of any structure or footings related to the development and returned to pasture cover.
14. The Biosecurity Management Plan to be submitted to Shire of Gingin for consultation with DPIRD. The plan shall address: arrangements for machinery and equipment inspection and cleaning prior to entering and leaving the site; identification of a biosecurity clean down/laydown area on site; ongoing monitoring and management of weeds and declared pest plants across the site; contingency measures; and the roles and responsibilities of relevant parties.
15. The applicant is advised of the requirement to obtain approval under Section 41 of the Dampier to Bunbury Pipeline Act 1997 for any works within the Dampier to Bunbury Natural Gas Pipeline (DBNGP) corridor. This approval will likely be during or prior to the detailed design stage. Details on application requirements can be obtained from the Department of Planning, Lands and Heritage (Lands Division).
16. The applicant is advised that the Parmelia Gas Pipeline easement is held by APT Parmelia Pty Ltd (now operated by APA Group) pursuant to Section 20(5) of the Petroleum Pipelines Act 1969. All works in proximity to the PGP easement must be undertaken in full liaison with APA Group. APA Group may require advance notice of ingress and egress to the site and details of any vehicle or power cable interactions with the APA gas pipeline.
17. The applicant is advised that Australian Gas Infrastructure Group (AGIG) will likely conduct a separate Safety Management System (SMS) risk assessment prior to commencement of construction. The applicant should liaise with AGIG in a timely manner regarding construction activities in proximity to the DBNGP.
18. The applicant is advised that the Western Power transmission line connection is subject to a separate agreement with Western Power and is not authorised by this development approval. The applicant must obtain all necessary approvals from Western Power prior to commencement of connection works.
19. The applicant is advised that the proposed development may be subject to environmental review requirements under the Environmental Protection Act 1986. The applicant should engage with the Environmental Protection Authority (EPA) to confirm whether a formal referral is required prior to the commencement of any works. If clearing of more than 1ha of foraging habitat for Carnaby's Black Cockatoos is proposed at the detailed design stage, a referral under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) will be required.
20. The applicant is advised to contact the Shire of Gingin and Main Roads Western Australia regarding the design and construction of the proposed crossover on Mogumber Road West and any required road upgrades. The TIS confirms that required sightlines at the proposed crossover can be achieved in both directions if minor clearing is carried out. The design of the crossover shall be formalised at the detailed design stage following development approval.

Eugene Koltasz
Presiding Member, Regional DAP



21. The applicant is advised that the location of the temporary construction compound and associated buildings will be determined post-approval and may be subject to a separate development assessment. The applicant is to provide detailed plans of the required buildings and associated infrastructure for assessment by the Shire of Gingin.
22. The applicant is advised that construction or operational workforce accommodation has not been considered or approved as part of this development approval.
23. The applicant is advised that the DFES District Officer responsible for this region and the local fire and emergency services should be consulted during the construction phase and prior to facility being activated. It is considered critical for local fire and emergency services to understand the facility in detail and the measures required to ensure the safety of firefighting personnel when working in or around different parts of the facility or surroundings properties.
24. Separate advice is recommended to be obtained from the prior to Department of Fire and Emergency Services, the Department of Mines, Industry Regulation and Safety (Building and Energy Division – Dangerous Goods), the Department of Energy and Economic Diversification (Energy Policy WA), and the Department of Water and Environmental Regulation (Green Energy Approvals Directorate) regarding hazardous materials management, dangerous goods approvals, and emergency response planning for the BESS facility.
25. The applicant is advised to have due regard to the Draft Renewable Energy Planning Code (December 2025) including the code objectives and Appendix 2 – Material to accompany a development application, when preparing detailed design documentation.
26. Development (including drainage, fill, fencing, storage, or parking) is not to be permitted within Western Power line and cable easements or safe clearance zones without the prior written approval of Western Power.
27. The applicant is advised to formally progress Western Power network connection arrangements. A load connection request/application for electricity transmission services for the development is required to be submitted to Western Power. Information on the load connection request process can be accessed at: www.westernpower.com.au/products-services/install-something-new/connect-my-home-or-business/transmission-connected-loads-generators/enquiry-assessment/
28. Arrangements must be made to the specifications of Western Power for the provision of necessary electricity easements as and where required.

