GOVERNMENT OF WESTERN AUSTRALIA

WAPC Western Australian Planning Commission

Western Australian Planning Commission

Minutes

Thursday, 31 July, 2025

Members:	Commissioner Cole - Chairperson Commissioner Adair Commissioner Bennett Commissioner Brookes Commissioner Haeren - Deputy Chairperson Commissioner Hall Commissioner Lakey Commissioner Sandri
Apologies:	Commissioner Sheers
Others Present	Inga Butefisch - Principal Media Advisor, Communications and Engagement Parker Cohen-Radosevich – Senior Commission Support Officer Paola Di Perna - Director, State Development Assessment Unit Anthony Kannis - Director General, Land Use Planning Michelle King – Senior Commission Support Officer Anthony Morcombe - Senior Planner, North East Leigh Parker - A/Planning Manager, State Development Assessment Unit Amy Pires - A/Manager, Commission Business Belinda Sleap - Commission Support Officer

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1. Meeting Opening and Commencement

The Chairperson declared the meeting open at 2:17pm and provided an introductory statement as follows:

Welcome to the Western Australian Planning Commission Significant Development Part 17 meeting, for those present in person and online. The meeting is being livestreamed and recorded and will be available for viewing via the Commission's website or YouTube.

This meeting of the Commission is to determine two applications considered significant development under Part 17 of the *Planning & Development Act 2005*.

Part 17 grants the Commission temporary decision-making powers to determine proposals that can generate investment in the State to assist with economic recovery remaining from the COVID-19 pandemic.

A major premise of Part 17 of the legislation is that it bestows upon the Commission a perceived unlimited level of discretion with respect to an application. The Commission recognises the responsibility it has in ensuring that this discretion is exercised responsibly.

As with any planning application, the Commission has the option to:

- approve either or both applications, subject to conditions;
- approve either or both applications, subject to minor modifications and conditions;
- defer determination of either or both applications pending further information; or
- refuse either or both applications.

I wish to advise observers that Commission members may refer to technical devices, such as phones and laptops, throughout the meeting to assist them in considering the information before them and in taking notes for their deliberations.

On behalf of the Commission, the Department of Planning, Lands and Heritage will respond to any media enquiries relating to this application, or the process, in consultation with the Minister for Planning's office.

1.1 Acknowledgement of Country

The Chairperson acknowledged the Whadjuk people of the Noongar Nation as the traditional owners and custodians of the land on which the meeting is taking place and welcomed members.

1.2 Apologies and leave of Absence

Commissioner Sheers - On leave

1.3 Disclosures of interests

Commissioner Sandri declared an Indirect Pecuniary Interest on Item 4.1 - Part 17 Development Application – Proposed Neighbourhood Shopping Centre Development at Lot 801 (No.332) Kalamunda Road, Maida Vale – Determination. Commissioner Sandri advised that she has a financial interest as in the past 12 months she worked for Urbanista Town Planning who are making a deputation on this item. Members agreed that Commissioner Sandri should not be present during the discussion and/or decision-making procedure on the item.

Commissioner Haeren declared a Perceived Impartiality Interest on Item 4.1 - Part 17 Development Application – Proposed Neighbourhood Shopping Centre Development at Lot 801 (No.332) Kalamunda Road, Maida Vale – Determination. Commissioner Haeren advised that Urbis,

his previous employer, undertakes work for Fabcot which is part of Woolworths, a tenant of the proposed development. Members agreed that Commissioner Haeren is permitted to be present during the discussion and/or decision-making procedure on the item as it is unlikely to influence Commissioner Haeren's conduct in relation to the matter.

Paola Di Perna, Director of the State Development Assessment Unit has declared a Pecuniary Interest on Item 4.1 - Part 17 Development Application – Proposed Neighbourhood Shopping Centre Development at Lot 801 (No.332) Kalamunda Road, Maida Vale – Determination. Ms Di Perna advised that she will not be present during the discussion and/or has had no role in the assessment on the item.

Commissioner Hall declared an Actual Impartiality Interest on Item 7.1 - Part 17 Development Application - Vanadium Processing Facility, Lots 40 and 41 Geraldton – Mount Magnet Road, Tenindewa – Determination. Commissioner Hall advised that he is employed by the City of Greater Geraldton as a Director. Members agreed that Commissioner Hall should not be present during the discussion and/or decision-making procedure on the item.

Commissioner Haeren declared an Indirect Pecuniary Interest on Item 7.1 - Part 17 Development Application - Vanadium Processing Facility, Lots 40 and 41 Geraldton – Mount Magnet Road, Tenindewa – Determination. Commissioner Haeren advised that he had previously provided advice to the proponent when employed at Urbis. Members agreed that Commissioner Haeren should not be present during the discussion and/or decision-making procedure on the item.

Commissioner Bennett declared a Perceived Impartiality Interest on Item 7.1 - Part 17 Development Application - Vanadium Processing Facility, Lots 40 and 41 Geraldton – Mount Magnet Road, Tenindewa – Determination. Commissioner Bennett advised that the applicant has referred to other proposals considered by the WAPC under Part 17 in their rationale for the application and one of these proposals was submitted by CLE Town Planning + Design, her employer. Members agreed that Commissioner Bennett is permitted to be present during the discussion and/or decision-making procedure on the item as it is unlikely to influence Commissioner Bennett's conduct in relation to the matter.

1.4 Disclosures of representation

Commissioner Cole declared a Disclosure of Representation on Item 7.1 - Part 17 Development Application - Vanadium Processing Facility, Lots 40 and 41 Geraldton – Mount Magnet Road, Tenindewa – Determination. Commissioner Cole advised that she has met with the proponent, and has separately met with the adjoining landowner while on a site visit on this item in the normal course of my duties as Chairperson of the WAPC. Commissioner Cole was not provided with

any additional information that is not available to other members of the Commission.

Commissioner Sandri declared a Disclosure of Representation on Item 7.1 - Part 17 Development Application - Vanadium Processing Facility, Lots 40 and 41 Geraldton – Mount Magnet Road, Tenindewa – Determination. Commissioner Sandri advised that she met with the adjoining landowner on this item during a site visit while in the Geraldton area, to visit the locality and noted that the meeting was not at the request of the adjoining landowner.

1.5 Declaration of due consideration

All members indicated that they had received and considered the agenda items prior to the Western Australian Planning Commission Part 17 meeting.

1.5.1 Additional Information for Members

2. Deputations and presentations (Item 4.1)

Commissioner Sandri declared an Direct Pecuniary Interest on Item 4.1 and left the meeting at 2.28pm.

2.1 Part 17 Development Application – Proposed Neighbourhood Shopping Centre Development at Lot 801 (No.332) Kalamunda Road, Maida Vale – Determination (Item 4.1)

Presenter: Mike Wakefield – Resident

Mike Wakefield made a deputation to the Western Australian Planning Commission regarding Part 17 Development Application – Proposed Neighbourhood Shopping Centre Development at Lot 801 (No.332) Kalamunda Road, Maida Vale – Determination.

2.2 Part 17 Development Application – Proposed Neighbourhood Shopping Centre Development at Lot 801 (No.332) Kalamunda Road, Maida Vale – Determination (Item 4.1)

Presenter: Amanda Butterworth - Allerding and Associates

Amanda Butterworth made a deputation to the Western Australian Planning Commission regarding Part 17 Development Application – Proposed Neighbourhood Shopping Centre Development at Lot 801 (No.332) Kalamunda Road, Maida Vale – Determination.

2.3 Part 17 Development Application – Proposed Neighbourhood Shopping Centre Development at Lot 801 (No.332) Kalamunda Road, Maida Vale – Determination (Item 4.1)

Presenters: Nathan Stewart - Lateral Planning and Sandra Doyle - Metcash Property

Nathan Stewart made a deputation to the Western Australian Planning Commission regarding Part 17 Development Application – Proposed Neighbourhood Shopping Centre Development at Lot 801 (No.332) Kalamunda Road, Maida Vale – Determination.

2.4 Part 17 Development Application – Proposed Neighbourhood Shopping Centre Development at Lot 801 (No.332) Kalamunda Road, Maida Vale – Determination (Item 4.1)

Presenter: Daniella Mrdja - Urbanista Town Planning

Daniella Mrdja made a deputation to the Western Australian Planning Commission regarding Part 17 Development Application – Proposed Neighbourhood Shopping Centre Development at Lot 801 (No.332) Kalamunda Road, Maida Vale – Determination.

2.5 Part 17 Development Application – Proposed Neighbourhood Shopping Centre Development at Lot 801 (No.332) Kalamunda Road, Maida Vale – Determination (Item 4.1)

Presenters: Dan Lees - Element Advisory and Ian Churchill - Macroplan

Dan Lees and Ian Churchill made a deputation to the Western Australian Planning Commission regarding Part 17 Development Application – Proposed Neighbourhood Shopping Centre Development at Lot 801 (No.332) Kalamunda Road, Maida Vale – Determination.

2.6 Part 17 Development Application – Proposed Neighbourhood Shopping Centre Development at Lot 801 (No.332) Kalamunda Road, Maida Vale – Determination (Item 4.1)

Written Submission: Herman Joseph – Resident

Members noted the written submission on Item 4.1 - Part 17 Development Application – Proposed Neighbourhood Shopping Centre Development at Lot 801 (No.332) Kalamunda Road, Maida Vale – Determination.

2.7 Part 17 Development Application – Proposed Neighbourhood Shopping Centre Development at Lot 801 (No.332) Kalamunda Road, Maida Vale – Determination (Item 4.1)

Written Submission: Gian Brescacin – Resident

Members noted the written submission on Item 4.1 - Part 17 Development Application – Proposed Neighbourhood Shopping Centre

Development at Lot 801 (No.332) Kalamunda Road, Maida Vale – Determination.

2.8 Part 17 Development Application – Proposed Neighbourhood Shopping Centre Development at Lot 801 (No.332) Kalamunda Road, Maida Vale – Determination (Item 4.1)

Written Submission: Triona O'Shaughnessy - Cygnet West

Members noted the written submission on Item 4.1 - Part 17 Development Application – Proposed Neighbourhood Shopping Centre Development at Lot 801 (No.332) Kalamunda Road, Maida Vale – Determination.

2.9 Part 17 Development Application – Proposed Neighbourhood Shopping Centre Development at Lot 801 (No.332) Kalamunda Road, Maida Vale – Determination (Item 4.1)

Written Submission: Marisa Arena - Banksia Tourist Park

Members noted the written submission on Item 4.1 - Part 17 Development Application – Proposed Neighbourhood Shopping Centre Development at Lot 801 (No.332) Kalamunda Road, Maida Vale – Determination.

2.10 Part 17 Development Application – Proposed Neighbourhood Shopping Centre Development at Lot 801 (No.332) Kalamunda Road, Maida Vale – Determination (Item 4.1)

Written Submission: Sarah Hughes - Maida Vale Primary School

Members noted the written submission on Item 4.1 - Part 17 Development Application – Proposed Neighbourhood Shopping Centre Development at Lot 801 (No.332) Kalamunda Road, Maida Vale – Determination.

