

Regional Development Assessment Panel Minutes

Meeting Date and Time: Tuesday, 7 July 2026; 9:30am
Meeting Number: RDAP/77
Meeting Venue: 140 William Street, Perth

A recording of the meeting is available via the following link:

[RDAP/77 - 7 July 2026 - Shire of Augusta-Margaret - Shire of Three Springs](#)

PART A – INTRODUCTION

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

PART B – SHIRE OF AUGUSTA-MARGARET RIVER

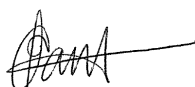
1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
4. Form 2 DAP Applications
 - 4.1 Lot 2953 (168) Clews Road, and Strata Lot 1 (261A) Fifty One Road, Cowaramup – Winery, Restaurant, Cellar Door and Ancillary Events – Amendment to P222502 – DAP/21/01945
5. Section 31 SAT Reconsiderations

PART C – SHIRE OF THREE SPRINGS

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 3024 (Lot 201) Perenjori-Three Springs Road & 17112 (Lot 25) Midlands Road, Womarden – Proposed renewable energy facility (Solar farm & battery energy storage system) – DAP/26/03088
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



Francesca Lefante
Presiding Member, Regional DAP

DAP Members

Francesca Lefante (Presiding Member)

Eugene Koltasz (Deputy Presiding Member)

Andrew Howe

Cr Greg Boland (Part B – Shire of Augusta-Margaret River)

Cr Melissa D'ath (Part B – Shire of Augusta-Margaret River)

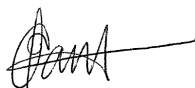
Cr Julia Ennor (Part C – Shire of Three Springs)

Cr Chris Connaughton (Part C – Shire of Three Springs)

DAP Secretariat

Shanara Wijethunga

Ashlee Kelly



Francesca Lefante
Presiding Member, Regional DAP

Part B – Shire of Augusta-Margaret River

Applicant

Aoise Noone (Planning Solutions) Tayne Evershed (Planning Solutions) Paul McArdle (Overstory) Patrick Kosky (Kerry Hill Architects) Prasad Kumar (Stantec Australia Pty Ltd)
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Officers/Technical Advisors in Attendance
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Grace Koschel Matt Cuthbert

Part C – Shire of Three Springs
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Applicant

James Rhee (Progressive Green Solutions) Melanie Cox (TBB Planning) Trent Will (TBB Planning) Dylan Wray (Western Environmental)

Officers/Technical Advisors in Attendance
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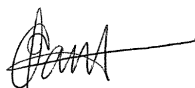
Simon Lancaster

Members of the Public / Media

Nil

Observers via livestream

There were 3 persons observing the meeting via the livestream.



Francesca Lefante
Presiding Member, Regional DAP

PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:32am on 7 July 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.

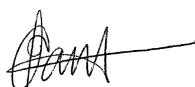
2. Apologies

Shire President Julia Jean-Rice (Local Government Member, Shire of Augusta-Margaret River)

Cr Lisa Bell (Local Government Member, Shire of Augusta-Margaret River)

3. Noting of Minutes

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



Francesca Lefante
Presiding Member, Regional DAP

PART B – SHIRE OF AUGUSTA-MARGARET RIVER

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 4.1, received on 6 July 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

Nil

3. Form 1 DAP Applications

Nil

4. Form 2 DAP Applications

4.1 Lot 2953 (168) Clews Road, and Strata Lot 1 (261A) Fifty One Road, Cowaramup – Winery, Restaurant, Cellar Door and Ancillary Events – Amendment to P222502 – DAP/21/01945

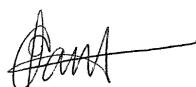
Deputations

Aoise Noone (Planning Solutions) addressed the DAP in support of the application at Item 4.1 and responded to questions from the panel.

Tayne Evershed (Planning Solutions) responded to questions from the panel in relation to the application at Item 4.1.

Paul McArdle (Overstory) responded to questions from the panel in relation to the application at Item 4.1.

The Shire of Augusta-Margaret River addressed the DAP in relation to the application at Item 4.1 and responded to questions from the panel.



Francesca Lefante
Presiding Member, Regional DAP

SUBSTANTIVE MOTION

Moved by: Eugene Koltasz

Seconded by: Cr Melissa D'ath

That the DAP/21/01945 resolves to:

1. Accept that the DAP Application reference DAP/21/01945 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. Approve DAP Application reference DAP/21/01945 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 Shire of Augusta Margaret River Local Planning Scheme No. 1, subject to the following conditions:

Amended Conditions

2. The development the subject of this approval must comply with the approved plans at all times unless otherwise approved in writing by the Shire of Augusta Margaret River or the Development Assessment Panel.