Eugene Koltasz
Presiding Member, Regional DAP



AMENDING MOTION 1

Moved by: Francesca Lefante

Seconded by: Neema Premji

That Advice Note No. 9 be amended to read as follows:

Any proposed meteorological masts will need to comply with Air Services Australia/Department of Defence regulations in relation to tall structure requirements.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The applicant should liaise with relevant agencies on any masts proposed on the site.

AMENDING MOTION 2

Moved by: Francesca Lefante

Seconded by: Neema Premji

That Advice Note No. 25 be deleted and the remaining advice notes be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Not relevant as the proposal details are addressed in other conditions and the proposal details.

SUBSTANTIVE MOTION (AS AMENDED)

That the Regional DAP resolves to:

1. **Accept** that the DAP Application reference DAP/26/03087 is appropriate for consideration as a 'Use Not Listed' land use and compatible with the objectives of the zoning table in accordance with Clause 3.2.7 of the Shire of Gingin Local Planning Scheme No. 9;
2. **Approve** DAP Application reference DAP/26/03087 and accompanying plans included in **Attachment 3** 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 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.

Eugene Koltasz
Presiding Member, Regional DAP



2. The approved development plans, 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 commencement of site works, final designs of the overall layout, built form and configuration of the proposed development within the development zone are to be provided to the Shire of Gingin for approval.
4. Prior to the commencement of site works, an Environmental and Construction Management Plan is to be submitted to the Shire of Gingin for approval and shall include the following:
 - a) Contact details of essential site personnel, construction period and operating hours;
 - b) Community information, consultation and complaints management plan;
 - c) Public safety, security and amenity;
 - d) Traffic and parking management;
 - e) Noise and dust management plan;
 - f) Waste management during construction, 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;
 - g) Earthworks, excavation, land retention/piling methods and associated matters, all to be contained within the approved development site;
 - h) Stormwater Management and sediment control;
 - i) Access and parking plan shall be submitted;
 - j) Security and Hazardous Work Zone / Restricted Area fencing details;
 - k) Amenity and office buildings;
 - l) Potable water supply.
5. The approved Environmental and Construction Management Plan is to be implemented and adhered to thereafter, to the satisfaction of the Shire of Gingin.
6. Prior to the commencement of the approved use, an Operational Management Plan is to be submitted to the Shire of Gingin for approval, and on advice from relevant state agencies (if required), that at a minimum includes the following:
 - a. Operating Strategy;
 - b. Stormwater Management Plan (including surface water and wind erosion management).
 - c. Biosecurity Management Plan;
 - d. Washdown area;
 - e. Dust Management;
 - f. Lighting Management (refer to WAPC Dark Sky and Astrotourism position statement).
7. The approved Operational Management Plan is to be implemented and adhered to thereafter for the life of the development, to the satisfaction of the Shire of Gingin.

Eugene Koltasz
Presiding Member, Regional DAP



8. Prior to the commencement of site works, an amended Traffic Management Plan is to be submitted to and approved by the Shire of Gingin.
9. Restricted Access Vehicles are prohibited from accessing the site until such time as the landowner/operator demonstrates to the Shire of Gingin that relevant permits have been obtained from Main Roads Western Australia in relation to use of Mogumber Road West.
10. Prior to the commencement of site works, the applicant/operator shall enter into a Deed of Agreement for the upgrade of the intersection between the crossover for the internal access road and Mogumber Road West. The applicant/operator shall be responsible for all costs associated with the preparation of the deed (including all drafts). The landowner shall be responsible for all costs related to the road /intersection upgrades and any associated works.
11. Prior to the commencement of the approved use, the works specified in the Deed of Agreement for the upgrade on the intersection between the crossover for the internal access road and Mogumber Road West shall be undertaken at the expense of the landowner to the satisfaction of the Shire of Gingin.
12. Prior to the commencement of site works, a revised Bushfire Management Plan shall be submitted to and approved by the Shire of Gingin, in consultation with the Department of Fire and Emergency Services (if required).
13. The approved Bushfire Management Plan is to be implemented and adhered to thereafter for the life of the development, to the satisfaction of the Shire of Gingin.
14. Prior to the commencement of the approved use, an Emergency Management Plan shall be submitted to and approved by the Shire of Gingin, in consultation with Department of Fire and Emergency Services (as required).
15. The approved Emergency Management Plan is to be implemented and adhered to thereafter for the life of the development, to the satisfaction of the Shire of Gingin.
16. A detailed Risk Management Plan (RMP) addressing the requirements of the CFA Design Guidelines and Model Requirements – Renewable Energy Facilities (REF Guidelines) shall be prepared and submitted to the Shire of Gingin for approval prior to commencement of the use.
17. Prior to the commencement of construction, a Site and Soil Evaluation (SSE) shall be prepared by a suitably qualified consultant during the wettest time of year in accordance with AS/NZS 1547:2012 and submitted to the Shire of Gingin for approval, demonstrating the suitability of the land for on-site treatment and disposal of wastewater.