3. Presentation of key issues by the Department of Planning, Lands and Heritage (Item 4.1)

Leigh Parker – A/Planning Manager, State Development Assessment Unit

Leigh Parker, A/Planning Manager of the State Development Assessment Unit presented the key issues and considerations of the application at Item 4.1.

4. Item/s for decision

4.1 Part 17 Development Application – Proposed Neighbourhood Shopping Centre Development at Lot 801 (No.332) Kalamunda Road, Maida Vale – Determination (SDAU-058-21)

In response to the deputations received on the Part 17 Development Application – Proposed Neighbourhood Shopping Centre Development at Lot 801 (No.332) Kalamunda Road, Maida Vale – Determination, members were advised by the Department of Planning, Lands and Heritage (the Department) on the following matters:

The identification of errors in the Retail Needs Assessment/Net Benefit Test report supplied by the applicant was brought to the attention of the Department of the Planning, Lands and Heritage (the Department) and an updated agenda was published including the amended version of the report, and noted all deputations including the City of Kalamunda were notified ahead of the meeting. Members noted that the corrections in the Retail Needs Assessment/Net Benefit Test report were limited to Table 4.5 of the report and were concerning the percentage terms in how the viability impacts are considered under the State Planning Policy 4.2 – Activity Centres (SPP4.2), specifically if the impacts are minor or moderate and the reasonable balance of competition and were advised the proposal has been considered to have moderate impact. The Department advised that the Retail Needs Assessment/Net Benefit Test report conclusion did not require correction, can be relied upon and the correction in Table 4.5 has not resulted in a change in the Department's overall assessment of the proposal.

Members discussed the out of centre development proposal and the City of Kalamunda framework identifying the site as an Activity Centre and on this basis the site could be considered as a new centre. Members were advised that the site is a Special Use zone under the City of Kalamunda Local Planning Scheme 3, which permits a Nursery/Special Garden Centre, and the Rural zone under the Metropolitan Region Scheme (MRS). Members further noted that previous applications to rezone the site to urban in the MRS had not been supported and that the strategic planning framework has since changed since that time with an emphasis on planning for activity centres. Members were advised that the City of Kalamunda is in the early stages of developing a new local planning strategy (LPS) and subsequent scheme.

Members were advised the future likely redevelopment of the adjacent golf course would not likely compromise the intended outcome.

Members queried the impact on other activity centres including the future district centre in High Wycombe South and were advised that the Department's view of this proposal would not undermine the viability of the district centre.

Members discussed the applicant's request that Condition 6 of the recommendation be amended to include the use not listed (liquor store-small) and noted that the Public Transport Authority (PTA) has requested the alternative email address WAPCreferrals@pta.wa.gov.au be referenced in the Advice Note I.

Members were advised that the noise, light and traffic concerns raised through the deputations were addressed through the proposed conditions of approval including a new pedestrian path.

Members noted that the City of Kalamunda LPS references the need for an additional activity centre in Maida Vale and the site is appropriate for a neighbourhood centre up to 500 square metres of retail floor space and agreed that this centre is unlikely to threaten viability of other centres.

Members discussed the alternative recommendation provided by the Department prior to the meeting which addresses concerns raised by the deputations and the applicant and agreed to endorse the alternative recommendation of the Department of Planning, Lands and Heritage for the reasons discussed and outlined in the report.

Moved by Commissioner Bennett
Seconded by Commissioner Hall

ALTERNATIVE RECOMMENDATION

That the Western Australian Planning Commission resolves to APPROVE application reference SDAU-058-21 and accompanying plans (date-stamped 18 December 2024) for a proposed neighbourhood shopping centre development at Lot 801 (No.332) Kalamunda Road, Maida Vale in accordance with s.274 of the Planning and Development Act 2005, having regard to the applicant's amended Retail Needs Assessment/Net Benefit Test as contained in Attachment 13, subject to the following conditions:

Conditions

Approval

1. *This decision constitutes development approval only and is valid for a period of 36 months from the date of approval. If the development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.*

Conformity with Plans

2. *The development is to be undertaken in accordance with the approved plans (date stamped 18 December 2024) attached to this approval, subject to modifications required by any condition of this approval, final details of which are to be submitted at working drawings stage (conditions clearance stage), to the satisfaction of the Western Australian Planning Commission, on advice from the City of Kalamunda.*

3. *A copy of the final working drawings (prepared for submission of relevant building permit application(s)) and all associated plans, reports and information that addresses the conditions of approval are to be submitted to, and cleared by, the Western Australian Planning Commission (WAPC). The final working drawings and associated documents are to comply with all conditions of development approval, as confirmed by the WAPC, and any variations from the approved development plans are required to be clearly identified.*

Materials and Finishes

4. *The development is to be constructed with high quality and durable external materials and finishes, consistent with the approved development plans, including elevations and perspectives (date stamped 18 December 2024) (other than as amended by conditions of approval) to the satisfaction of the Western Australian Planning Commission.*

5. *Prior to submission of the relevant building permit application, the applicant is to submit final details of the materials, colours and finishes of the exterior of the building(s), to the satisfaction of the Western Australian Planning Commission.*

Land Use

6. *This approval is for 'Shop', 'Restaurant/Café', 'Fast Food Outlet', 'Office', 'Lunch Bar', 'Consulting Rooms', 'Medical Centre', 'Health/Fitness Centre and 'Use not listed (Liquor store – small)' uses as defined under the City of Kalamunda Local Planning Scheme No.3.*

Amenity

7. *Prior to submission of the relevant building permit application, details of any proposed air conditioning condensers, external building plant, piping, ducting, transformers and fire control rooms being integrated into the design of the buildings and located or screened to minimise any visual and noise impact on nearby residents and the public realm, being submitted to, and approved by, the Western Australian Planning Commission on advice from the City of Kalamunda.*

8.
   (a) Prior to submission of the relevant building permit application, a lighting strategy is to be provided by a suitably qualified consultant and approved by the Western Australian Planning Commission, on advice from the City of Kalamunda, demonstrating that lighting is to be provided to all car parking areas, building facades and the public

forecourt in accordance with the relevant Australian Standards AS1158.3.1 and AS4282.

(b) Prior to occupation of the development, the applicant is to provide certification from a suitably qualified person demonstrating the lighting has been installed in accordance with the approved strategy to the satisfaction of the Western Australian Planning Commission.

9. *The development is to accord with the National Construction Code (NCC) Building Code of Australia (BCA), Australian Standards AS1428.1 and Disability (Access to Premises – Buildings) Standards 2010.*
Prior to submission of the relevant building permit application, detailed drawings are to be submitted identifying access from carparking areas to the entrance of the building and throughout the building, as required by AS1428.1 and the Disability Standards.

10.

(a) Prior to submission of the relevant building permit application, a final Acoustic Report and associated construction plans, detailing effective management of noise ingress and egress for all land uses, traffic noise, service vehicles and mechanical equipment, to reflect development plans (date stamped 18 December 2024), is to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Kalamunda.

(b) Prior to occupation of the development, certification is to be provided from a qualified acoustic consultant confirming that the recommendations of the approved Acoustic Report have been implemented in the completed development, to the satisfaction of the Western Australian Planning Commission.

Construction

11.

(a) Prior to submission of the relevant building permit application, a Construction Management Plan is to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Kalamunda and the Public Transport Authority. The Plan is to address the following, but not limited to:

(i) *public safety and security;*
(ii) *hours of construction;*
(iii) *toilet facilities for construction workers;*
(iv) *temporary fencing, hoardings, gantries, and signage;*
(v) *site access and egress;*
(vi) *construction traffic management;*
(vii) parking arrangements for staff, contractors and visitors;

(viii) pedestrian and cyclist management and any footpath obstructions;
(ix) parking arrangements for staff and contractors;
(x) deliveries and storage of construction materials and machinery;
(xi) how materials and equipment will be stored on the site;
(xii) management of vibration, dust, wind, erosion, lighting and environmental hazards;
(xiii) management of any site dewatering or stormwater discharge;
(xiv) management of construction noise and other site generated noise;
(xv) demolition and construction waste management, recycling, and removal;
(xvi) protection of street trees and public realm infrastructure;
(xvii) public communication and complaint handling procedures;
(xviii) other matters likely to impact on surrounding property owners.

(b) The approved Construction Management Plan is to be implemented and adhered to at all times, to the satisfaction of Western Australian Planning Commission.

12.
(a) Prior to submission of the relevant building permit application, the applicant is to submit a geotechnical engineering report certifying that the land is physically capable of accommodating the development.
(b) In the event that remediation works are required, a post-works geotechnical report certifying that all works have been carried out in accordance with the pre-works geotechnical report is to be submitted, to the satisfaction of the Western Australian Planning Commission, on advice from the City of Kalamunda.

13. *Temporary structures, such as prefabricated or demountable offices, portable toilets and skip bins necessary to facilitate storage, administration and construction activities are permitted to be installed within the property boundaries of the subject site(s) for the duration of the construction period.*
These structures are to be located so as not to obstruct vehicle sight lines of the subject site, the adjacent road network or of adjoining properties to the satisfaction of the Western Australian Planning Commission and are to be removed prior to initial occupation of the development.

14.
(a) Prior to submission of the relevant building permit application, a Tree Protection Plan establishing tree

protection zones as per Australian Standard AS4970-2009 and detailing the protection and care of retained and relocated site and verge trees during construction, is to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Kalamunda.

(b) The approved Tree Protection Plan is to be implemented to the satisfaction of the Western Australian Planning Commission.

Land Management

15. Prior to occupation of the development, the landowner/applicant is to register on the Certificate of Title(s), a notification pursuant to Section 70A of the Transfer of Land Act 1893. The notification is to be included on the diagram or plan of survey (deposited plan) and registered at the landowner/applicant's expense, to the satisfaction of the Western Australian Planning Commission. The notification is to state as follows:

> *"This land is within a bushfire prone area as designated by an Order made by the Fire and Emergency Services Commissioner and is subject to a Bushfire Management Plan. Additional planning and building requirements may apply to development on this land".*

The notification is to be registered at the applicant/owner's expense, to the satisfaction of the Western Australian Planning Commission.

16.

(a) Prior to the submission of the relevant building permit application the Bushfire Management Plan (reference 18-184) date-stamped received 19 December 2023 is to be updated to detail suitable arrangements and timing of implementation measures to secure the ongoing management of vegetation, to the satisfaction of the Western Australian Planning Commission, on advice from the City of Kalamunda.

(b) Prior to occupation of the development, certification by a Bushfire Consultant is to be provided to demonstrate that the measures included in the Bushfire Management Plan (updated in accordance with part (a) of this condition) have been implemented to the satisfaction of the Western Australian Planning Commission, on advice from the City of Kalamunda.

