



Regional Joint Development Assessment Panel Minutes

Meeting Date and Time: Monday, 30 October 2023; 9.30am
Meeting Number: RJDAP/120
Meeting Venue: Electronic Means

This DAP meeting was conducted by electronic means (Zoom) open to the public rather than requiring attendance in person

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Tony Arias
Presiding Member, Regional JDAP



Attendance

DAP Members

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

Item 8.1

Cr Terrence Winner (Local Government Member, City of Kalgoorlie-Boulder)
Cr Kirsty Dellar (Local Government Member, City of Kalgoorlie-Boulder)

Item 8.2

Cr Julie Williams (Local Government Member, Shire of Northam)
Cr Maria Girak (Local Government Member, Shire of Northam)

Officers in attendance

Item 8.1

Paul Lees (City of Kalgoorlie-Boulder)
Michael Fraser (City of Kalgoorlie-Boulder)

Item 8.2

Francesca Lefante (Shire of Northam)
Debbie Terelinck (Shire of Northam)

Minute Secretary

Tenielle Brownfield (DAP Secretariat)

Applicants and Submitters

Item 8.1

Ben Doyle (Planning Solutions)
Murray Leahy (Goldfields Villages)

Item 8.2

Stephen Gauld (Infinite Green Energy)
Ben Laycock (Altus Planning)
Lee-Anne Evans
Patrick Flynn

Members of the Public / Media

There were 4 members of the public in attendance.

Nadia Budihardjo from Business News was in attendance.

Tony Arias
Presiding Member, Regional JDAP



1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.36am on 30 October 2023 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2020 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

1.1 Announcements by Presiding Member

The Presiding Member advised that panel members may refer to technical devices, such as phones and laptops, throughout the meeting to assist them in considering the information before them.

The Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2020 which states '*A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.*', the meeting would not be recorded.

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

2. Apologies

Nil.

3. Members on Leave of Absence

Nil.

4. Noting of Minutes

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

5. Declaration of Due Consideration

The Presiding Member noted an addendum to the responsible authority report was published in relation to Item 8.1, received on 13 October 2023.

The Presiding Member noted that an addendum to the agenda was published to include details of a DAP direction for further information and responsible authority response in relation to Item 8.2, received on 16 October 2023.

The Presiding Member noted that an addendum to the agenda was published to include details of a DAP direction for further information and responsible authority response in relation to Item 8.2, received on 30 October 2023.

Tony Arias
Presiding Member, Regional JDAP



All members declared that they had duly considered the documents.

6. Disclosure of Interests

Nil.

7. Deputations and Presentations

7.1 Ben Doyle (Planning Solutions) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

7.2 The City of Kalgoorlie-Boulder addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

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

7.3 Leeanne Evans addressed the DAP against the recommendation for the application at Item 8.2 and responded to questions from the panel.

7.4 Patrick Flynn addressed the DAP against the recommendation for the application at Item 8.2 and responded to questions from the panel.

7.5 Ben Laycock (Altus Planning) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.

7.6 Stephen Gauld (Infinite Green Energy) addressed the DAP in support of the recommendation for the application at Item 8.2 and responded to questions from the panel.

7.7 The Shire of Northam addressed the DAP in relation to the application at Item 8.2 and responded to questions from the panel.

The presentations at Items 7.3 - 7.7 were heard prior to the application at Item 8.2.

8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lot 3874 on Plan 186696 Hopkins Street & Lot 72 on Plan 416747 Vivian Street, South Boulder

| | |
|--------------------------|----------------------------|
| Development Description: | Workforce Accommodation |
| Applicant: | Planning Solutions |
| Owner: | Goldfield Villages Pty Ltd |
| Responsible Authority: | City of Kalgoorlie-Boulder |
| DAP File No: | DAP/23/02449 |

Tony Arias
Presiding Member, Regional JDAP



REPORT RECOMMENDATION

Moved by: Justin Page

Seconded by: Cr Terrence Winner

That Council, by Simple Majority, pursuant to Regulation 12 of the Planning and Development (Development Assessment Panels) Regulations 2011 recommends that the Regional Joint Development Assessment Panel resolves to:

Part 1.