Eugene Koltasz
Presiding Member, Regional DAP



18. Prior to the commencement of the approved use, the landowner shall provide consent to a notification pursuant to Section 70A of the *Transfer of Land Act 1893* to be registered on the title to the land as notification to prospective purchasers as follows:

Bushfire Prone Area – This lot is located within a bushfire prone area and is subject to a Bushfire Management Plan and Emergency Management Plan in relation to the operation of an approved battery energy storage system.

Further information may be obtained from the offices of the Shire of Gingin.

19. Prior to the commencement of site works, a Gas Pipeline Management Plan is to be submitted to the Shire of Gingin for approval, and on advice from relevant state agencies and the APA (if required), that at a minimum includes management measures for the Dampier to Bunbury Natural Gas Pipeline (DBNGP) corridor such as:
- a) Prohibit the use of rippers or horizontal directional drills unless otherwise agreed by the operator of the gas transmission pipeline.
 - b) Avoid significant vibration, heavy loadings stored over the pipeline and heavy vehicle / plant crossings of the pipeline within the easement.
 - c) Be endorsed by the operator of the gas transmission pipeline where the works are within or crossing the relevant gas transmission easement.
20. Prior to the operation of the approved use, a Safety Management Study (SMS), in accordance with Australian Standards 2885 for Pipelines – Gas and Liquid Petroleum, must be conducted by the landowner and its recommendations/actions must be implemented to the satisfaction of the Shire of Gingin, on advice from the APA. All costs associated with the SMS, and implementing its recommendations/actions are to be borne by the applicant;
21. Prior to the operation of the approved use, and to inform detailed design, the applicant must conduct electrical hazard studies in accordance with (the requirements of) Australian Standard 4853-2012 (for Low Frequency Induction and Earth Potential Rise). The applicant must address any relevant requirements and recommendations, including validation testing upon completion and/or actions must be implemented to the satisfaction of the Shire of Gingin, on advice from the APA. All costs associated with the electrical hazard study, and implementing its recommendations and/or actions are to be borne by the applicant.
22. The applicant shall conduct electrical interference studies in accordance with the requirements of AS2832 once detailed design is complete. The applicant shall amend its design as required in order to obtain results for the electrical interference studies and electrical hazard studies which comply with the applicable Australian Standard and promptly provide a copy of the studies and reports to APA. The proponent shall provide Earth Potential Rise (EPR) and Low Frequency Induction (LFI) studies to the satisfaction of the Shire of Gingin, on advice from the APA.

Eugene Koltasz
Presiding Member, Regional DAP



23. During construction, the boundary of the Dampier to Bunbury Natural Gas Pipeline (DBNGP) corridor easement must be clearly delineated on the subject site as agreed by APA and clearly marked as a hazardous work zone/ restricted area. All controls as determined by the SMS to be implemented by the proponent and their cost.
24. The Shire of Gingin is to be notified in writing of completion within 14 days of completion of the construction phase of the development, prior to the operational phase commencing;
25. Within 12 months of the development being decommissioned, a Decommissioning Plan is to be submitted to and approved by the Shire of Gingin, and on advice from relevant state agencies. The Decommissioning Plan, at a minimum, is to outline the following:
 - All infrastructure associated with the development shall be decommissioned and removed within 12 months of the use /development ceasing, unless the Shire of Gingin agrees otherwise.
 - In conjunction with decommissioning of the development, The plan shall demonstrate how the site will be remediated and returned to agricultural production without residual contamination at the end of the operational lifespan of the facility, to the satisfaction of the Shire of Gingin.