(c) The approved development is to be operated and all relevant landscaping and vegetation is to be thereafter managed in accordance with the Bushfire Management Plan (updated in accordance with part (a) of this condition), to the satisfaction of the Western Australian Planning Commission, except

where otherwise approved in writing by the Western Australian Planning Commission, on advice from the City of Kalamunda.

17.

(a) Prior to submission of the relevant building permit, a Stormwater Management Plan is to be submitted to and approved by the Western Australia Planning Commission, on advice from the City of Kalamunda, demonstrating that all stormwater can be retained on site.

(b) The approved Stormwater Management Plan is to be implemented and adhered to by the owners and/or managers of the development, to the satisfaction of the Western Australian Planning Commission.

Landscaping and Public Realm

18.

(a) Prior to the submission of the relevant building permit application, detailed landscaping plans and specifications for both the subject site and adjoining road reserves are to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Kalamunda.

(b) Prior to occupation of the development, certification that the landscaped areas and reticulation have been completed in accordance with the approved landscaping plans is to be submitted to the satisfaction of the Western Australian Planning Commission, on advice from the City of Kalamunda.

(c) The approved landscaping plan is to thereafter be maintained by the owners or operators of the development to the satisfaction of the Western Australian Planning Commission.

(d) Works within the public realm shall be undertaken at the applicant's expense in accordance with the approved plans and details and thereafter maintained to the satisfaction of the Western Australian Planning Commission.

19.

(a) Prior to the submission of the relevant building permit application, a Signage Strategy is to be submitted to and approved by the Western Australian Planning Commission, on the advice of the City of Kalamunda. The strategy is to include, but is not limited to, details of the:

i. the location, size and format of any signage to the building exterior; and

ii. signage to promote and guide wayfinding.

(b) The approved Signage Strategy informs the provision of all signage proposed to the external façade of the development. The approved strategy is to be implemented and adhered to, unless otherwise approved by the Western Australian Planning Commission, on advice from the City of Kalamunda.

20. *Prior to the occupation of the development, all unused crossover(s) are to be removed, and the kerbing and road verge reinstated at the owner's cost in accordance with the requirements of the City of Kalamunda, to the satisfaction of the Western Australian Planning Commission, on advice from the City of Kalamunda*

21. Prior to the occupation of the development:

(a) in accordance with the City of Kalamunda Local Planning Policy 26 – Public Art Contribution, a public art concept for the subject development to the value of 1.0% of the construction value must be submitted to, and approved by, the Western Australian Planning Commission on advice from the City of Kalamunda; and
(b) the approved public art is to be installed by the developer and maintained thereafter by the owners and/or managers of the development, to the satisfaction of the Western Australian Planning Commission.

Operational Management

22.
(a) Prior to occupation of the development, a Shopping Trolley Management Plan is to be submitted to the satisfaction of the Western Australian Planning Commission on advice of the City of Kalamunda.
(b) The approved Shopping Trolley Management Plan is to be implemented and adhered to by the owners and/or managers of the development, to the satisfaction of the Western Australian Planning Commission.

23.
(a) Prior to submission of the relevant building permit application, the Waste Management Plan (date stamped 19 December 2023) is to be updated to reflect the detailed design, and submitted to and approved by the Western Australian Planning Commission, on advice from the City of Kalamunda.
(b) The approved Waste Management Plan is to be implemented and adhered to by the owners and/or managers of the development, to the satisfaction of the Western Australian Planning Commission.

Sustainability

24.
(a) Prior to submission of the relevant building permit application(s), the Sustainable Design Report (date stamped 19 December 2023) is to be updated to demonstrate the development will achieve an equivalent 5 star Green Star rating, and is to be submitted to the satisfaction of the Western Australian Planning Commission.
(b) Prior to occupation of the development, certification is to be provided from a suitably qualified environmental consultant confirming the implementation of the sustainability measures contained within the final approved Sustainable Design Report, and the ability of the development to be thereafter occupied and operated in accordance with the final approved Sustainable Design Report, to the satisfaction of the Western Australian Planning Commission.

Transport, Access and Parking

25. *Prior to occupation of the development, all bicycle parking and associated end-of-trip facilities is to be installed and operational. The provision of bicycle parking bays, associated bicycle infrastructure and end-of-trip facilities (including showers and clothes lockers) for staff and visitors are to be provided as indicated on the approved plans, which shall be maintained for the life of the development, to the satisfaction of the Western Australian Planning Commission, on advice from the City of Kalamunda.*

26.
(a) Prior to submission of the relevant building permit application, a detailed parking plan is to be prepared by a suitably qualified engineering consultant which demonstrates the proposed car parking areas, vehicle access, universal access and bicycle bays have been designed to the specifications of the City of Kalamunda, in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004), Off-street Parking for People with Disabilities (AS/NZS2890.6 2009), Off-street Commercial Vehicle Facilities (AS2890.2:2002) and Off-street Car Parking – Bicycles (AS2890.3), as applicable, unless otherwise approved, to the satisfaction of the Western Australian Planning Commission, on advice from the City of Kalamunda.
(b) Prior to occupation of the development, certification is required that all car parking spaces, access aisles, loading bays and bicycle parking spaces have been designed, constructed and marked in accordance with the approved parking plan to the specifications of the City of Kalamunda and in accordance with the applicable Australian Standard

(as above), to the satisfaction of the Western Australian Planning Commission.

(c) All parking bays, driveways and access points shall be maintained by the owners and/or managers of the development to the satisfaction of the Western Australian Planning Commission.

27.

(a) Prior to submission of the relevant building permit application, a Loading and Servicing Management Plan is to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Kalamunda.

(b) The approved Loading and Servicing Management Plan is to be implemented and adhered to by the owners and/or managers of the development, to the satisfaction of the Western Australian Planning Commission.

28.

(a) Prior to submission of the relevant building permit application, detailed designs for upgrades and infrastructure improvements to the Kalamunda Road/Midland Road intersection, the left turn lane on Kalamunda Road, pedestrian crossings on Kalamunda Road and Midland Road, Midland Road median upgrades and right turn pocket for the Midland Road access, all crossovers, any required bus stop relocation or new bus stop provision and footpaths are to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Kalamunda and the Public Transport Authority. The works shall be informed by and subject to a Road Safety Audit at the preliminary (15%) and detailed (85%) design stages demonstrating the functionality and safety of all road upgrades and infrastructure improvements to the satisfaction of the Western Australian Planning Commission, on advice from the City of Kalamunda and the Public Transport Authority.

(b) Prior to occupation of the development, suitable arrangements are to be made for the completion and/or implementation of the approved site access, road and intersection improvement works, to the satisfaction of the Western Australian Planning Commission, on advice of the City of Kalamunda.

Advice

a) With regard to Condition 1, the term 'substantially commenced' has the meaning as set out in the Planning and Development (Local Planning Schemes) Regulations 2015 as amended from time to time. The substantial commencement date is calculated from the date the applicant receives the determination notice.

b) *If the landowner/applicant is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with Part 17 of the Planning and Development Act 2005.*

c) *This is a development approval only. The applicant/owner is advised that it is their responsibility to ensure that the proposed development complies with all other applicable legislation, local laws and/or licence/permit requirements that may relate to the development. Please contact the City of Kalamunda for further advice on building, health, engineering and road reserve requirements.*

d) *With regard to Condition 3, the final working drawings are to comply with all of the relevant conditions of development approval, as confirmed by the Western Australian Planning Commission (WAPC), and any variations from the approved plans are required to be clearly identified. Once the WAPC is satisfied that the working drawings are consistent with the approved development plans and any reports and information submitted have adequately addressed the conditions of approval, the WAPC will provide a clearance letter and copies of the working drawings to the applicant to assist with the issuing of a building permit.*

Where works and/or building permits are proposed to be staged, the WAPC may agree to a staged clearance of working drawings and associated conditions of approval. In such cases a Conditions Staging Matrix will need to be completed and submitted for the WAPC approval. Interim documentation may be acceptable for the clearance of some conditions for the initial stages of the development, in accordance with an approved Conditions Staging Matrix. In an instance where interim documents or plans are accepted by the WAPC, the documentation is required to identify the time or stage for the delivery of the final documents and/or plans.

e) *With regard to Condition 5, consideration should be given to the use of local natural materials, such as granite referencing Statham's Quarry, and incorporating red bitumen in the car park, to strengthen the contextual responsiveness and reflect the identity of the local area. Materials should be selected that mitigate unwanted heat gain and are appropriate to the local environment and context, including the use of light hardscape materials and reducing the extent of dark cladding.*

f) *With regard to Condition 9, the lighting strategy and subsequent installed lighting should demonstrate that any light spill to adjoining properties is minimised to acceptable levels and is in compliance with AS4282:1997.*

g) With regard to Condition 8, the development is required to provide access to buildings for people with disabilities in accordance with the National Construction Code Building Code of Australia, AS1428.1 and Disability (Access to Premises – Buildings) Standards 2010.

h) With regard to Condition 11, the Public Transport Authority (PTA) advises that PTA and Transperth require a minimum of 10 business days prior to any proposed road closure and should be contacted by emailing transperth.servicedisruptions@pta.wa.gov.au.

i) With regard to Condition 14, it is the responsibility of the applicant to ensure that the site survey plan is correct as any inaccuracy of the plans will not be considered justification for the removal of trees in the event that their positions are incorrectly shown. The removal of street trees without the written approval of the City of Kalamunda is an offence under the Local Government (Uniform Local Provisions) Regulations 1996.

j) With regard to Condition 18, the landscaping plans are to align with the approved Development Plans (18 December 2024). Landscaping should provide a connection to the local natural identity and incorporate endemic tree species. Any proposed landscape works outside the development lot boundaries will require consent from the City of Kalamunda prior to the commencement of any works.

k) With regard to Condition 24, the updated sustainability report is to include details of electric vehicle charging points.

l) With regard to Condition 28, the applicant is required to consult with the Public Transport Authority (WAPCreferrals@pta.wa.gov.au) regarding the relocation of the existing bus stop and provision of any new bus stops.

m) Any works proposed within the road reserves will require the prior approval from the City of Kalamunda and will need to be undertaken in accordance with the City of Kalamunda's specifications and to the City of Kalamunda's satisfaction. Any such application should include a detailed infrastructure plan.

n) The developer is expected to provide all water and sewerage reticulation if required. A contribution for Water and Sewerage headworks may also be required. In addition, the developer may be required to fund new works or the upgrading of existing works and protection of all works.

o) The applicant should consider any requirements for referral of the proposal under the Commonwealth Environmental Protection and Biodiversity Conservation Act (EPBC Act) in

relation to potential impacts on threatened black cockatoo habitats.

p) Any damage to existing bus stop will result in applicant/owner making all rectifications to the Public Transport Authority (PTA) standards.

q) Department of Water and Environmental Regulation advises that if evidence of soil or groundwater contamination is encountered during development works, works should cease immediately, and the site should be reported to the Department under Section 11 of the Contaminated Sites Act 2003.

r) *Food business operators are required to apply for Registration of a Food Business accompanied with the appropriate registration fee a minimum of two weeks prior to commencing operation. The Application must include floor plans and elevations of the kitchen and bar areas detailing all fixtures, fittings and finishes to the City's Health Service so that assessment may be made against the requirements of the Food Standards Code and advice can be provided before commencing construction. Such advice will aid in preventing expense and delays caused by the possible need to rectify structural non-compliances at the time of completion.*

The motion was put and carried

The Chairperson declared a brief adjournment at 3:41pm.