Accept that the DAP Application reference DAP/23/02449 is appropriate for consideration as a 'workforce accommodation' land use and compatible with the objectives and purpose for the Parks and Recreation reserve and the Future Urban zone and in accordance with Clauses 2.1, 2.2, 3.15, 5.16 and 6.8 of the City of Kalgoorlie Boulder Local Planning Scheme No. 1.

Part 2.

Approve DAP Application reference DAP/23/02449 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Kalgoorlie Boulder Local Planning Scheme No. 1, subject to the following conditions:

1. This development must substantially commence within two (2) years from the date of this decision letter, unless an extension of the approval is received from the City, prior to this approval expiring.
2. This development taking place in accordance with the approved plans, including amended plans lodged with the City being: "Amended Floor Plan Dwg. No. A-100" (amendments marked in blue) and "Floor Plan Dwg. No. A-101 (designation of "Lounge Area" and "Covered Area" marked in red).
3. The natural ground levels and finished floor levels shown on the approved plans are not permitted to be altered without seeking further approval from the City.
4. This approval is valid for five (5) years from the date of determination. Following expiry of this period, all development works must be demolished, materials removed from the site and the verge and kerb reinstated unless a further development approval is granted by the City.

Tony Arias
Presiding Member, Regional JDAP



Conditions to be met prior to lodging an Application for a Building Permit

5. Prior to the lodgement of an application for a building permit, a Construction Management Plan must be submitted and approved by the City, addressing the following:
 - a) Public safety and amenity;
 - b) Site plan and security;
 - c) Contact details of essential site personnel, construction period and operating hours;
 - d) Community information, consultation and complaints management plan;
 - e) Noise, vibration, air and dust management;
 - f) Traffic, access and parking management;
 - g) Waste management and materials re-use;
 - h) Earthworks, excavation, land retention/piling and associated matters;
 - i) Stormwater and sediment control;
 - j) Street tree management and protection; and
 - k) Asbestos removal management plan (if applicable).
6. Prior to lodging an application for a building permit, a detailed design of stormwater collection and system of disposal from the developed areas including calculations is to be submitted to and approved by the City.
7. Prior to lodging an application for a building permit, hydraulic drawings detailing how the proposed development will connect to the City's sewer main must be submitted and approved by the City. Based on the hydraulic drawings, the City will at the applicant's cost engage the services of a sewer modelling engineer to determine whether the sewer is required to be upgraded (if at all).
8. Prior to lodging an application for a building permit, sewer headworks charges must be paid to the City in accordance with the City's Sewer Headworks Contributions Policy (DS-DS001).

Tony Arias

Tony Arias
Presiding Member, Regional JDAP



9. Prior to lodging an application for a Building Permit, a Waste Management Plan is approved by the City. The management plan must include, but not limited to, the following details:
 - a) The location of bin storage areas and bin collection areas;
 - b) The number, volume and type of bins, and the type of waste to be placed in the bins;
 - c) Details on the future ongoing management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas and frequency of bin collections;
 - d) Adequate access for maximum dimensions of servicing vehicles being accommodated;
 - e) The bin enclosure is to be enclosed, covered, lockable and include a water tap;
 - f) The floor of the enclosure is to be constructed of an impermeable material with a minimum thickness of 75mm, and;
 - g) The floor of the bin enclosure is to be graded to a drainage pit that connected to the City's sewer system.

10. Prior to lodging an application for a building permit, a landscaping and maintenance plan must be submitted and approved by the City. The landscaping plan must detail the following:
 - a) The location, number, size, density and species type of proposed grass, trees and shrubs;
 - b) Those areas to be reticulated/irrigated and mulched;
 - c) Must indicate local vegetation contained in Local Planning Scheme No. 01 - Schedule 6 Native Vegetation, or the City's Plant List; and
 - d) Landscaping maintenance schedule for establishment and ongoing maintenance.