Advice Notes

1. The applicant is advised that granting of development approval does not constitute a building permit and that an application for relevant building permits must be submitted to the local government and be approved before any work requiring a building permit can commence on site.
2. Should the applicant be aggrieved by this determination there is a right (pursuant to the Planning and Development Act 2005) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.
3. 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.
4. The operation is required to comply with the Environmental Protection (Noise) Regulations 1997. Please be advised that the Shire of Gingin's Environmental Health Section may request an acoustic report/statement to accompany the Noise Management section of the OEMP.
5. Please be advised that the property may be re-rated to reflect the change in intensification and use approved as part of this application.

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6. Onsite, wastewater treatment systems for amenities facilities are required to be secondary treatment systems and the proponent will be required to submit a formal application to the local government. This should include the required supplementary information: a site and soil evaluation (mid-July/August), scaled plans and specification of the wastewater treatment system as outlined in the Health (Treatment of Sewage and Disposal of Effluent and Liquid Wastes) Regulations 1974 and Government Sewage Policy.
7. Dark sky is critical to UWA's scientific research and studies at the Gingin gravity/observatory precinct. Refer to the following link: <https://www.wa.gov.au/government/publications/position-statement-dark-sky-and-astrotourism>
8. The applicant is advised to consult the Heavy Vehicle Services (HVS) division of Main Roads Western Australia in relation to obtaining a Restricted Vehicle Access (RAV) permit to use 27.5m B-double vehicles on Mogumber Road West (if required).
9. Any proposed masts will need to comply with Air Services Australia/Department of Defence regulations in relation to tall structure requirements.
10. Regarding Condition 16: The RMP shall address, at a minimum: detailed site plans showing the location of site vehicle access points, internal roads, battery containers, substations, buildings, and fire water supplies; battery chemistry, relevant specifications, and technical data sheets; fire, smoke, heat, and toxic off-gassing detection systems; explosion prevention and venting systems; battery management and monitoring systems; and warning and alarm systems, to the satisfaction of the Shire of Gingin.
11. Regarding Condition 17: Buildings, structures, roadway, pavement, pipeline, cable, fence, change in ground level, or any other improvement on or under the land, must not be constructed within the gas transmission pipeline easement, without the prior authorisation of relevant state agencies and APA. This includes both temporary and permanent improvements of the type detailed above.
12. Wastewater disposal shall comply with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974, and an 'Application to Construct or Install an Apparatus for the Treatment of Sewage' shall be submitted to the Shire of Gingin prior to installation of any wastewater treatment system.
13. In relation to removal of the development and rehabilitation of the development site, "pre-development condition" means a bare earth area, free of any structure or footings related to the development and returned to pasture cover.
14. The Biosecurity Management Plan to be submitted to Shire of Gingin for consultation with DPIRD. The plan shall address: arrangements for machinery and equipment inspection and cleaning prior to entering and leaving the site; identification of a biosecurity clean down/laydown area on site; ongoing monitoring and management of weeds and declared pest plants across the site; contingency measures; and the roles and responsibilities of relevant parties.