The meeting resumed at 3:48pm, with all attending members present except Commissioner Haeren and Commissioner Hall who declared declarations of interest on Item 7.1.

5. Deputations and presentations (Item 7.1)

5.1 Part 17 Development Application - Vanadium Processing Facility, Lots 40 and 41 Geraldton – Mount Magnet Road, Tenindewa - Determination (Item 7.1)

Presenters: Narelle and Brad Smith - Nola Downs Farming Co

Narelle and Brad Smith made a deputation to the Western Australian Planning Commission regarding Part 17 Development Application - Vanadium Processing Facility, Lots 40 and 41 Geraldton – Mount Magnet Road, Tenindewa – Determination.

5.2 Part 17 Development Application - Vanadium Processing Facility, Lots 40 and 41 Geraldton – Mount Magnet Road, Tenindewa - Determination (Item 7.1)

Presenters: Phil Gorey and Amy Vassallo - Department of Energy and Economic Diversification

Phil Gorey and Amy Vassallo made a deputation to the Western Australian Planning Commission regarding Part 17 Development Application - Vanadium Processing Facility, Lots 40 and 41 Geraldton – Mount Magnet Road, Tenindewa – Determination.

5.3 Part 17 Development Application - Vanadium Processing Facility, Lots 40 and 41 Geraldton – Mount Magnet Road, Tenindewa - Determination (Item 7.1)

Presenters: Graham Arvidson - Australian Vanadium Limited; Michael Taylforth - Land Insights and Trevor Smith - Australian Vanadium Limited; Mike Scott and Neil Stoney - Bushfire Prone Planning; and Belinda Moharich - Moharich and More

Additional Attendees: Todd Richardson, Flormirza Cabalteja, Susan Chew - Australian Vanadium Limited, Peter Hillman - Urbis, Ross Montgomery - Land Insights and Matthew Pettersson and Stephen Lee - Wood PLC

Graham Arvidson, Michael Taylforth, Trevor Smith, Mike Scott, Neil Stoney and Belinda Moharich made a deputation to the Western Australian Planning Commission regarding Part 17 Development Application - Vanadium Processing Facility, Lots 40 and 41 Geraldton – Mount Magnet Road, Tenindewa – Determination.

5.4 Part 17 Development Application - Vanadium Processing Facility, Lots 40 and 41 Geraldton – Mount Magnet Road, Tenindewa - Determination (Item 7.1)
Written Submission: Melinda Weir - Koorinya Farm

Members noted the written submission on Item 7.1 - Part 17 Development Application - Vanadium Processing Facility, Lots 40 and 41 Geraldton – Mount Magnet Road, Tenindewa – Determination.

6. Presentation of key issues by the Department of Planning, Lands and Heritage (Item 7.1)

Paola Di Perna – Planning Director, State Development Assessment Unit

Paola Di Perna, Planning Director of the State Development Assessment Unit presented the key issues and considerations of the application at Item 7.1.

7. Item/s for decision

7.1 Part 17 Development Application - Vanadium Processing Facility, Lots 40 and 41 Geraldton – Mount Magnet Road, Tenindewa - Determination (SDAU-053-21)

In response to the deputations received on the Part 17 Development Application - Vanadium Processing Facility, Lots 40 and 41 Geraldton – Mount Magnet Road, Tenindewa – Determination, members were advised that the concerns raised through the deputations and by the applicant have been addressed through the conditions of the report as well as further consideration through questions raised and additional conditions requested by members ahead of the meeting.

Members discussed the timeframe for the use of the site for the processing facility and temporary workforce accommodation. Relative to the temporary workforce accommodation, advice was sought as to the inclusion of a condition ensuring that it is temporary. Members were advised that a condition can be included and should capture the use and the decommissioning.

For the processing facility, Members were advised that a condition with a specific time limit could be imposed. Clarification was sought in relation to a time period given 50 years was indicated through the proponent's deputation. An example where this approach was applied and expressing a period of 50 years was provided to Members, noting consideration is to be given to the time period and the scale of investment.

Members sort clarification on the modified conditions that were provided to Members ahead of the meeting, including:

- Clarification was sought relative to the condition associated with the relocation of the storm water ponds with a minimum 500m setback from the property boundary and that reference was not included for the temporary workforce accommodation. Members were advised that the workforce accommodation forms part of a separate condition and the intent for the setback to be captured as part of that condition.

- Construction Management Plan and the operational time of 7am to 7pm Monday to Saturday as requested by the adjoining landowner not to operate on Sunday and public holidays and were advised that there was no objection to this request.

- Clarification in relation to the local community benefit contribution Advice Note in the context of discussions with the City of Greater Geraldton, the relevance of the recent release of Energy Policy WA draft guidelines and whether further weight that can be given through the advice note. It was noted that as a condition it would need to relate to the development, needs to

be reasonable and include a planning purpose. This has not been demonstrated and therefore not included as a condition, and an advice note has been included in terms of contribution to local community benefits.

- Clarification on the wording in the conditions referencing the vanadium processing facility, pipeline and temporary workers accommodation. Members were advised that the temporary workforce accommodation was considered incidental to the processing facility and the specific reference was to be clear that the accommodation was not permanent and could be addressed through the Construction Management Plan instead of the development plans. The pipeline reference could be removed, as not impacting the assessment.

- The reference to condition two being temporary and in bracket (ancillary uses) and were advised that if removed there would be no objection.

- Clarification in relation to Geraldton Mount Magnet Road crossovers and whether MainRoadsWA would need to approve the crossovers referenced in the recommendation. Members were advised that the condition was on the advice of MainRoadsWA and intended to provide clarity. Separate crossover approvals will need to be obtained from MainRoadsWA under MainRoadsWA Act.

Members moved the recommendation of the Department of Planning, Lands and Heritage to open debate on the conditions for item 7.1.

Moved by Commissioner Bennett
Seconded by Commissioner Brookes

REPORT RECOMMEDATION

That the Western Australian Planning Commission resolves, under section 274 of the Planning and Development Act 2005, to approve development application reference SDU-053-21 and accompanying plans date-stamped 14 December 2023 for a Vanadium Processing Facility and Pipeline at Lots 40 and 41 Geraldton-Mount Magnet Road Tenindewa, for the following:

Conditions

Approval

1. *This decision constitutes development approval only and is valid for a period of 48 months from the date of this approval. If the development is not substantially commenced within the*

specified period, the approval shall lapse and be of no further effect.

2. *The development is to be undertaken in accordance with the approved plans stamped 14 December 2023 attached to this approval, subject to modifications required by any condition of this approval, final details of which are to be submitted at working drawings stage to the satisfaction of the Western Australian Planning Commission on advice from the City of Greater Geraldton.*

3. *This approval is for a Vanadium Processing Facility and temporary workers accommodation only.*

4. *Prior to the commencement of the relevant stage of development, a copy of the final working drawings (prepared for submission of relevant building permit application(s)) and all associated plans, reports and information that addresses the conditions of approval are to be submitted to, and cleared by, the Western Australian Planning Commission. (WAPC). The final working drawings and associated documents are to comply with all conditions of development approval, as confirmed by the WAPC, and any variations from the approved development plans are required to be clearly identified.*

Construction

5.

a) *Prior to the commencement of development, a Construction Management Plan is to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Greater Geraldton, addressing but not limited to:*

   i. *Hours of construction being limited the hours of 7am to 7pm Monday to Saturday;*
   ii. *Heritage management protocols to mitigate against risks linked to the exposure of Aboriginal artefacts during ground-disturbing activities;*
   iii. *Temporary fencing, hoardings, gantries, and signage;*
   iv. *Site access and egress;*
   v. *Construction vehicle route and traffic management;*
   vi. *Parking arrangements for staff and contractors;*
   vii. *Deliveries and storage of construction materials and machinery;*
   viii. *Management of vibration, dust and erosion;*
   ix. *Management of any stormwater discharge;*
   x. *Management of construction noise and other site-generated noise;*
   xi. *Management, removal and recycling of demolition and construction waste;*

xii. Protection, maintenance and repair of any roads and other public realm infrastructure; and
xiii. Public communication and complaint-handling procedures.

b) The approved Construction Management Plan is to be implemented and adhered to, to the satisfaction of the Western Australian Planning Commission, on advice from the City of Greater Geraldton.

Transport Access and Parking

6.

a) Prior to the commencement of development, detailed designs for the following road network improvements are to be submitted to the satisfaction of the Western Australian Planning Commission, on advice from Main Roads WA and the City of Greater Geraldton:

i. The new access road shall be sealed to Main Roads standards from the edge of Geraldton-Mount Magnet Road to a minimum distance of minimum 100m into the property;
ii. The intersection of Erangy Springs Road and Geraldton Mount Magnet Road shall be upgraded to Main Roads WA requirements;
iii. Erangy Springs Road shall be sealed and designed to accommodate A-Double equivalent heavy vehicles from the Geraldton-Mt Magnet Road to the entry point to the development site; and
iv. Vehicle access to Erangy Springs Road shall be appropriately located, designed, constructed and maintained to meet traffic-engineering standards and, if required, appropriate warning signs shall be erected.

b) Prior to the commencement of development, suitable arrangements are to be made for the completion and/or implementation of approved site access, road and intersection improvement works, to the satisfaction of the Western Australian Planning Commission, on advice from the City of Greater Geraldton and Main Roads WA.