11. Prior to lodging an application for a building permit, details of the boundary fencing which is to include visually permeable fencing on the Vivian Street frontage must be submitted and approved by the City.

Conditions to be met prior to use of the development

12. Prior to use, stormwater drainage works must be completed in accordance with the approved plans to the satisfaction of the City.

13. Prior to the use, the car parking, loading, vehicle access and circulation areas shown on the approved site plan is to be constructed, drained, and line marked to the satisfaction of the City.

14. Prior to use, vehicle crossovers shown on the approved plans are to be constructed in accordance with the City of Kalgoorlie-Boulder's Standard Crossover Drawings 05-C-030 to 05-C-034.

Tony Arias

Tony Arias
Presiding Member, Regional JDAP



15. Prior to the use, twelve (12) on-site car parking bays are to be constructed. The car parking bays are to be provided in accordance with Australian Standard AS 2890.1, AS 2890.5 and AS 2890.6.
16. Prior to the use, this development shall be connected to the City's sewer system, to the satisfaction of the City.
17. Prior to the use, any pre-treatment device(s) must be inspected by the City. Any liquid waste generated on site is pre-treated prior to discharge to the City's reticulated sewer system no greater than 38°C.
18. Prior to the use, landscaping shall be installed, reticulated and/or irrigated in accordance with the approved plan and maintained thereafter to the satisfaction of the City. The landscaping shall be implemented during the first available planting season post completion of development and any species which fail to establish within a period of 12 months from planting shall be replaced to the satisfaction of the City.

Conditions to be met on an ongoing basis

19. The stormwater generated by the development site must not be discharged onto the adjoining properties to the satisfaction of the City.
20. Twelve (12) onsite car parking bays, inclusive of parking bays for the disabled, and vehicle access, loading and circulation areas are to be maintained and available for car parking, vehicle access, loading and circulation on an ongoing basis and are to be to the satisfaction of the City.
21. Any liquid industrial waste generated on site must be pre-treated prior to discharge to the City's sewer system.
22. Approved landscaping must be maintained on an ongoing basis to the satisfaction of the City.
23. The approved Waste Management Plan must be implemented at all times to the satisfaction of the City.

Advice Notes

24. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.
25. This Decision Notice grants planning approval only to the development subject of this application (P005/23). It cannot be construed as granting planning approval for any other structure shown on the approved plans, which was not specifically included in this application.

Tony Arias
Presiding Member, Regional JDAP



26. In relation to the above conditions, should this development be undertaken in a manner that is contrary to the conditions and/or approved plans, the City may commence enforcement action.

AMENDING MOTION 1

Moved by: Justin Page

Seconded by: Tony Arias

That Condition No. 1 be amended to read as follows:

*This development must substantially commence within ~~two (2)~~ **four (4)** years from the date of this decision letter, unless an extension of the approval is received from the City, prior to this approval expiring.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To be consistent with the DAP regulations approval time period.

AMENDING MOTION 2

Moved by: Justin Page

Seconded by: Cr Kirsty Dellar

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

*This approval is valid for five (5) years from the date of ~~determination~~ **occupancy**. Following expiry of this period, all development works must be demolished, materials removed from the site and the verge and kerb reinstated unless a further development approval is granted by the City.*

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To be consistent with the previous development approval for the workforce accommodation facility at Lot 72 Vivian Street and to allow a reasonable period of time for the development to be used.

AMENDING MOTION 3

Moved by: Justin Page

Seconded by: Cr Kirsty Dellar

That a new Condition No. 19 be added to read as follows:

Prior to the use, the portion of Vivian Street adjacent the subject site being constructed and drained to the satisfaction of the City.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To ensure that adequate and appropriately constructed access is provided to the development.