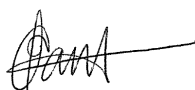
Plans and Specifications	P1,3,5,6-7,10,12-21 received at the Shire on 29 July 2022, P22 received by the Shire on 3 October 2022, and P2,4,8-9,11 received by the Shire on 5 June 2026.
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Acoustic

3. The recommendations of the Acoustic Report (dated 7 May 2021) and updated Noise Impact Report (dated 17 February 2026) shall be implemented from occupation of the development and at all times thereafter.

Capacity

9. Capacity is as follows:
 - 9a. The number of patrons for the Restaurant and Cellar Door hereby permitted, shall not exceed 130.
 - 9b. A maximum of ten (10) seasonal events are permitted, subject to:
 - a. Being held on Lot 2953; and
 - b. Being limited to occurring between 1 December and 30 April; and
 - c. Being limited to an additional 45 patrons. Total site capacity to not exceed 175 patrons at any one time
 - 9c. Prior to the commencement of seasonal events, an Event Management Plan shall be submitted to the satisfaction of the Shire of Augusta-Margaret River.



Francesca Lefante
Presiding Member, Regional DAP

- 9d. The hours of operation as follows:
- Seasonal Events between 1200 – 1700 hrs on Monday to Sunday (1 December- 30 April); and
 - Typical operations between 1000 – 1700 hrs Monday to Sunday
- 9e. Only one (1) restaurant and cellar door is permissible upon the site at any one time.
- 9f. Prior to commencement of Stage 2, the temporary cellar door and restaurant use in Stage 1 of the Winery Building is to cease operations and be appropriately decommissioned to the satisfaction of the Shire.
10. A maximum of four (4) special events are permitted to be held on Lot 2953 in any calendar year with a maximum capacity of 300 at any one time.

Delete Condition 11.

Additional Advice Notes

11. The proposed event area is considered to constitute a public building under the Health (Public Building) Regulations 1992 and will require separate assessment and approval by the Shire's Environmental Health team. This will necessitate the submission of Form 1 and Form 2 applications, and compliance with the Health (Miscellaneous Provisions) Act 1911 and the Building Code of Australia.

AMENDING MOTION 1

Moved by: Cr Greg Boland

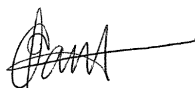
Seconded by: Francesca Lefante

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

*The development ~~the subject of this approval must~~ **is to comply in all respects with the attached approved plans at all times unless otherwise approved in writing by the Shire of Augusta Margaret River or as dated, marked and stamped together with any requirements and annotations detailed thereon by the Development Assessment Panel.***

The approved plans as part of this application form part of the planning approval issued (including any modifications required by conditions of approval) subject to the following amended and new conditions, and new advice notes:

- *P1,3,5,6-7,10,12-21 received at the Shire on 29 July 2022;*
- *P22 received by the Shire on 3 October 2022; and ~~P2,4,8-9,11 received by the Shire on 5 June 2026.~~*
- **A002 – Rev D (04.06.2026);**
- **A011 - Rev D (04.06.2026);**
- **A110- Rev D (04.06.2026);**
- **A111 – Rev D (20.02.2026);**



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Presiding Member, Regional DAP

- **A120 – Rev C (29.01.2026).**

All other conditions of previous approvals, as amended, remain unless otherwise approved.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To reflect the plans relating to the location of the temporary Stage 1 restaurant and cellar door land uses, noting that the remaining development details are contained in previously approved plans and conditions.

SUBSTANTIVE MOTION (AS AMENDED)

That the DAP/21/01945 resolves to:

1. Accept that the DAP Application reference DAP/21/01945 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. Approve DAP Application reference DAP/21/01945 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 Shire of Augusta Margaret River Local Planning Scheme No. 1, subject to the following conditions:

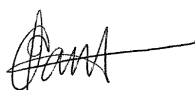
Amended Conditions

2. The development is to comply in all respects with the attached approved plans as dated, marked and stamped together with any requirements and annotations detailed thereon by the Development Assessment Panel.

The approved plans as part of this application form part of the planning approval issued (including any modifications required by conditions of approval) subject to the following amended and new conditions, and new advice notes:

- P1,3,5,6-7,10,12-21 received at the Shire on 29 July 2022;
- P22 received by the Shire on 3 October 2022;
- A002 – Rev D (04.06.2026);
- A011 - Rev D (04.06.2026);
- A110- Rev D (04.06.2026);
- A111 – Rev D (20.02.2026);
- A120 – Rev C (29.01.2026).

All other conditions of previous approvals, as amended, remain unless otherwise approved.



Francesca Lefante
Presiding Member, Regional DAP

Acoustic

3. The recommendations of the Acoustic Report (dated 7 May 2021) and updated Noise Impact Report (dated 17 February 2026) shall be implemented from occupation of the development and at all times thereafter.