7. Prior to the commencement of operations, a restrictive covenant pursuant to Section 129 BA of the Transfer of Land Act 1893 (as amended) is to be lodged on the certificate(s) of title of the proposed lot(s) at the full expense of the landowner/applicant and to the satisfaction of the Western Australian Planning Commission. The covenant is to prevent access, to the benefit of Main Roads WA as shown on the attached plan, Attachment A, and the covenant is to specify:

"No vehicular access is permitted to and from Geraldton-Mount Magnet Road, between A and B, C and D, E and F"

8.
   a) *Prior to commencement of the relevant stage of development, an independent Road Safety Audit for each intersection or road upgrade is to be prepared and submitted to and approved by the Western Australian Planning Commission on advice from Main Roads WA and the City of Greater Geraldton*
   b) *Prior to commencement of operations, the recommendations of the Road Safety Audit are to be implemented to the satisfaction of the Western Australian Planning Commission on advice from Main Roads WA and the City of Greater Geraldton.*

9. *Within 30 days of the commencement of operations, any damage to public roads or infrastructure as a result of construction works, is to be rectified to the required standard at the developer's cost to the satisfaction of the Western Australian Planning Commission, on advice from Main Roads WA and the City of Greater Geraldton.*

10. *Prior to the commencement of operations, certification is required that all car parking spaces, access aisles and loading bays have been designed, constructed and marked in accordance with Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004), Off-street Parking for People with Disabilities (AS/NZS2890.6 2009)), to the satisfaction of the Western Australian Planning Commission on advice from the City of Greater Geraldton.*

Amenity

11.
   a) *Prior to the commencement of development, an updated Acoustic Report is to be submitted to the satisfaction of the Western Australian Planning Commission on the advice of the City of Greater Geraldton and the Department of Water and Environmental Regulation. The final acoustic report is to be prepared by an independent suitably qualified person and include the following;*

      i. *Details of all plant and equipment including silencers and other noise attenuating devices;*
      ii. *Provisions for post-commissioning testing which demonstrate the plant is operating in compliance with the Environmental Protection (Noise) Regulations 1997;*
      iii. *Measures and/or procedures to address any areas of non-compliance with the maximum permitted noise levels specified in the Environmental Protection (Noise) Regulations 1997; and*

iv. *A real time noise monitoring program that demonstrates the plant is operating in compliance with the Environmental Protection (Noise) Regulations 1997.*

b) *The approved Acoustic report shall be implemented to the satisfaction of the Western Australian Planning Commission on advice from the City of Greater Geraldton and the Department of Water and Environmental Regulation.*
c) *Prior to commencement of operations, certification is to be provided from a qualified acoustic consultant confirming that the recommendations of the approved Acoustic Report have been implemented, to the satisfaction of the Western Australian Planning Commission.*

12.

a) *Prior to the commencement of operations, an Operational Management Plan is to be submitted to the satisfaction of the Western Australian Planning Commission, on advice from the City of Greater Geraldton, which includes but is not limited to the following;*

i. *Measures to protect the International Sustainability and Carbon Certification (ISCC) rating of canola crops located on neighboring properties;*
ii. *Procedures to limit high noise generating activities to daylight hours wherever possible;*
iii. *Measures to restrict Heavy Vehicles from accessing the site between the hours of 7pm and 7am; and*
iv. *A process to manage and respond to any complaints related to the operation of the plant.*

b) *The Operational Management Plan is be reviewed every 2 years or as improvements are identified by the operator or Western Australian Planning Commission, to the satisfaction of the Western Australian Planning Commission, on advice from the City of Greater Geraldton.*
c) *The approved Operational Management Plan shall be implemented to the satisfaction of the Western Australian Planning Commission on advice from the City of Greater Geraldton.*

13.

a) *Prior to the commencement of development, a landscaping strategy and final landscape plans and specifications for the development site prepared by a suitably qualified landscape architect are to be submitted to and approved by the Western Australian Planning Commission. The landscaping strategy and final landscape plan should incorporate the recommendations contained in the Landscape and Visual Assessment prepared by Land Insights and dated 14 May 2025 and address the interface with adjoining properties and*

include specifications of species used and details of reticulation.

b) *Prior to the commencement of operations, certification from a suitably qualified person that all landscaping and reticulation has been established in accordance with the approved Landscaping Strategy, plans and specifications is to be submitted to the satisfaction of the Western Australian Planning Commission, on advice from the City of Greater Geraldton.*

14.

a) *Prior to commencement of the relevant stage of development, an updated lighting strategy detailing external illumination of the development, which is sympathetic to nearby dwellings and enhances the rural amenity and safety of the area, is to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Greater Geraldton.*
b) *Prior to commencement of operations, certification is to be provided from a suitably qualified person demonstrating the lighting has been installed in accordance with the approved Lighting Strategy to the satisfaction of the Western Australian Planning Commission.*

Bushfire Management

15.

a) *Prior to the commencement of development, the bushfire management plan dated 5 February 2025 is to be updated to the satisfaction of the Western Australian Planning Commission, on advice from the Department of Fire and Emergency Services to include the following;*

    i. *Sufficient detail to demonstrate that vehicle access through the site and around the solar array is compliant with the overall access requirements;*
    ii. *All habitable buildings are to be clearly identified and provided with a minimum water supply of 10kL per habitable building; and*
    iii. *An Emergency Evacuation Plan.*

b) *Prior to the commencement of operations, a Level 3 Bushfire Practitioner is to provide certification that the measures included in the updated Bushfire Management Plan and Bushfire Emergency Evacuation Plan have been implemented to the satisfaction of the Western Australian Planning Commission, on advice from the Department of Fire and Emergency Services.*
c) *The approved Bushfire Management Plan and Bushfire Emergency Evacuation Plan are to be implemented to the satisfaction of the Western Australian Planning Commission,*

on advice from the Department of Fire and Emergency Services and the City of Greater Geraldton.

Waste and Stormwater Management

16.

a) Prior to the commencement of development, a Stormwater Management Plan, addressing the detailed design of stormwater collection and the system of disposal from the developed areas, is to be submitted to the satisfaction of the Western Australian Planning Commission, on advice from the City of Greater Geraldton and Main Roads WA.

b) The approved Stormwater Management Plan is to be implemented and adhered to by the owners and/or managers of the development, to the satisfaction of the Western Australian Planning Commission.

17.

a) Prior to the commencement of development, an updated Waste Management Plan addressing the location for the disposal of waste for the development during the construction and operational phases is to be submitted to the satisfaction of the Western Australian Planning Commission, on advice from the City of Greater Geraldton.

b) The approved Wastewater Management Plan is to be implemented and adhered to by the owners and/or managers of the development, to the satisfaction of the Western Australian Planning Commission.

Advice Notes

a) This is a development approval only. The developer is advised that granting of development approval does not constitute a building permit and that an application for relevant building permits may be required to be submitted to the local government and be approved before any work requiring a building permit can commence on site.

b) The developer is advised of its responsibility to ensure the proposed development complies with all other applicable legislation, local laws and/or licence/permit requirements that may relate to the approved development. This includes the Biodiversity Conservation Act 2016, Environmental Protection (Noise) Regulations 1997, Environmental Protection Act 1986, Petroleum and Geothermal Energy Resources Act 1967, Petroleum Pipeline Act 1969, Rights in Water and Irrigation Act 1914, Aboriginal Heritage Act 1972, Environmental Protection (Clearing of Native Vegetation) Regulations 2004, Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007 and Mines Safety and Inspection Act 1994, amongst others.

c) *With regards to Condition 1, the term "substantially commenced" has the meaning given to it in the Planning and Development (Local Planning Schemes) Regulations 2015 as amended from time to time. The substantial commencement date is calculated from the date the applicant receives the determination notice.*

d) *With regards to Condition 2, 3 and 4, the final working drawings are to comply with all of the relevant conditions of development approval, as confirmed by the Western Australian Planning Commission (WAPC), and any variations from the approved plans are required to be clearly identified. Once the WAPC is satisfied that the working drawings are consistent the approved development plans and any reports and information submitted have adequately addressed the conditions of approval, the WAPC will provide a clearance letter and copies of the working drawings to the City of Greater Geraldton to assist in issuing a building permit. Where works and/or building permits are proposed to be staged, the WAPC may agree to a staged clearance of working drawings and associated conditions of approval. In such cases a Conditions Staging Matrix will need to be completed and submitted for WAPC approval.*

e) *Interim documentation may be acceptable for the clearance of some conditions for the initial stages of the development, in accordance with an approved Conditions Matrix. In an instance where interim documents or plans are accepted by the WAPC, the documentation is required to identify the time or stage for the delivery of the final documents and/or plans.*

f) *With regards to Condition 5, the Construction Management Plan is to include a detailed Traffic Management Plan that includes the size and frequency of construction vehicles, parking and manoeuvring, road upgrades/repairs and timing of works associated with the construction of the development, or any other matters considered relevant by Main Roads WA or the local governments.*

g) *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 Southern Regional Corporation (YSRC) in the event that materials of Aboriginal heritage value are discovered during construction activities.*

h) *Upon the closure of the plant the operator of the plant should consult with the Department of Water and Environmental Regulation and the Department of Primary Industries and Regional Development to ensure all risks are controlled during*

the decommissioning phase. The operator of the plant is also referred to its obligations to decommission the plant and undertake the remediation of the site in accordance with any approvals or licences granted by the Department of Energy, Mines, Industry, Regulation and Safety and in accordance with the provisions of the Petroleum and Geothermal Energy Resources Act 1967 and any other relevant legislation that may apply at the time of decommissioning.

i) With regards to Condition 6, the applicant is advised of the following:

i. An application form to undertake works within the road reserve must be submitted to Main Roads WA prior to undertaking any works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads WA website > Technical & Commercial > Working on Roads. No works are permitted within the Geraldton Mount Magnet Road Reservation unless Main Roads has issued a Working on Roads Permit;

ii. Heavy vehicle access must be approved by Main Roads WA where the routes relating to the development application are not approved for the proposed heavy vehicle combinations. Main Roads WA is the relevant authority to issue such approvals. The applicant is advised to contact Main Roads' Heavy Vehicle Services branch to ascertain any approval requirements. Information can also be found on the Heavy Vehicles Access Requirements in WA section of the Main Roads WA website;

iii. The new driveway crossover access and associated turning lane remains the responsibility of the lot owner. Should it become apparent that damage is being done to the Geraldton Mount Magnet Road and as a result of turning movements or a change in the usage of the access, Main Roads WA reserves the right to ask the applicant to maintain or improve the driveway crossover access and associated turning lane as necessary;

iv. No stormwater shall be discharged onto the Geraldton-Mount Magnet Road reserve; and

v. The upgrading/widening of the Geraldton Mount Magnet Road is not in Main Roads WA current 4-year forward estimated construction program. Please be aware that timing information is subject to change and that Main Roads WA assumes no liability for the information provided.

j) No manoeuvring within the Geraldton-Mount Magnet Road reserve is permitted as part of site operations.

k) With regards to Condition 14, the Lighting Strategy is to detail the design of external illumination of the development to prevent any increase in light spill on the adjacent rural landscape and to address Australian Standard 4282:2019 - Control of the

obtrusive effects of lighting and the principles of the WAPC Position Statement: Dark Sky and Astrotourism.

l) *With regard to Condition 15, the updated Bushfire Management Plan should include a Risk Management Plan and an updated assessment that address the requirements of the Victorian Country Fire Authority Design Guidelines and Model Requirements for Renewable Energy Facilities.*

m) *The applicant is advised that separate discussions should progress on an agreement with the City of Greater Geraldton regarding a mutually acceptable contribution towards community, social or other infrastructure that will benefit the respective communities. An agreement should establish the process by which the contributions would be distributed to the local community, sporting and other local groups/ventures deemed appropriate by each of the parties.*

n) *The applicant is advised that water supply and wastewater disposal is required to comply with the following requirements:*

   i. *Wastewater disposal is required to comply with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974;*
   ii. *All drinking water provided on site, especially relating to a food premises or food production, must meet the health-related requirements the Australian Drinking Water Quality Guidelines 2011; and*
   iii. *Any non-drinking water (i.e., water that is not intended or suitable for drinking) must be managed to ensure it cannot be confused with or contaminate the drinking water supply. This requires satisfactory labelling of non-drinking water taps and, depending on system configuration and suitable backflow prevention arrangements in accordance with Australian/New Zealand Standards AS3500 – Plumbing and Drainage.*

o) *If an applicant is 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 an application must be lodged within 28 days of the date of determination.*

Members discussed the inclusion of a time limit on the facility, however noted there were concerns given it is for critical minerals and a significant investment if a temporary time limit of 50 years was imposed. It was discussed whether wording could be included that would make the use no longer temporary if at the end of the period the use is permissible, especially if the zoning may change.