Tony Arias
Presiding Member, Regional JDAP



AMENDING MOTION 4

Moved by: Kanella Hope

Seconded by: Justin Page

The following amendments were made en bloc:

- (i) That a new Condition No. 20 be added to read as follows:

Prior to occupation or use of development, an Operational Management Plan is to be submitted and approved to the satisfaction of the city. The plan is to address the ongoing use and operation of the Development. It shall include, but not necessarily be limited to the following;

- a) *Sharing of communal facilities between the lots subject of the approval,*
- b) *Social engagement of the occupants*
- c) *Movement of the people at the different times of the day to and from and around the site*
- d) *Management of any potentially anti -social behaviours that may occur,*
- e) *Management of alcohol,*
- f) *How occupants access other facilities and shops in the broader community whilst staying in the development, and*
- g) *Complaint management mechanisms.*

- (ii) That a new Condition No. 26 be added to read as follows:

The approved Operations Management Plan must be implemented at all times to the satisfaction of the City.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The decision maker is to give due regard, as appropriate, to potential amenity impacts, the social impacts, loss/benefit to community services and the impact of a development on the community. These considerations also broadly align with the City's policy concerning Workforce Accommodation which aims to consider the social impacts of such accommodation facilities. This condition is intended to guide and make commitment concerning the day-to-day operations, for the benefit of the occupants as well as neighbouring properties and the broader Kalgoorlie community. The condition also ensures suitable management of the development across 2 lots, including the shared facilities on a separate lot to the accommodation units. It is noted both the City and applicant expressed support for the condition.

REPORT RECOMMENDATION (AS AMENDED)

That Council, by Simple Majority, pursuant to Regulation 12 of the Planning and Development (Development Assessment Panels) Regulations 2011 recommends that the Regional Joint Development Assessment Panel resolves to:

Tony Arias
Presiding Member, Regional JDAP



Part 1.

Accept that the DAP Application reference DAP/23/02449 is appropriate for consideration as a 'workforce accommodation' land use and compatible with the objectives and purpose for the Parks and Recreation reserve and the Future Urban zone and in accordance with Clauses 2.1, 2.2, 3.15, 5.16 and 6.8 of the City of Kalgoorlie Boulder Local Planning Scheme No. 1.

Part 2.

Approve DAP Application reference DAP/23/02449 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Kalgoorlie Boulder Local Planning Scheme No. 1, subject to the following conditions:

1. This development must substantially commence within four (4) years from the date of this decision letter, unless an extension of the approval is received from the City, prior to this approval expiring.
2. This development taking place in accordance with the approved plans, including amended plans lodged with the City being: "Amended Floor Plan Dwg. No. A-100" (amendments marked in blue) and "Floor Plan Dwg. No. A-101 (designation of "Lounge Area" and "Covered Area" marked in red).
3. The natural ground levels and finished floor levels shown on the approved plans are not permitted to be altered without seeking further approval from the City.
4. This approval is valid for five (5) years from the date of occupancy. Following expiry of this period, all development works must be demolished, materials removed from the site and the verge and kerb reinstated unless a further development approval is granted by the City.

Conditions to be met prior to lodging an Application for a Building Permit

5. Prior to the lodgement of an application for a building permit, a Construction Management Plan must be submitted and approved by the City, addressing the following:
 - a) Public safety and amenity;
 - b) Site plan and security;
 - c) Contact details of essential site personnel, construction period and operating hours;
 - d) Community information, consultation and complaints management plan;
 - e) Noise, vibration, air and dust management;
 - f) Traffic, access and parking management;
 - g) Waste management and materials re-use;
 - h) Earthworks, excavation, land retention/piling and associated matters;
 - i) Stormwater and sediment control;
 - j) Street tree management and protection; and
 - k) Asbestos removal management plan (if applicable).