Capacity

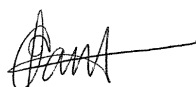
9. Capacity is as follows:
 - 9a. The number of patrons for the Restaurant and Cellar Door hereby permitted, shall not exceed 130.
 - 9b. A maximum of ten (10) seasonal events are permitted, subject to:
 - a. Being held on Lot 2953; and
 - b. Being limited to occurring between 1 December and 30 April; and
 - c. Being limited to an additional 45 patrons. Total site capacity to not exceed 175 patrons at any one time
 - 9c. Prior to the commencement of seasonal events, an Event Management Plan shall be submitted to the satisfaction of the Shire of Augusta-Margaret River.
 - 9d. The hours of operation as follows:
 - Seasonal Events between 1200 – 1700 hrs on Monday to Sunday (1 December- 30 April); and
 - Typical operations between 1000 – 1700 hrs Monday to Sunday
 - 9e. Only one (1) restaurant and cellar door is permissible upon the site at any one time.
 - 9f. Prior to commencement of Stage 2, the temporary cellar door and restaurant use in Stage 1 of the Winery Building is to cease operations and be appropriately decommissioned to the satisfaction of the Shire.
10. A maximum of four (4) special events are permitted to be held on Lot 2953 in any calendar year with a maximum capacity of 300 at any one time.

Delete Condition 11.

Additional Advice Notes

11. The proposed event area is considered to constitute a public building under the Health (Public Building) Regulations 1992 and will require separate assessment and approval by the Shire's Environmental Health team. This will necessitate the submission of Form 1 and Form 2 applications, and compliance with the Health (Miscellaneous Provisions) Act 1911 and the Building Code of Australia.

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



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Presiding Member, Regional DAP

REASON: The panel was satisfied that the proposed changes fall within the scope of a Form 2 application. The proposed temporary restaurant and cellar door uses incorporate minor built form that aligns with the winery aesthetics.

Members supported the inclusion of operating hours conditions, as identified in the acoustic report, as a means of minimising amenity impacts on sensitive land uses arising from the changes to the winery building, including the incorporation of additional land uses and modifications to parking location.

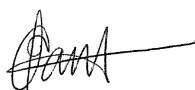
The panel was satisfied that car parking complies with the Shire's provisions, and that the parking location and traffic movements generated during Stage 1 are within acceptable limits.

The panel supported the local government's assessment that the temporary Stage 1 additional facilities are appropriate, provide activation of tourism uses, and include suitable controls on visitor numbers and events. The proposal was supported, inclusive of minor condition changes.

5. Section 31 SAT Reconsiderations

Nil

Cr Greg Boland and Cr Melissa D'ath (Local Government DAP Members, Shire of Augusta-Margaret River) left the panel at 10:21am.



Francesca Lefante
Presiding Member, Regional DAP

PART C – SHIRE OF THREE SPRINGS

Cr Julia Ennor and Cr Chris Connaughton (Local Government DAP Members, Shire of Three Springs) joined the panel at 10:24am.

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 3024 (Lot 201) Perenjori-Three Springs Road & 17112 (Lot 25) Midlands Road, Womarden – Proposed renewable energy facility (Solar farm & battery energy storage system) – DAP/26/03088

Deputations

James Rhee (Progressive Green Solutions) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

Melanie Cox (TBB Planning) addressed the DAP in support of the application at Item 3.1.

Trent Will (TBB Planning) responded to questions from the panel in relation to the application at Item 3.1.

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

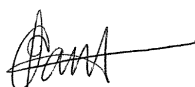
SUBSTANTIVE MOTION

Moved by: Cr Julia Ennor

Seconded by: Eugene Koltasz

That the Regional DAP resolve to:

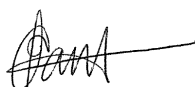
1. **Approve** DAP Application reference DAP/26/03088 and accompanying plans (as contained in Attachment 1 - Application Report dated 17/3/26) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Three Springs Local Planning Scheme No.2 subject to the following:



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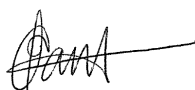
Conditions