Members advised the following modifications to the recommendation are on advice from the Department provided ahead of the meeting.

AMENDING MOTION

REASON:

Members discussed the inclusion of a new Condition 2 relating to the workforce accommodation use being temporary and expiring within 6 months of commencement of operations of the facility.

Moved by Commissioner Sandri
Seconded by Commissioner Bennett

2. The workforce accommodation use is temporary and will expire within 6 months of commencement of operations.

The amending motion was put and carried

AMENDING MOTION

REASON:

Members discussed the addition of a new Condition 4 to address the relocation of the stormwater ponds to at least 500 metres from the property boundary and noted that the applicant has agreed to this amendment.

Moved by Commissioner Sandri
Seconded by Commissioner Lakey

4. Prior to commencement of development, revised plans are to be submitted to the satisfaction of the Western Australian Planning Commission, which includes the plans depicting the relocation of the stormwater ponds to a position at least 500 metres from property boundary.

The amending motion was put and carried

AMENDING MOTION

REASON:

Members discussed the inclusion of a new sub point (xi) to the new Condition 7 to include the management of construction lighting within the Construction Management Plan.

Moved by Commissioner Sandri
Seconded by Commissioner Adair

7.

xi. Management of construction lighting

The amending motion was put and carried

AMENDING MOTION

REASON:

Members discussed the inclusion of a new Condition 8 (a) and (b) to address the visual impacts of the proposal and management of the impacts with additional screening to address the concerns made during the deputations on the impacts to the Nola Downs Homestead on the western boundary to include the solar array.

Moved by Commissioner Bennett
Seconded by Commissioner Lakey

8.

a) Prior to the commencement of development, an updated Visual Impact Assessment is to be submitted and approved by the Western Australian Planning Commission and is to include consideration of visual impacts and mitigation measures for the proposed solar array and inclusion of additional screening when viewed from the Nola Downs Homestead along the Western boundary to improve amenity.

b) the approved visual impact assessment shall be implemented to the satisfaction of the Western Australian Planning Commission.

The Chairperson put the motion to include a new Condition 8 (a) and (b) to a vote.

The votes were recorded as follows:

For: Commissioner Cole, Commissioner Bennett, Commissioner Brookes, Commissioner Lakey
Against: Commissioner Adair and Commissioner Sandri

The amending motion was put and carried

AMENDING MOTION

REASON:

Members discussed amending new Condition 9 (a) part three to include the wording “and oversized agricultural machinery” to address the concern of the adjoining residents that also use the Erangy Springs Road to ensure the design and sealing of the road is able to accommodate the heavy machinery. Members also queried what was the maximum tonnage of the A Double equivalent heavy vehicle and the applicant’s representative outlined that it was up to 100 tonnes.

9.

a)

iii. Erangy Springs Road shall be sealed and designed to accommodate A-Double equivalent heavy vehicles and oversized agricultural machinery from the Geraldton-Mt Magnet Road to the entry point to the development site; and

Moved by Commissioner Adair
Seconded by Commissioner Brookes

The amending motion was put and carried

AMENDING MOTION

REASON:

Members discussed amendments to the new Condition 14 to include additional part (d) and (e) and whether the suitably qualified person needs to be approved by the Western Australian Planning Commission (WAPC) before the annual report is prepared and noted that the person must be qualified. This was discussed and no change was made to the proposed wording. Members held further discussion on the purpose of the annual report. Advice was provided that the annual report is a monitoring report for the purposes of the WAPC, including information on breaches to noise regulations that are monitored through separate regulation.

Members discussed the approach to noise compliance being considered and discussed if an amendment to Condition 14 is required. The advice was provided in the context of amenity being a specific aspect for the WAPC's consideration. Upon further discussion, the mover decided not to continue with the amendment for the annual reporting to the WAPC as it was considered that the protections afforded through the noise regulations were sufficient.

Moved by Commissioner Bennett
Seconded by Commissioner Brookes

14.

d) An annual report prepared by an independent suitably qualified person, which reviews whether the noise received at the nearest sensitive premises has been compliant with the applicable standard and whether the development has complied with the requirements of the condition is submitted to the Western Australian Planning Commission; and

e) The annual report referred to above shall be submitted within 30 days after each calendar year to which the period relates.

The Chairperson put the motion to not include the addition of (d) and (e) to Condition 14 to a vote and the vote was lost unanimously.

The amending motion was put and lost.

AMENDING MOTION

REASON:

Members discussed the applicant's request to remove original Condition 12 (a) (i) from the recommendation involving the removal of measures to protect the international sustainability and carbon certification rating of canola crops located on neighbouring properties and after discussion decided to retain the condition and not consider the foreshadowed additional condition regarding dust mitigation. Members further discussed whether the condition could be removed as the advice provided during Deputations was that the impact on the certification was in relation to the location of the workers accommodation and the ponds rather than dust.

Moved by Commissioner Bennett
Seconded by Commissioner Adair

12.
a)
i. Measures to protect the International Sustainability and Carbon Certification (ISCC) rating of canola crops located on neighboring properties;

The votes were recorded as follows:

For: Commissioner Adair, Commissioner Bennett and Commissioner Lakey
Against: Commissioner Cole, Commissioner Brookes and Commissioner Sandri

Due to the equality of votes the Chairperson exercised a casting vote in accordance with Regulation 14(7) of the Planning and Development (Western Australian Planning Commission) Regulations 2024.

The motion to amend Condition 15 (a) (i) was put and lost on the casting vote of the Chairperson

AMENDING MOTION

REASON:

Members discussed the addition of a new Condition 20 and the inclusion of wording for the temporary workforce accommodation being relocated to a position of 500 metres from the property boundary being added to the condition.

Moved by Commissioner Bennett
Seconded by Commissioner Brookes

20. Prior to the commencement of development, a Temporary Workforce Accommodation Plan is to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Greater Geraldton, addressing but not limited to:

i. Detailing the site layout of the proposed accommodation facilities and associated amenities including building design, setbacks, fencing, landscaping, storage, waste, drainage, vehicle and pedestrian movement network, lighting and signage;
ii. Siting and location of the workforce accommodation to be appropriate given the location and the compatibility with adjoining / nearby uses including being relocated to a position at least 500 metres from property boundary;
iii. Access to existing community infrastructure and services (such as roads, power, water, sewerage, telecommunications); and
iv. The management, decommissioning and rehabilitation (as required) of the site for the eventual removal of the temporary workforce accommodation development and return of the land to its original state or next intended state of land use / development.

to the satisfaction of the Western Australian Planning Commission.

Members were advised the following modifications to the recommendation are at the request of the applicant.

Members discussed the request in relation to the original Condition 5 (b) by the applicant to amend the Construction Management Plan and were advised that during the life of the project the construction plan can be updated and resubmitted to the Department for re-clearance and then provided to the local government, and any corresponding approvals are required to be sought through the City of Greater Geraldton. Members decided to not modify the condition.

AMENDING MOTION

REASON:

Members moved a motion to delete new Condition 10 relating to the restrictive covenant.

Moved by Commissioner Sandri
Seconded by Commissioner Adair

That the new Condition 10 relating to the restrictive covenant be deleted in its entirety.

The amending motion was put and carried

AMENDING MOTION

REASON:

Members discussed the proposed amendment to the original Condition 9 (new Condition 11) as per the request from the applicant in relation to the any damage to the public road and advised that this should be addressed in the Construction Management Plan. Members were also provided with an alternative wording from the Department and agreed to the wording provided by the Department.

Moved by Commissioner Sandri
Seconded by Commissioner Bennett

11.

a) Prior to the commencement of any works, a road management plan shall be submitted for approval to the Western Australian Planning Commission which includes:

i. A pre-construction dilapidation report for the public roads and infrastructure surrounding the development site;
ii. A post-construction survey of those same roads and infrastructure;
iii. A proposed schedule of works and timeline to make good those roads and infrastructure to pre-construction standard.

b) The schedule of works is to be completed in accordance with the approved plan.

The amending motion was put and carried

AMENDING MOTION

REASON:

Members discussed the applicant's request to amend the wording of original Condition 11(a) iv (new Condition 13(a) iv) to address the construction noise management through the acoustic report. Members were advised that the Department was not supportive of this request and that the planning conditions need to have real time noise monitoring to ensure no impacts on any noise sensitive receivers. Members were advised that the change is to clarify that the plant "is operating" instead of "would operate" and the applicant's environmental impact plan does contemplate real time monitoring. After further discussion, Members agreed to approve the applicant's request for the

reason that real time noise monitoring post operation is required, and the current condition references “prior to the development”.

Moved by Commissioner Sandri
Seconded by Commissioner Bennett

13.
a)
iv. A real time noise monitoring program that would demonstrate that the plant is operating in compliance with the Environmental Protection (Noise) Regulations 1997.

The amending motion was put and carried

AMENDING MOTION

REASON:

In relation to original Condition 12(a) ii and iii (new Condition 14(a) ii and iii), the applicant requested amending the wording to part two to wherever “practicable” and inserting the words “wherever practicable” to part three and the word “restrict” to be replaced with the word “minimise”.

Moved by Commissioner Bennett
Seconded by Commissioner Sandri

14.
a)
ii. Procedures to limit high noise generating activities to daylight hours wherever practicable;
iii. Wherever practicable, measures to minimise Heavy Vehicles from accessing the site between the hours of 7pm and 7am; and

The amending motion was put and carried

AMENDING MOTION

REASON:

Members discussed the applicant’s request to amend original Condition 12(b) (new Condition 14(b)) to change the Operational Management Plan to be reviewed after two years instead of every two years and every five years thereafter as biannually is too often and if any compliance issues occur in between the review period there is discretion for the WAPC to resolve as the condition requires this to occur to the satisfaction of the Western Australian Planning Commission.

Moved by Commissioner Bennett
Seconded by Commissioner Adair

14.

b) The Operational Management Plan is be reviewed after 2 years , and every 5 years thereafter, or as improvements are identified by the operator or Western Australian Planning Commission (whichever occurs earlier), to the satisfaction of the Western Australian Planning Commission, on advice from the City of Greater Geraldton.

The amending motion was put and carried

AMENDING MOTION

REASON:

Members discussed the request of the applicant to amend original Condition 13(a) (new Condition 15(a)) to remove the words ”and specification for the development site” and inserting the words ”are to be” and the deletion of the words ”are to be” following the words “landscape architect” and inserting the word ”and”. Members moved a motion to amend Condition 15 (a) as discussed.