Tony Arias
Presiding Member, Regional JDAP



6. Prior to lodging an application for a building permit, a detailed design of stormwater collection and system of disposal from the developed areas including calculations is to be submitted to and approved by the City.
7. Prior to lodging an application for a building permit, hydraulic drawings detailing how the proposed development will connect to the City's sewer main must be submitted and approved by the City. Based on the hydraulic drawings, the City will at the applicant's cost engage the services of a sewer modelling engineer to determine whether the sewer is required to be upgraded (if at all).
8. Prior to lodging an application for a building permit, sewer headworks charges must be paid to the City in accordance with the City's Sewer Headworks Contributions Policy (DS-DS001).
9. Prior to lodging an application for a Building Permit, a Waste Management Plan is approved by the City. The management plan must include, but not limited to, the following details:
 - a) The location of bin storage areas and bin collection areas;
 - b) The number, volume and type of bins, and the type of waste to be placed in the bins;
 - c) Details on the future ongoing management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas and frequency of bin collections;
 - d) Adequate access for maximum dimensions of servicing vehicles being accommodated;
 - e) The bin enclosure is to be enclosed, covered, lockable and include a water tap;
 - f) The floor of the enclosure is to be constructed of an impermeable material with a minimum thickness of 75mm, and;
 - g) The floor of the bin enclosure is to be graded to a drainage pit that connected to the City's sewer system.
10. Prior to lodging an application for a building permit, a landscaping and maintenance plan must be submitted and approved by the City. The landscaping plan must detail the following:
 - a) The location, number, size, density and species type of proposed grass, trees and shrubs;
 - b) Those areas to be reticulated/irrigated and mulched;
 - c) Must indicate local vegetation contained in Local Planning Scheme No. 01 - Schedule 6 Native Vegetation, or the City's Plant List; and
 - d) Landscaping maintenance schedule for establishment and ongoing maintenance.
11. Prior to lodging an application for a building permit, details of the boundary fencing which is to include visually permeable fencing on the Vivian Street frontage must be submitted and approved by the City.

Tony Arias

Tony Arias
Presiding Member, Regional JDAP



Conditions to be met prior to use of the development

12. Prior to use, stormwater drainage works must be completed in accordance with the approved plans to the satisfaction of the City.
13. Prior to the use, the car parking, loading, vehicle access and circulation areas shown on the approved site plan is to be constructed, drained, and line marked to the satisfaction of the City.
14. Prior to use, vehicle crossovers shown on the approved plans are to be constructed in accordance with the City of Kalgoorlie-Boulder's Standard Crossover Drawings 05-C-030 to 05-C-034.
15. Prior to the use, twelve (12) on-site car parking bays are to be constructed. The car parking bays are to be provided in accordance with Australian Standard AS 2890.1, AS 2890.5 and AS 2890.6.
16. Prior to the use, this development shall be connected to the City's sewer system, to the satisfaction of the City.
17. Prior to the use, any pre-treatment device(s) must be inspected by the City. Any liquid waste generated on site is pre-treated prior to discharge to the City's reticulated sewer system no greater than 38°C.
18. Prior to the use, landscaping shall be installed, reticulated and/or irrigated in accordance with the approved plan and maintained thereafter to the satisfaction of the City. The landscaping shall be implemented during the first available planting season post completion of development and any species which fail to establish within a period of 12 months from planting shall be replaced to the satisfaction of the City.
19. Prior to the use, the portion of Vivian Street adjacent the subject site being constructed and drained to the satisfaction of the City.
20. Prior to occupation or use of development, an Operational Management Plan is to be submitted and approved to the satisfaction of the city. The plan is to address the ongoing use and operation of the Development. It shall include, but not necessarily be limited to the following;
 - a) Sharing of communal facilities between the lots subject of the approval,
 - b) Social engagement of the occupants
 - c) Movement of the people at the different times of the day to and from and around the site
 - d) Management of any potentially anti -social behaviours that may occur,
 - e) Management of alcohol,
 - f) How occupants access other facilities and shops in the broader community whilst staying in the development, and
 - g) Complaint management mechanisms.