1. This decision constitutes planning approval only and is valid for a period of 5 years from the date of approval. If the subject development is not substantially commenced within the 5 year period, the approval shall lapse and be of no further effect.
2. The development shall be undertaken in accordance with the stamped approved plans and supporting documents (Noise Assessment prepared by Herring Storer dated 3/3/26, Traffic Impact Assessment prepared by Transcore dated 16/3/26, Bushfire Management Plan prepared by Western Environmental dated 16/4/26) including any amendments and additional plans and information arising from the approval conditions.
3. Prior to the commencement of development, a Landscape Plan shall be submitted to the local government for approval.
4. Prior to the commencement of the use the landowner/applicant shall implement and thereafter maintain for the lifetime of the development the recommendations of the approved Landscape Plan to the satisfaction of the local government.
5. Prior to the commencement of the development a Construction Management Plan shall be submitted to the local government for approval and approved prior to commencement of works.
6. The development shall be completed in accordance with the approved Construction Management Plan to the satisfaction of the local government.
7. Prior to commencement of the development a Stormwater Management Plan shall be submitted to the local government for approval on advice of the Department of Water & Environmental Regulation.
8. Prior to the commencement of the use the landowner/applicant shall implement and thereafter maintain for the lifetime of the development the recommendations of the approved Stormwater Management Plan to the satisfaction of the local government.
9. Prior to commencement of the development an updated Bushfire Management Plan, and a Risk Management Plan and Emergency Management Plan shall be submitted to the local government for approval on advice of the Department of Fire and Emergency Services.
10. Prior to the commencement of the use the landowner/applicant shall implement and thereafter maintain for the lifetime of the development the recommendations of the approved Bushfire Management Plan, Risk Management Plan and Emergency Management Plan to the satisfaction of the local government.
11. The design, location, installation and maintenance of on-site wastewater/effluent systems is to be to the approval of the local government and in accordance with relevant legislative requirements.



Francesca Lefante
Presiding Member, Regional DAP

12. The upgrading of Geebulla Road between the Perenjori-Three Springs Road and the development's vehicle access into Lot 201 to the satisfaction of the local government.
13. Prior to commencement of the development an updated Traffic Management Plan shall be submitted to the local government for approval on advice of Main Roads WA.
14. Throughout the construction phase of the development the landowner/applicant shall implement the recommendations of the approved Traffic Management Plan to the satisfaction of the local government.
15. Prior to the commencement of the use the landowner/applicant shall implement and thereafter maintain for the lifetime of the development the recommendations of the approved Traffic Management Plan relating to the operational phase of the development to the satisfaction of the local government.
16. Prior to the commencement of the use all vehicle access point(s) onto the local road network, car parking areas and internal vehicle accessways shall be constructed to the satisfaction of the local government.
17. The installation of any directional/traffic/warning/safety signage in the vicinity of the development's access point onto the road network, and relating to the development, shall be to the satisfaction of the local government.
18. All parking of vehicles associated with the development shall be provided for within the property boundary and not the road reserve.
19. The applicant shall be responsible for the upgrade, repair, reinstatement or replacement of any road infrastructure that is damaged, becomes unsafe or fails to meet appropriate engineering standards where the damage to the road network is caused by reason of use of the road in connection with the approved development, to the satisfaction of the local government (or where agreed to by the local government the applicant may instead arrange payment to the local government for such repair, reinstatement or replacement works to be undertaken).
20. Prior to the commencement of operations, an Operational Management Plan shall be submitted to the local government for approval, which includes the establishment of a complaints register to record any complaints that may be received and process for undertaking any mitigating actions that may be required.
21. The measures included in the approved Operational Management Plan shall be implemented to the satisfaction of the local government.
22. Prior to the commencement of works associated with the approved development or the issue of a Building Permit (whichever occurs first), the Noise Assessment shall be reviewed and submitted to, and approved by the Shire of Three Springs, on advice of the Department of Water and Environmental Regulation.

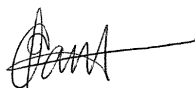


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Presiding Member, Regional DAP

23. Prior to commencement of operations a Preliminary Decommissioning Plan shall be submitted to the local government for approval.
24. The applicant is required to give at least 12 months' notice to the local government if the proposed development is to cease operations and all infrastructure must be decommissioned and removed from the site. The site must be demonstrated to be free of contaminants and the site rehabilitated through deep ripping/earthworks, and other measures as included in the approved Final Decommissioning Plan to the satisfaction of the local government, within 2 years of giving this notice, unless the local government agrees otherwise.
25. Prior to commencement of the use, arrangements shall be made for the provision of an easement pursuant to Section 167 of the *Planning and Development Act 2005* for existing or planned Western Power distribution and transmission infrastructure being granted free of cost to Western Power.

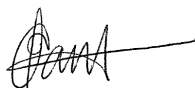
Advice Notes

- a) This is a Development Approval only. The Proponent is advised that it is their responsibility to ensure the proposed development complies with all other applicable legislation, local laws and/or licence/permit requirements that may relate to the development. This includes (but is not limited to) the *Environmental Protection (Noise) Regulations 1997*, *Environmental Protection Act 1986*, *Rights in Water and Irrigation Act 1914*, *Aboriginal Heritage Act 1972* and *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007* amongst others.
- b) The applicant is advised that this planning approval does not negate the requirement for any additional approvals, and adherence to due diligence, which may be required under separate legislation. This including, but not limited to, the obtaining of any required approvals from the Department of Health, the Department of Energy & Economic Diversification, the Department of Local Government, Industry Regulation & Safety, the Department of Water & Environment Regulation and Main Roads WA and consulting of Before You Dig Australia. It is the applicant's responsibility to obtain any additional approvals, and undertaking of due diligence, required before the development/use lawfully commences.
- c) The applicant is advised that the proposed works are near an area of high risk. It is recommended that persons planning to build or undertake works in high risk areas near transmission or communication assets act in a safe manner at all times and in accordance with all applicable legal and safety requirements (including the 'duty of care' under the laws of negligence, Worksafe requirements and guidelines, Australian Standards and Western Power policies and procedures).
- d) The applicant is reminded of their obligations under the *Aboriginal Heritage Act 1972* and it is recommended that they engage with the Yamatji Southern Regional Corporation to discuss their project and undertake a heritage survey and adopt an 'avoidance' approach to the development.