Moved by Commissioner Adair
Seconded by Commissioner Sandri

15.

a) Prior to the commencement of development, a landscaping strategy and final landscape plans are to be prepared by a suitably qualified landscape architect and submitted to and approved by the Western Australian Planning Commission. The landscaping strategy and final landscape plan should incorporate the recommendations contained in the Landscape and Visual Assessment prepared by Land Insights and dated 14 May 2025 and address the interface with adjoining properties and include specifications of species used and details of reticulation.

The amending motion was put and carried

AMENDING MOTION

REASON:

Members moved a motion to amend original Condition 13(b) (new Condition 15(b)) at the request of the applicant to remove the words “‘plans and specification” and replace with ”and Landscape Plan” to reflect the amendments made to Condition 15(a).

Moved by Commissioner Adair
Seconded by Commissioner Sandri

15.

b) Prior to the commencement of operations, certification from a suitably qualified person that all landscaping and reticulation has been established in accordance with the approved Landscaping Strategy and Landscape Plan, is to be submitted to the satisfaction of the Western Australian Planning Commission, on advice from the City of Greater Geraldton.

The amending motion was put and carried

AMENDING MOTION

REASON:

Members discussed the request of the applicant to amend original Condition 15(a) (new Condition 17(a)) and the requirements through the Bushfire Management Plan and if water can be supplied in one or more water tanks. Members discussed providing clarity to allow for more than one water tank to be supplied per habitable building.

17.

a)

ii. All habitable buildings are to be clearly identified and provided with a minimum water supply of 10kL per habitable building, to be provided in one or more water tanks; and

Moved by Commissioner Sandri
Seconded by Commissioner Adair

The amending motion was put and carried

Members recognised the value and strategic importance of the proposal in relation to creation of vanadium batteries and the importance of renewable energy transition and decarbonisation in Western Australia.

Members acknowledge the deputations and submissions received ahead of the meeting and the in-depth input into requests for conditions including the adjoining landowner at Nola Downs and the applicant.

Members noted the deputation of the Department of Energy and Economic Diversification (DEED) and the Tier 3 status (advice and support) provided to the project under the WA Government’s Lead Agency Framework. Members noted the importance of

vanadium processing in the context of the Government's Diversify WA and Made in WA priorities, given the Pit to Battery strategy, and the Battery and Critical Minerals Strategy 2024-2030.

Members noted that the construction workforce will be accommodated onsite and this accommodation will ultimately be removed.

Members noted the strategic proximity of the site in relation to available infrastructure, specifically the road network and Dampier Bunbury Natural Gas Pipeline.

Members noted that consideration was given to limit the timeframe of the proposal, however, the Commission decided against this on the basis that this is a strategic proposal and there is the potential for processing of third party vanadium and it is understood that the deposit has a 50 year life span.

Members acknowledged the impact concerns of the adjoining neighbours, and the additional conditions put in place to ameliorate impacts to amenity and farming operations at Nola Downs and encouraged the applicant to continue engagement through the construction of the facility and during the ongoing operations with neighbouring properties.

Members agreed to endorse the amended recommendation of the Department of Planning, Lands and Heritage with the abovementioned amendments for the reasons discussed and outlined in the report.

SUBSTANTIVE RECOMMENDATION

That the Western Australian Planning Commission resolves, under section 274 of the Planning and Development Act 2005, to approve development application reference SDU-053-21 and accompanying plans date-stamped 14 December 2023 for a Vanadium Processing Facility and Pipeline at Lots 40 and 41 Geraldton-Mount Magnet Road Tenindewa, for the following:

Conditions

Approval

1. *This decision constitutes development approval only and is valid for a period of 48 months from the date of this approval. If the development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.*

2. *The workforce accommodation use is temporary and will expire within 6 months of commencement of operations.*

3. *The development is to be undertaken in accordance with the approved plans stamped 14 December 2023 attached to this approval, subject to modifications required by any condition of this approval, final details of which are to be submitted at working drawings stage to the satisfaction of the Western Australian Planning Commission on advice from the City of Greater Geraldton.*

4. *Prior to commencement of development, revised plans are to be submitted to the satisfaction of the western Australian Planning Commission, which includes the plans depicting the relocation of the stormwater ponds to a position at least 500 metres from property boundary.*

5. *This approval is for a Vanadium Processing Facility and temporary workers accommodation only.*

6. *Prior to the commencement of the relevant stage of development, a copy of the final working drawings (prepared for submission of relevant building permit application(s)) and all associated plans, reports and information that addresses the conditions of approval are to be submitted to, and cleared by, the Western Australian Planning Commission. (WAPC). The final working drawings and associated documents are to comply with all conditions of development approval, as confirmed by the WAPC, and any variations from the approved development plans are required to be clearly identified.*

Construction

7.

a) *Prior to the commencement of development, a Construction Management Plan is to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Greater Geraldton, addressing but not limited to:*

   i. *Hours of construction being limited the hours of 7am to 7pm Monday to Saturday;*
   ii. *Heritage management protocols to mitigate against risks linked to the exposure of Aboriginal artefacts during ground-disturbing activities;*
   iii. *Temporary fencing, hoardings, gantries, and signage;*
   iv. *Site access and egress;*
   v. *Construction vehicle route and traffic management;*
   vi. *Parking arrangements for staff and contractors;*
   vii. *Deliveries and storage of construction materials and machinery;*
   viii. *Management of vibration, dust and erosion;*
   ix. *Management of any stormwater discharge;*
   x. *Management of construction noise and other site-generated noise;*

xi. Management of construction lighting
xii. *Management, removal and recycling of demolition and construction waste;*
xiii. *Protection, maintenance and repair of any roads and other public realm infrastructure; and*
xiv. *Public communication and complaint-handling procedures.*

b) *The approved Construction Management Plan is to be implemented and adhered to, to the satisfaction of the Western Australian Planning Commission, on advice from the City of Greater Geraldton.*

Visual Impact

8.

a) Prior to the commencement of development, an updated Visual Impact Assessment is to be submitted and approved by the Western Australian Planning Commission and is to include consideration of visual impacts and mitigation measures for the proposed solar array and inclusion of additional screening when viewed from the Nola Downs Homestead along the Western boundary in to improve amenity.
b) the approved visual impact assessment shall be implemented to the satisfaction of the Western Australian Planning Commission.

Transport Access and Parking

9.

a) *Prior to the commencement of development, detailed designs for the following road network improvements are to be submitted to the satisfaction of the Western Australian Planning Commission, on advice from Main Roads WA and the City of Greater Geraldton:*

i. *The new access road shall be sealed to Main Roads standards from the edge of Geraldton-Mount Magnet Road to a minimum distance of minimum 100m into the property;*
ii. *The intersection of Erangy Springs Road and Geraldton Mount Magnet Road shall be upgraded to Main Roads WA requirements;*
iii. *Erangy Springs Road shall be sealed and designed to accommodate A-Double equivalent heavy vehicles and oversized agricultural machinery from the Geraldton-Mt Magnet Road to the entry point to the development site; and*
iv. *Vehicle access to Erangy Springs Road shall be appropriately located, designed, constructed and*

maintained to meet traffic-engineering standards and, if required, appropriate warning signs shall be erected.

b) *Prior to the commencement of development, suitable arrangements are to be made for the completion and/or implementation of approved site access, road and intersection improvement works, to the satisfaction of the Western Australian Planning Commission, on advice from the City of Greater Geraldton and Main Roads WA.*

10.

a) *Prior to commencement of the relevant stage of development, an independent Road Safety Audit for each intersection or road upgrade is to be prepared and submitted to and approved by the Western Australian Planning Commission on advice from Main Roads WA and the City of Greater Geraldton*
b) *Prior to commencement of operations, the recommendations of the Road Safety Audit are to be implemented to the satisfaction of the Western Australian Planning Commission on advice from Main Roads WA and the City of Greater Geraldton.*

11.

a) Prior to the commencement of any works, a road management plan shall be submitted for approval to the Western Australian Planning Commission which includes:

i. A pre-construction dilapidation report for the public roads and infrastructure surrounding the development site;
ii. A post-construction survey of those same roads and infrastructure;
iii. A proposed schedule of works and timeline to make good those roads and infrastructure to pre-construction standard.

b) The schedule of works is to be completed in accordance with the approved plan.

12. *Prior to the commencement of operations, certification is required that all car parking spaces, access aisles and loading bays have been designed, constructed and marked in accordance with Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004), Off-street Parking for People with Disabilities (AS/NZS2890.6 2009)), to the satisfaction of the Western Australian Planning Commission on advice from the City of Greater Geraldton.*

Amenity

13.

a) *Prior to the commencement of development, an updated Acoustic Report is to be submitted to the satisfaction of the Western Australian Planning Commission on the advice of the City of Greater Geraldton and the Department of Water and Environmental Regulation. The final acoustic report is to be prepared by an independent suitably qualified person and include the following;*

   i. *Details of all plant and equipment including silencers and other noise attenuating devices;*
   ii. *Provisions for post-commissioning testing which demonstrate the plant is operating in compliance with the Environmental Protection (Noise) Regulations 1997;*
   iii. *Measures and/or procedures to address any areas of non-compliance with the maximum permitted noise levels specified in the Environmental Protection (Noise) Regulations 1997; and*
   iv. *A real time noise monitoring program that would demonstrate that the plant is operating in compliance with the Environmental Protection (Noise) Regulations 1997.*

b) *The approved Acoustic report shall be implemented to the satisfaction of the Western Australian Planning Commission on advice from the City of Greater Geraldton and the Department of Water and Environmental Regulation.*
c) *Prior to commencement of operations, certification is to be provided from a qualified acoustic consultant confirming that the recommendations of the approved Acoustic Report have been implemented, to the satisfaction of the Western Australian Planning Commission.*

14.

a) *Prior to the commencement of operations, an Operational Management Plan is to be submitted to the satisfaction of the Western Australian Planning Commission, on advice from the City of Greater Geraldton, which includes but is not limited to the following;*

   i. *Measures to protect the International Sustainability and Carbon Certification (ISCC) rating of canola crops located on neighboring properties;*
   ii. *Procedures to limit high noise generating activities to daylight hours wherever practicable;*
   iii. *Wherever practicable, measures to minimise Heavy Vehicles from accessing the site between the hours of 7pm and 7am; and*
   iv. *A process to manage and respond to any complaints related to the operation of the plant.*

b) *The Operational Management Plan is be reviewed after 2 years, and every 5 years thereafter, or as improvements are identified by the operator or Western Australian Planning Commission (whichever occurs earlier), to the satisfaction of the Western Australian Planning Commission, on advice from the City of Greater Geraldton.*
c) *The approved Operational Management Plan shall be implemented to the satisfaction of the Western Australian Planning Commission on advice from the City of Greater Geraldton.*

15.
a) Prior to the commencement of development, a landscaping strategy and final landscape plans are to be prepared by a suitably qualified landscape architect and submitted to and approved by the Western Australian Planning Commission. The landscaping strategy and final landscape plan should incorporate the recommendations contained in the Landscape and Visual Assessment prepared by Land Insights and dated 14 May 2025 and address the interface with adjoining properties and include specifications of species used and details of reticulation.
b) Prior to the commencement of operations, certification from a suitably qualified person that all landscaping and reticulation has been established in accordance with the approved Landscaping Strategy and Landscape Plan, is to be submitted to the satisfaction of the Western Australian Planning Commission, on advice from the City of Greater Geraldton.