Tony Arias

Tony Arias
Presiding Member, Regional JDAP



Conditions to be met on an ongoing basis

21. The stormwater generated by the development site must not be discharged onto the adjoining properties to the satisfaction of the City.
22. Twelve (12) onsite car parking bays, inclusive of parking bays for the disabled, and vehicle access, loading and circulation areas are to be maintained and available for car parking, vehicle access, loading and circulation on an ongoing basis and are to be to the satisfaction of the City.
23. Any liquid industrial waste generated on site must be pre-treated prior to discharge to the City's sewer system.
24. Approved landscaping must be maintained on an ongoing basis to the satisfaction of the City.
25. The approved Waste Management Plan must be implemented at all times to the satisfaction of the City.
26. The approved Operations Management Plan must be implemented at all times to the satisfaction of the City.

Advice Notes

27. If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.
28. This Decision Notice grants planning approval only to the development subject of this application (P005/23). It cannot be construed as granting planning approval for any other structure shown on the approved plans, which was not specifically included in this application.
29. In relation to the above conditions, should this development be undertaken in a manner that is contrary to the conditions and/or approved plans, the City may commence enforcement action.

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

REASON: The Panel having considered the Responsible Authority Report (RAR), all materials and information presented and following detailed discussions with the responsible authority and applicant during the meeting determined it was satisfied with the RAR recommendation to approve the proposed development but with the amended conditions.

Tony Arias
Presiding Member, Regional JDAP



The Panel was satisfied that all relevant planning considerations had been appropriately addressed. The land is zoned Light Industrial in LPS 2 which designates 'Workforce Accommodation' as a discretionary use in the Light Industry zone and would be consistent with the zone objectives. The temporary nature of the proposal allows for the use to be approved in the absence of a Structure Plan without impacting on the longer-term planning and development of the locality.

The Panel had been advised by the Responsible Authority that Local Planning Scheme 2. (LPS2) was to be gazetted for final approval imminently and was appropriately considered to be a 'seriously entertained' planning document. In determining the application due regard was given to the planning framework and objectives under LPS 2

The Workforce Accommodation infrastructure, facilities and amenities on Lot 3874 and Lot 72 Vivian Street will operate in an integrated Workforce Accommodation facility based on the revised application and amended conditions.

The proposed workforce accommodation is recommended to have an approval limited to five years. As such it is considered that the potential for conflict with future development within the zone will be limited and/or temporary. It is noted that the land surrounding the site is largely undeveloped and hence is unlikely to be adversely impacted by operation of the proposed development, however the conditions proposed also provide further reassurance.

Cr Terrence Winner and Cr Kirsty Dellar (Local Government Member, City of Kalgoorlie-Boulder) left the panel at 10.09am.

Cr Julie Williams and Cr Maria Girak (Local Government Member, Shire of Northam) joined the panel at 10.09am.

8.2 No.131 (Lots 6 & 7) Northam-York Road, Muluckine

| | |
|--------------------------|--|
| Development Description: | Proposed Hydrogen Plant (Lot 7) & Solar Farm Expansion (Lot 6) Renewable Energy Facility |
| Applicant: | Infinite Green Energy |
| Owner: | DK West Investments Pty Ltd & The Dale West Family Trust |
| Responsible Authority: | Shire of Northam |
| DAP File No: | DAP/23/02535 |

PROCEDURAL MOTION 1

Moved by: Kanella Hope

Seconded by: Justin Page

That the Regional JDAP discuss legal advice from representatives of the Department of Planning, Lands and Heritage and that such discussion is had behind closed doors, in accordance with section 5.10.2g of the DAP Standing Orders 2020.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

Tony Arias
Presiding Member, Regional JDAP



REASON: To consider legal advice provided by DPLH.