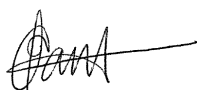
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- e) Prior to any ground disturbance of the site, all contractors and operators should be made aware of the obligations under the *Aboriginal Heritage Act 1972* relating to site discovery and reporting protocols. This includes stopping work and seeking the advice of both the Registrar of Aboriginal Sites and Yamatji South Regional Corporation in the event that materials of Aboriginal heritage value are discovered during construction activities.
- f) The applicant will need to consult with the Main Roads WA Heavy Vehicle Services branch to ascertain any approval requirements that may be required for their proposed heavy vehicle combinations, transport routes and operations.
- g) In relation to conditions 3 & 4 the Landscape Plan shall provide mitigation measures along the Perenjori-Three Springs Road with regard for the BESS component of the development.
- h) In relation to conditions 5 & 6 the Construction Management Plan shall address the following associated with the construction of the development or any other matters considered relevant by the local government.
 - a. hours of construction;
 - b. heritage management protocols to mitigate potential risks linked to the exposure of Aboriginal artefacts during ground-disturbing activities;
 - c. temporary fencing, hoardings, gantries, and signage;
 - d. site access and egress;
 - e. parking arrangements for staff and contractors;
 - f. deliveries and storage of construction materials and machinery;
 - g. management of vibration, dust, wind, and erosion;
 - h. management of any stormwater discharge;
 - i. management of construction noise and other site generated noise;
 - j. demolition and construction waste management, recycling, and removal;
 - k. protection of any public realm infrastructure;
 - l. public communication and complaint handling procedures;
 - m. biosecurity protocols.
- i) In relation to conditions 13 & 14 the Traffic Management Plan shall address the following associated with the construction of the development or any other matters considered relevant by the local government.
 - a. construction vehicle route(s) and traffic management;
 - b. size and frequency of construction vehicles;
 - c. road upgrades/repairs and timing of works associated with the construction of the development.
- j) The Shire is unable to provide guarantee of all-weather access on its unsealed road network, and in the event that the applicant requires all-weather access to its site, the applicant is required to seal the road network to the local government's satisfaction to connect into the existing sealed road network.
- k) In relation to conditions 9 & 10 the Bushfire Management Plan shall address the issues raised by the Department of Fire & Emergency Services and any other matters considered relevant by the local government.



Francesca Lefante
Presiding Member, Regional DAP

- l) In relation to condition 11 the applicant is advised that approval from the Department of Health is required for any on-site wastewater/effluent treatment processes.
- m) The applicant is responsible to ensure that biosecurity protocols are maintained for the site to minimise biosecurity risks for the landowner, adjoining farms and along the transport route and should further information be required on appropriate practices the applicant should contact the Department of Primary Industries & Regional Development in this regard.
- n) The applicant shall enter into a contribution agreement towards community, social or other infrastructure/programs that will benefit the local community. The agreement should establish the process by which the contributions should be directed to the Shire of Three Springs Medical Community Benefit Scheme or other local groups/ventures deemed appropriate. The agreement should give due regard for best available practice including the Community Benefits Guideline for Large-Scale Renewable Energy Projects in the South West Interconnected System and the contribution value per megawatt (\$/MW) formula benchmark of the New South Wales Benefit Sharing Guideline.
- o) In relation to condition 22 the reviewed Environmental Noise Assessment shall include:
 - i. Assessed noise levels for all nearby sensitive receivers (including the residence upon Lot 200 (DP420979) Perenjori-Three Springs Road that is 2.6km west of the BESS).
 - ii. Background noise levels.
 - iii. Operating noise levels of equipment selected for installation.
 - iv. Assessment of noise levels for worst-case scenario of night-time at 100% capacity operation.
 - v. Recommended measures to reduce any noise level exceedances.
- p) Any recommended measures to reduce noise level exceedances identified in the approved reviewed Noise Assessment shall be implemented to the satisfaction of the Shire of Three Springs, in consultation with the Department of Water and Environmental Regulation, prior to the operation of the approved development.
- q) 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.