16.
a) Prior to commencement of the relevant stage of development, an updated lighting strategy detailing external illumination of the development, which is sympathetic to nearby dwellings and enhances the rural amenity and safety of the area, is to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Greater Geraldton.
b) Prior to commencement of operations, certification is to be provided from a suitably qualified person demonstrating the lighting has been installed in accordance with the approved Lighting Strategy to the satisfaction of the Western Australian Planning Commission.

Bushfire Management

17.
a) *Prior to the commencement of development, the bushfire management plan dated 5 February 2025 is to be updated to the satisfaction of the Western Australian Planning*

Commission, on advice from the Department of Fire and Emergency Services to include the following;

i. Sufficient detail to demonstrate that vehicle access through the site and around the solar array is compliant with the overall access requirements;
ii. All habitable buildings are to be clearly identified and provided with a minimum water supply of 10kL per habitable building; to be provided in one or more water tanks, and
iii. An Emergency Evacuation Plan.

b) Prior to the commencement of operations, a Level 3 Bushfire Practitioner is to provide certification that the measures included in the updated Bushfire Management Plan and Bushfire Emergency Evacuation Plan have been implemented to the satisfaction of the Western Australian Planning Commission, on advice from the Department of Fire and Emergency Services.
c) The approved Bushfire Management Plan and Bushfire Emergency Evacuation Plan are to be implemented to the satisfaction of the Western Australian Planning Commission, on advice from the Department of Fire and Emergency Services and the City of Greater Geraldton.

Waste and Stormwater Management

18.
a) *Prior to the commencement of development, a Stormwater Management Plan, addressing the detailed design of stormwater collection and the system of disposal from the developed areas, is to be submitted to the satisfaction of the Western Australian Planning Commission, on advice from the City of Greater Geraldton and Main Roads WA.*
b) *The approved Stormwater Management Plan is to be implemented and adhered to by the owners and/or managers of the development, to the satisfaction of the Western Australian Planning Commission.*

19.
a) *Prior to the commencement of development, an updated Waste Management Plan addressing the location for the disposal of waste for the development during the construction and operational phases is to be submitted to the satisfaction of the Western Australian Planning Commission, on advice from the City of Greater Geraldton.*
b) *The approved Wastewater Management Plan is to be implemented and adhered to by the owners and/or managers of the development, to the satisfaction of the Western Australian Planning Commission.*

20. Prior to the commencement of development, a Temporary Workforce Accommodation Plan is to be submitted to and approved by the Western Australian Planning Commission, on advice from the City of Greater Geraldton, addressing but not limited to:

    i. Detailing the site layout of the proposed accommodation facilities and associated amenities including building design, setbacks, fencing, landscaping, storage, waste, drainage, vehicle and pedestrian movement network, lighting and signage;
    ii. Siting and location of the workforce accommodation to be appropriate given the location and the compatibility with adjoining / nearby uses including being relocated to a position at least 500 metres from property boundary;
    iii. Access to existing community infrastructure and services (such as roads, power, water, sewerage, telecommunications); and
    iv. The management, decommissioning and rehabilitation (as required) of the site for the eventual removal of the temporary workforce accommodation development and return of the land to its original state or next intended state of land use / development.

    to the satisfaction of the Western Australian Planning Commission.

Advice Notes

a) *This is a development approval only. The developer is advised that granting of development approval does not constitute a building permit and that an application for relevant building permits may be required to be submitted to the local government and be approved before any work requiring a building permit can commence on site.*

b) *The developer is advised of its responsibility to ensure the proposed development complies with all other applicable legislation, local laws and/or licence/permit requirements that may relate to the approved development. This includes the Biodiversity Conservation Act 2016, Environmental Protection (Noise) Regulations 1997, Environmental Protection Act 1986, Petroleum and Geothermal Energy Resources Act 1967, Petroleum Pipeline Act 1969, Rights in Water and Irrigation Act 1914, Aboriginal Heritage Act 1972, Environmental Protection (Clearing of Native Vegetation) Regulations 2004, Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007 and Mines Safety and Inspection Act 1994, amongst others.*

c) *With regards to Condition 1, the term "substantially commenced" has the meaning given to it in the Planning and Development (Local Planning Schemes) Regulations 2015 as amended from time to time. The substantial commencement date is calculated from the date the applicant receives the determination notice.*

d) *With regards to Condition 3, 4, 5 and 6, the final working drawings are to comply with all of the relevant conditions of development approval, as confirmed by the Western Australian Planning Commission (WAPC), and any variations from the approved plans are required to be clearly identified. Once the WAPC is satisfied that the working drawings are consistent the approved development plans and any reports and information submitted have adequately addressed the conditions of approval, the WAPC will provide a clearance letter and copies of the working drawings to the City of Greater Geraldton to assist in issuing a building permit. Where works and/or building permits are proposed to be staged, the WAPC may agree to a staged clearance of working drawings and associated conditions of approval. In such cases a Conditions Staging Matrix will need to be completed and submitted for WAPC approval.*

e) *Interim documentation may be acceptable for the clearance of some conditions for the initial stages of the development, in accordance with an approved Conditions Matrix. In an instance where interim documents or plans are accepted by the WAPC, the documentation is required to identify the time or stage for the delivery of the final documents and/or plans.*

f) *With regards to Condition 7, the Construction Management Plan is to include a detailed Traffic Management Plan that includes the size and frequency of construction vehicles, parking and manoeuvring, road upgrades/repairs and timing of works associated with the construction of the development, or any other matters considered relevant by Main Roads WA or the local governments.*

g) *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 Southern Regional Corporation (YSRC) in the event that materials of Aboriginal heritage value are discovered during construction activities.*

h) *Upon the closure of the plant the operator of the plant should consult with the Department of Water and Environmental Regulation and the Department of Primary Industries and Regional Development to ensure all risks are controlled during*

the decommissioning phase. The operator of the plant is also referred to its obligations to decommission the plant and undertake the remediation of the site in accordance with any approvals or licences granted by the Department of Energy, Mines, Industry, Regulation and Safety and in accordance with the provisions of the Petroleum and Geothermal Energy Resources Act 1967 and any other relevant legislation that may apply at the time of decommissioning.

i) *With regards to Condition 9, the applicant is advised of the following:*

   i. An application form to undertake works within the road reserve must be submitted to Main Roads WA prior to undertaking any works within the road reserve. Application forms and supporting information about the procedure can be found on the Main Roads WA website > Technical & Commercial > Working on Roads. No works are permitted within the Geraldton Mount Magnet Road Reservation unless Main Roads has issued a Working on Roads Permit;
   ii. Heavy vehicle access must be approved by Main Roads WA where the routes relating to the development application are not approved for the proposed heavy vehicle combinations. Main Roads WA is the relevant authority to issue such approvals. The applicant is advised to contact Main Roads' Heavy Vehicle Services branch to ascertain any approval requirements. Information can also be found on the Heavy Vehicles Access Requirements in WA section of the Main Roads WA website;
   iii. The new driveway crossover access and associated turning lane remains the responsibility of the lot owner. Should it become apparent that damage is being done to the Geraldton Mount Magnet Road and as a result of turning movements or a change in the usage of the access, Main Roads WA reserves the right to ask the applicant to maintain or improve the driveway crossover access and associated turning lane as necessary;
   iv. No stormwater shall be discharged onto the Geraldton-Mount Magnet Road reserve; and
   v. The upgrading/widening of the Geraldton Mount Magnet Road is not in Main Roads WA current 4-year forward estimated construction program. Please be aware that timing information is subject to change and that Main Roads WA assumes no liability for the information provided.

j) No manoeuvring within the Geraldton-Mount Magnet Road reserve is permitted as part of site operations.

k) With regards to Condition 16, the Lighting Strategy is to detail the design of external illumination of the development to prevent any increase in light spill on the adjacent rural landscape and to

address Australian Standard 4282:2019 - Control of the obtrusive effects of lighting and the principles of the WAPC Position Statement: Dark Sky and Astrotourism.

l) With regard to Condition 17, the updated Bushfire Management Plan should include a Risk Management Plan and an updated assessment that address the requirements of the Victorian Country Fire Authority Design Guidelines and Model Requirements for Renewable Energy Facilities.

m) The applicant is advised that separate discussions should progress on an agreement with the City of Greater Geraldton regarding a mutually acceptable contribution towards community, social or other infrastructure that will benefit the respective communities. An agreement should establish the process by which the contributions would be distributed to the local community, sporting and other local groups/ventures deemed appropriate by each of the parties.

n) *The applicant is advised that water supply and wastewater disposal is required to comply with the following requirements:*

i. Wastewater disposal is required to comply with the Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974;
ii. All drinking water provided on site, especially relating to a food premises or food production, must meet the health-related requirements the Australian Drinking Water Quality Guidelines 2011; and
iii. Any non-drinking water (i.e., water that is not intended or suitable for drinking) must be managed to ensure it cannot be confused with or contaminate the drinking water supply. This requires satisfactory labelling of non-drinking water taps and, depending on system configuration and suitable backflow prevention arrangements in accordance with Australian/New Zealand Standards AS3500 – Plumbing and Drainage.

o) *If an applicant is 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 an application must be lodged within 28 days of the date of determination.*

The motion was put and carried

8. Reports for noting

8.1 Western Australian Planning Commission - Part 17 Delegated Authority Decisions

Members agreed to endorse the recommendation of the Department of Planning, Lands and Heritage for the reasons outlined in the report.

Moved by Commissioner Adair
Seconded by Commissioner Lakey

That the Western Australian Planning Commission resolves to NOTE the report summary of Western Australian Planning Commission decisions made pursuant to Part 17 of the Planning and Development Act 2005 by a delegated officer between 15 June 2024 – May 2025.

The motion was put and carried

9. State Administrative Tribunal applications

The Chairperson noted that State Administrative Tribunal applications have been lodged for the following applications:

- Renewable Energy Facility - Wind Farm – Multiple Lots on Bilney Road, Graham's Well Road, Nookanellup Road South, Yarranup Road and Warrenup Road in Broomehill West, Lumeah and Borderdale; and

- Lot 1001 (120) Claisebrook Road, Perth – Continued Operation of Holcim Concrete Batching Plant

10. Urgent or other business

Nil.

11. Meeting conclusion and closure

There being no further business before the Board, the Chairperson thanked members for their attendance and thanked the deputees and members of the public for their engagement throughout the process and declared the meeting closed at 6:18pm.



_____
CHAIRPERSON

20/08/2025
_____
DATE