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15. The applicant is advised of the requirement to obtain approval under Section 41 of the Dampier to Bunbury Pipeline Act 1997 for any works within the Dampier to Bunbury Natural Gas Pipeline (DBNGP) corridor. This approval will likely be during or prior to the detailed design stage. Details on application requirements can be obtained from the Department of Planning, Lands and Heritage (Lands Division).
16. The applicant is advised that the Parmelia Gas Pipeline easement is held by APT Parmelia Pty Ltd (now operated by APA Group) pursuant to Section 20(5) of the Petroleum Pipelines Act 1969. All works in proximity to the PGP easement must be undertaken in full liaison with APA Group. APA Group may require advance notice of ingress and egress to the site and details of any vehicle or power cable interactions with the APA gas pipeline.
17. The applicant is advised that Australian Gas Infrastructure Group (AGIG) will likely conduct a separate Safety Management System (SMS) risk assessment prior to commencement of construction. The applicant should liaise with AGIG in a timely manner regarding construction activities in proximity to the DBNGP.
18. The applicant is advised that the Western Power transmission line connection is subject to a separate agreement with Western Power and is not authorised by this development approval. The applicant must obtain all necessary approvals from Western Power prior to commencement of connection works.
19. The applicant is advised that the proposed development may be subject to environmental review requirements under the Environmental Protection Act 1986. The applicant should engage with the Environmental Protection Authority (EPA) to confirm whether a formal referral is required prior to the commencement of any works. If clearing of more than 1ha of foraging habitat for Carnaby's Black Cockatoos is proposed at the detailed design stage, a referral under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) will be required.
20. The applicant is advised to contact the Shire of Gingin and Main Roads Western Australia regarding the design and construction of the proposed crossover on Mogumber Road West and any required road upgrades. The TIS confirms that required sightlines at the proposed crossover can be achieved in both directions if minor clearing is carried out. The design of the crossover shall be formalised at the detailed design stage following development approval.
21. The applicant is advised that the location of the temporary construction compound and associated buildings will be determined post-approval and may be subject to a separate development assessment. The applicant is to provide detailed plans of the required buildings and associated infrastructure for assessment by the Shire of Gingin.
22. The applicant is advised that construction or operational workforce accommodation has not been considered or approved as part of this development approval.

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23. The applicant is advised that the DFES District Officer responsible for this region and the local fire and emergency services should be consulted during the construction phase and prior to facility being activated. It is considered critical for local fire and emergency services to understand the facility in detail and the measures required to ensure the safety of firefighting personnel when working in or around different parts of the facility or surroundings properties.
24. Separate advice is recommended to be obtained from the prior to Department of Fire and Emergency Services, the Department of Mines, Industry Regulation and Safety (Building and Energy Division – Dangerous Goods), the Department of Energy and Economic Diversification (Energy Policy WA), and the Department of Water and Environmental Regulation (Green Energy Approvals Directorate) regarding hazardous materials management, dangerous goods approvals, and emergency response planning for the BESS facility.
25. Development (including drainage, fill, fencing, storage, or parking) is not to be permitted within Western Power line and cable easements or safe clearance zones without the prior written approval of Western Power.
26. The applicant is advised to formally progress Western Power network connection arrangements. A load connection request/application for electricity transmission services for the development is required to be submitted to Western Power. Information on the load connection request process can be accessed at: www.westernpower.com.au/products-services/install-something-new/connect-my-home-or-business/transmission-connected-loads-generators/enquiry-assessment/

Arrangements must be made to the specifications of Western Power for the provision of necessary electricity easements as and where required.

The Substantive Motion (as amended) was put and CARRIED UNANIMOUSLY.

REASON: The panel was satisfied the proposal aligns with the strategic planning framework, noting that the land use in this location compatible with objectives of the Scheme. Panel members considered the “use not listed” under the planning framework and agreed that the proposal is suitable on the site, and meets the objectives of the zone, noting the proposal occupies only 7% of the site, with the remaining land retained for cattle grazing. Due regard was given to submissions received with members satisfied the proposal has minimal impacts on agricultural purpose of the land, and setback significance distance from the road and dwellings to mitigated visual and noise impacts.

4. Form 2 DAP Applications

Nil

5. Section 31 SAT Reconsiderations

Nil

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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
DAP/24/02681 DR/199/2024	Shire of Capel	Lot 287 South Western Highway, Gwindinup	Sand and gravel extraction	23 December 2024
DAP/25/02899 DR121/2025	Town of Port Hedland	Lot 51 Kennedy Street, South Hedland	Proposed Workforce Accommodation And Dwelling (Grouped) Uses	19 August 2025
DAP/25/03017 DR53/2026	Shire of Kojonup	Various Lots, Jinalup	Windfarm and Transmission Line	2 April 2026

2. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 12:04pm.

Eugene Koltasz
Presiding Member, Regional DAP