Francesca Lefante
Presiding Member, Regional DAP

AMENDING MOTION 1

Moved by: Francesca Lefante

Seconded by: Eugene Koltasz

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

*The development shall be undertaken in accordance with the stamped approved plans and supporting documents (**General Arrangement – Rev P06 – 09.03.26, Bess and Substation Elevation – Rev P01 – 09.03.26, Noise Assessment prepared by Herring Storer dated 3/3/26, Traffic Impact Assessment prepared by Transcore dated 16/3/26, Bushfire Management Plan prepared by Western Environmental dated 16/4/26**) including any amendments and additional plans and information arising from the approval conditions.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To provide clarity regarding the approved plans relevant to the proposal.

AMENDING MOTION 2

Moved by: Francesca Lefante

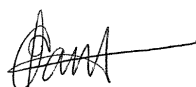
Seconded by: Eugene Koltasz

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

*The applicant ~~shall~~ **is encouraged to** enter into a contribution agreement towards community, social or other infrastructure/programs that will benefit the local community. The agreement should establish the process by which the contributions should be directed to the Shire of Three Springs Medical Community Benefit Scheme or other local groups/ventures deemed appropriate. The agreement should give due regard for best available practice including the Community Benefits Guideline for Large-Scale Renewable Energy Projects in the South West Interconnected System and the contribution value per megawatt (\$/MW) formula benchmark of the New South Wales Benefit Sharing Guideline.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The existing wording implies an obligation. The minor wording change reflects the applicant's offer to enter into arrangements regarding community contributions.



Francesca Lefante
Presiding Member, Regional DAP

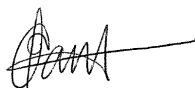
SUBSTANTIVE MOTION (AS AMENDED)

That the Regional DAP resolve to:

1. **Approve** DAP Application reference DAP/26/03088 and accompanying plans (as contained in Attachment 1 - Application Report dated 17/3/26) 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 Three Springs Local Planning Scheme No.2 subject to the following:

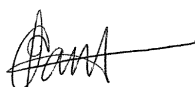
Conditions

1. This decision constitutes planning approval only and is valid for a period of 5 years from the date of approval. If the subject development is not substantially commenced within the 5 year period, the approval shall lapse and be of no further effect.
2. The development shall be undertaken in accordance with the stamped approved plans and supporting documents (General Arrangement – Rev P06 – 09.03.26, Bess and Substation Elevation – Rev P01 – 09.03.26, Noise Assessment prepared by Herring Storer dated 3/3/26, Traffic Impact Assessment prepared by Transcore dated 16/3/26, Bushfire Management Plan prepared by Western Environmental dated 16/4/26) including any amendments and additional plans and information arising from the approval conditions.
3. Prior to the commencement of development, a Landscape Plan shall be submitted to the local government for approval.
4. Prior to the commencement of the use the landowner/applicant shall implement and thereafter maintain for the lifetime of the development the recommendations of the approved Landscape Plan to the satisfaction of the local government.
5. Prior to the commencement of the development a Construction Management Plan shall be submitted to the local government for approval and approved prior to commencement of works.
6. The development shall be completed in accordance with the approved Construction Management Plan to the satisfaction of the local government.
7. Prior to commencement of the development a Stormwater Management Plan shall be submitted to the local government for approval on advice of the Department of Water & Environmental Regulation.
8. Prior to the commencement of the use the landowner/applicant shall implement and thereafter maintain for the lifetime of the development the recommendations of the approved Stormwater Management Plan to the satisfaction of the local government.



Francesca Lefante
Presiding Member, Regional DAP

9. Prior to commencement of the development an updated Bushfire Management Plan, and a Risk Management Plan and Emergency Management Plan shall be submitted to the local government for approval on advice of the Department of Fire and Emergency Services.
10. Prior to the commencement of the use the landowner/applicant shall implement and thereafter maintain for the lifetime of the development the recommendations of the approved Bushfire Management Plan, Risk Management Plan and Emergency Management Plan to the satisfaction of the local government.
11. The design, location, installation and maintenance of on-site wastewater/effluent systems is to be to the approval of the local government and in accordance with relevant legislative requirements.
12. The upgrading of Geebulla Road between the Perenjori-Three Springs Road and the development's vehicle access into Lot 201 to the satisfaction of the local government.
13. Prior to commencement of the development an updated Traffic Management Plan shall be submitted to the local government for approval on advice of Main Roads WA.
14. Throughout the construction phase of the development the landowner/applicant shall implement the recommendations of the approved Traffic Management Plan to the satisfaction of the local government.
15. Prior to the commencement of the use the landowner/applicant shall implement and thereafter maintain for the lifetime of the development the recommendations of the approved Traffic Management Plan relating to the operational phase of the development to the satisfaction of the local government.
16. Prior to the commencement of the use all vehicle access point(s) onto the local road network, car parking areas and internal vehicle accessways shall be constructed to the satisfaction of the local government.
17. The installation of any directional/traffic/warning/safety signage in the vicinity of the development's access point onto the road network, and relating to the development, shall be to the satisfaction of the local government.
18. All parking of vehicles associated with the development shall be provided for within the property boundary and not the road reserve.
19. The applicant shall be responsible for the upgrade, repair, reinstatement or replacement of any road infrastructure that is damaged, becomes unsafe or fails to meet appropriate engineering standards where the damage to the road network is caused by reason of use of the road in connection with the approved development, to the satisfaction of the local government (or where agreed to by the local government the applicant may instead arrange payment to the local government for such repair, reinstatement or replacement works to be undertaken).

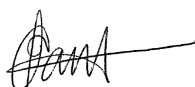


Francesca Lefante
Presiding Member, Regional DAP

20. Prior to the commencement of operations, an Operational Management Plan shall be submitted to the local government for approval, which includes the establishment of a complaints register to record any complaints that may be received and process for undertaking any mitigating actions that may be required.
21. The measures included in the approved Operational Management Plan shall be implemented to the satisfaction of the local government.
22. Prior to the commencement of works associated with the approved development or the issue of a Building Permit (whichever occurs first), the Noise Assessment shall be reviewed and submitted to, and approved by the Shire of Three Springs, on advice of the Department of Water and Environmental Regulation.
23. Prior to commencement of operations a Preliminary Decommissioning Plan shall be submitted to the local government for approval.
24. The applicant is required to give at least 12 months' notice to the local government if the proposed development is to cease operations and all infrastructure must be decommissioned and removed from the site. The site must be demonstrated to be free of contaminants and the site rehabilitated through deep ripping/earthworks, and other measures as included in the approved Final Decommissioning Plan to the satisfaction of the local government, within 2 years of giving this notice, unless the local government agrees otherwise.
25. Prior to commencement of the use, arrangements shall be made for the provision of an easement pursuant to Section 167 of the *Planning and Development Act 2005* for existing or planned Western Power distribution and transmission infrastructure being granted free of cost to Western Power.

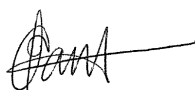
Advice Notes

- a) This is a Development Approval only. The Proponent is advised that it is their responsibility to ensure the proposed development complies with all other applicable legislation, local laws and/or licence/permit requirements that may relate to the development. This includes (but is not limited to) the *Environmental Protection (Noise) Regulations 1997*, *Environmental Protection Act 1986*, *Rights in Water and Irrigation Act 1914*, *Aboriginal Heritage Act 1972* and *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007* amongst others.
- b) The applicant is advised that this planning approval does not negate the requirement for any additional approvals, and adherence to due diligence, which may be required under separate legislation. This including, but not limited to, the obtaining of any required approvals from the Department of Health, the Department of Energy & Economic Diversification, the Department of Local Government, Industry Regulation & Safety, the Department of Water & Environment Regulation and Main Roads WA and consulting of Before You Dig Australia. It is the applicant's responsibility to obtain any additional approvals, and undertaking of due diligence, required before the development/use lawfully commences.



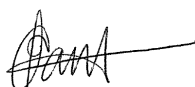
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- c) The applicant is advised that the proposed works are near an area of high risk. It is recommended that persons planning to build or undertake works in high risk areas near transmission or communication assets act in a safe manner at all times and in accordance with all applicable legal and safety requirements (including the 'duty of care' under the laws of negligence, Worksafe requirements and guidelines, Australian Standards and Western Power policies and procedures).
- d) The applicant is reminded of their obligations under the *Aboriginal Heritage Act 1972* and it is recommended that they engage with the Yamatji Southern Regional Corporation to discuss their project and undertake a heritage survey and adopt an 'avoidance' approach to the development.
- e) Prior to any ground disturbance of the site, all contractors and operators should be made aware of the obligations under the *Aboriginal Heritage Act 1972* relating to site discovery and reporting protocols. This includes stopping work and seeking the advice of both the Registrar of Aboriginal Sites and Yamatji South Regional Corporation in the event that materials of Aboriginal heritage value are discovered during construction activities.
- f) The applicant will need to consult with the Main Roads WA Heavy Vehicle Services branch to ascertain any approval requirements that may be required for their proposed heavy vehicle combinations, transport routes and operations.
- g) In relation to conditions 3 & 4 the Landscape Plan shall provide mitigation measures along the Perenjori-Three Springs Road with regard for the BESS component of the development.
- h) In relation to conditions 5 & 6 the Construction Management Plan shall address the following associated with the construction of the development or any other matters considered relevant by the local government.
 - a. hours of construction;
 - b. heritage management protocols to mitigate potential risks linked to the exposure of Aboriginal artefacts during ground-disturbing activities;
 - c. temporary fencing, hoardings, gantries, and signage;
 - d. site access and egress;
 - e. parking arrangements for staff and contractors;
 - f. deliveries and storage of construction materials and machinery;
 - g. management of vibration, dust, wind, and erosion;
 - h. management of any stormwater discharge;
 - i. management of construction noise and other site generated noise;
 - j. demolition and construction waste management, recycling, and removal;
 - k. protection of any public realm infrastructure;
 - l. public communication and complaint handling procedures;
 - m. biosecurity protocols.



Francesca Lefante
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- i) In relation to conditions 13 & 14 the Traffic Management Plan shall address the following associated with the construction of the development or any other matters considered relevant by the local government.
 - a. construction vehicle route(s) and traffic management;
 - b. size and frequency of construction vehicles;
 - c. road upgrades/repairs and timing of works associated with the construction of the development.
- j) The Shire is unable to provide guarantee of all-weather access on its unsealed road network, and in the event that the applicant requires all-weather access to its site, the applicant is required to seal the road network to the local government's satisfaction to connect into the existing sealed road network.
- k) In relation to conditions 9 & 10 the Bushfire Management Plan shall address the issues raised by the Department of Fire & Emergency Services and any other matters considered relevant by the local government.
- l) In relation to condition 11 the applicant is advised that approval from the Department of Health is required for any on-site wastewater/effluent treatment processes.
- m) The applicant is responsible to ensure that biosecurity protocols are maintained for the site to minimise biosecurity risks for the landowner, adjoining farms and along the transport route and should further information be required on appropriate practices the applicant should contact the Department of Primary Industries & Regional Development in this regard.
- n) The applicant is encouraged to enter into a contribution agreement towards community, social or other infrastructure/programs that will benefit the local community. The agreement should establish the process by which the contributions should be directed to the Shire of Three Springs Medical Community Benefit Scheme or other local groups/ventures deemed appropriate. The agreement should give due regard for best available practice including the Community Benefits Guideline for Large-Scale Renewable Energy Projects in the South West Interconnected System and the contribution value per megawatt (\$/MW) formula benchmark of the New South Wales Benefit Sharing Guideline.
- o) In relation to condition 22 the reviewed Environmental Noise Assessment shall include:
 - i. Assessed noise levels for all nearby sensitive receivers (including the residence upon Lot 200 (DP420979) Perenjori-Three Springs Road that is 2.6km west of the BESS).
 - ii. Background noise levels.
 - iii. Operating noise levels of equipment selected for installation.
 - iv. Assessment of noise levels for worst-case scenario of night-time at 100% capacity operation.
 - v. Recommended measures to reduce any noise level exceedances.



Francesca Lefante
Presiding Member, Regional DAP

- p) Any recommended measures to reduce noise level exceedances identified in the approved reviewed Noise Assessment shall be implemented to the satisfaction of the Shire of Three Springs, in consultation with the Department of Water and Environmental Regulation, prior to the operation of the approved development.
- q) 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.

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

REASON: Panel members were satisfied that the proposal is consistent with the planning framework, including Three Springs LPS2, and aligns with the objectives of the Rural zone. They noted that the site is predominantly cleared and that surrounding land will continue to be used for agricultural cropping.

The discretionary Renewable Energy Facility land use is acceptable, as the solar panel structures are low scale (generally 1.5–2.5 metres high, depending on tilt), and the BESS location adjacent to the existing Western Power substation minimises the need for overhead powerline infrastructure.

The facility's low impact on surrounding sites is reflected in the public consultation outcomes, with no submissions received from surrounding landowners and all submissions originating from government agencies.

Members considered that the proposal would have minimal impact on agricultural land use. In relation to traffic, members noted that significant movements would primarily occur during the construction phase. The Traffic Impact Statement indicates that the proposal would generate relatively low daily vehicle movements during this period, including by heavy vehicles such as road trains.

The noise assessment identified that the closest residences are located more than 2 km from the site. This distance, together with applicable legislative provisions, indicates that the proposal will have minimal amenity impact.

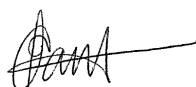
Members supported the proposal, consistent with the Responsible Authority Report.

4. Form 2 DAP Applications

Nil

5. Section 31 SAT Reconsiderations

Nil



Francesca Lefante
Presiding Member, Regional DAP

PART D – OTHER BUSINESS

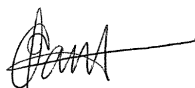
1. State Administrative Tribunal Applications and Supreme Court Appeals

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 DR165/2020	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	25 June 2020
DAP/25/03017 DR53/2026	Shire of Kojonup	Various Lots, Jingalup	Windfarm and Transmission Line	2 April 2026

2. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 11:00am.



Francesca Lefante
Presiding Member, Regional DAP