*The meeting was closed to the public at 11.51am.
The meeting was reopened to the public at 12.06pm.*

REPORT RECOMMENDATION

Moved by: NIL

Seconded by: NIL

That the Regional JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/23/2535 is appropriate for consideration as a “Renewal Energy Facility, comprising Hydrogen Plant and Solar Farm Expansion” land use and is compatible with the objectives of the zoning table in accordance with Clause 3.2.8 of the Shire of Northam Local Planning Scheme No. 6.
2. **Approve** DAP Application reference DAP/23/2535 and accompanying plans comprising:

| Drawing No Plan Ref | Date | Details |
|----------------------------|-------------|--------------------------------------|
| 21295-C-00 Rev H | 10/07/2023 | Cover sheet and locality plan |
| 21295-C-01 Rev H | 10/07/2023 | Site Plan |
| 21295-C-02 Rev H | 10/07/2023 | Detailed Site plan |
| 21295-C-03 Rev G | 10/07/2023 | Water Supply |
| 21295-C-04 Rev G | 10/07/2023 | Sewer Disposal Plan |
| 21295-C-05 Rev H | 14/07/2023 | Stormwater Discharge Plan |
| 21295-C-06 Rev I | 10/07/2023 | Plant Access |
| 21295-C-07 Rev F, | 14/07/2023 | Site grading |
| 21295-C-08 Rev F | 14/07/2023 | Site Flood Area |
| DWA, NOYO-01 | 25/10/2022 | Feature Survey |
| ME000-DEB-DRW-0001 Rev B | Nil | Office Building – Plan and elevation |
| ME000-DEB-DRW-0002 Rev B | Nil | Truck Workshop |
| ME000-DEB-DRW-0003 Rev B | Nil | Water Tanks |
| ME000-DEB-DRW-0004 Rev B | Nil | Truck Filling Station |
| ME000-DEB-DRW-0005 Rev B | Nil | Electrolyser Building |
| ME000-DEB-DRW-0006 Rev B | Nil | MCC Building |

in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the Shire of Northam Local Planning Scheme No. 6, subject to the following conditions:

Tony Arias
Presiding Member, Regional JDAP



Conditions

1. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. The use of the approved Hydrogen plant and solar farm is restricted to the generation and production only of solar and hydrogen energy and must conform to the Local Planning Scheme No. 6 definition of Renewable Energy Facility which states:

premises used to generate energy from a renewable energy source and includes any building or other structure use in, or relating to, the generation of energy by a renewable resource. It does not include renewable energy electricity generation where the energy produced principally supplies a domestic and/or business and any on selling to the grid is secondary.
3. This approval does not include any refuelling activities for third party vehicles (including service station).
4. This approval excludes expansion of the solar farm on Lots 6 and 7. Further separate planning application is required with plans and supporting information detailing the proposed panels, design, setback and screening.
5. Heavy Vehicle traffic movement to and from the site is restricted to between the hours of 7.00am to 17.00pm.
6. Prior to occupation and operation of the development, Lots 6 and 7 are to be amalgamated into a single lot on a Certificate of Title. Alternatively, the owner is to enter into a legal agreement with the Shire prepared by the Shire's Solicitors at the owner's cost requiring amalgamation to be completed within twelve months from commencement of the use.
7. All external lighting must be designed, baffled and located so as to prevent any potential adverse impacts on adjoining land or road users to the specifications and satisfaction of the Local Government.
8. Prior to occupation or use of the development, the hydrogen plant and associated buildings and structures, including any outdoor storage area shall be screened from view from any public street and dwellings to the satisfaction of the Local Government.
9. Prior to the occupation of the development, all car parking spaces together with their access aisles, are to be clearly paved, sealed, marked and drained and thereafter maintained to the satisfaction of the Local Government.
10. Prior to the commencement of any works, a detailed Landscaping Plan must be prepared by a suitably qualified person and align with the approved Bushfire Management Plan and submitted to the Local Government for approval including, but not limited to, the following:

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- a. Existing landscape areas, habitat trees and native trees greater than 0.3DBH including on the verge shown as retained and removed.
 - b. New landscape areas.
 - c. Placement of mature trees for screening to the front setback and carparking area and including the replacement of any street trees removed.
 - d. Size and species type of proposed ground covers, shrubs and trees; and
 - e. The establishment ongoing maintenance of the landscaping including reticulation program and replacement of plants.
11. Prior to commencement of the approved use, access and egress to the subject site and any associated road works shall be located and constructed to the satisfaction of the Shire of Northam, in consultation with Main Roads WA, and include all necessary drainage and signage. Costs applicable to the construction of the access point onto the site and related issues shall be borne by the proponent.
12. Works within the Northam-York (also known as Northam-Cranbrook) Road reserve are to be undertaken, to the standards, specifications, satisfaction, and timeframe of Main Roads WA, in consultation with the Shire, including: -
- a. Prior to commencement of the development, the applicant shall complete a detailed design of the intersection upgrades to the Northam Cranbrook Road to Main Roads standards and satisfaction.
 - b. Prior to occupation and starting of the development and operation, the intersection with Northam Cranbrook Road is to be upgraded as per condition (a) to the satisfaction of Main Roads.
 - c. The developer shall be responsible for all costs involved in the land acquisition, design and construction of the intersection access and associated works. This includes all signage, road markings, relocation of service and lighting.
 - d. No stormwater drainage is to be discharged onto the road reserve.
13. Prior to the commencement of any works, a Stormwater and Drainage Management Plan must be prepared by a suitably qualified person demonstrating how stormwater and Drainage will be managed on-site. Works may only commence following written approval of this plan from the local government.
14. Prior to the commencement of any works, a Construction Management Plan shall be prepared by a suitably qualified person and submitted to the local government for approval. This plan is to detail how construction will be managed to minimise disruption in the area and shall include:
- a. Construction times.
 - b. Arrangements for the delivery of materials and equipment to the site, including delivery times.
 - c. Storage of materials and equipment on site.
 - d. Parking arrangements for contractors and sub-contractors.
 - e. Any impacts on traffic movement.
 - f. Protection of existing trees over 0.3 DBH on the site and verge.
 - g. Construction waste disposal strategy and location of waste disposal bins.
 - h. Mitigation of wind and/or water borne erosion and sedimentation during and after the works; and
 - i. Any other matters likely to impact on the surrounding properties.

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The Construction Management Plan must be accompanied by a traffic management plan approved by Main Roads. Works may only commence following the written approval of this plan from the local government.

15. The operator shall undertake, complete and lodge a noise monitoring survey to the local government. The survey of noise levels emitting from the development site shall be completed within 6 months of commencement of operations to determine post-operation noise levels at nearby sensitive receivers.
 - a. Monitoring should include any operations and activities that occur during the day, evening and night hours including vehicles movements; and
 - b. Compare the results with the Noise Impact Assessment prepared by Herring Storer Acoustics dated February 2023 (Job No 22316, Doc Ref 30312-3-22316)
 - c. Implement any noise mitigation measures for the duration of the development.
16. The Operator shall implement a system to record, manage and report on noise complaints during construction and for the life of the development.
17. Prior to operation the applicant to provide confirmation that legal arrangements for vehicle access and use of the level crossing between Lots 6 and 7 with Arc Infrastructure are in place for the duration of the operation of the proposal to the satisfaction of the Local Government.
18. Prior to the commencement of any works, an amended Bushfire Management Plan shall be submitted and approved by the Local Government in consultation with Department Fire and Emergency Services (DFES).
19. The applicant must implement all of the recommendations contained in the Bushfire Management Plan prepared by Bushfire Prone Planning dated 26 September 2023 and as amended to incorporate advice of the Department of Fire and Emergency Services (DFES) for the duration of the development to the satisfaction of the Shire of Northam.

Advice Notes

1. This development approval does not remove the need to obtain licences, permits or other forms of approval that may be required under other legislation or requirements of Council.
2. The proponent is required to comply with the *Environmental Protection Act 1986* and any Works Approval required for the proposed development under *Schedule 1* of the *Environmental Protection Regulations 1987* issued by the *Department of Water and Environmental Regulation* at all times to the satisfaction of the Shire of Northam
3. The development must comply with the *Environmental Protection (Noise) Regulations 1997* at all times. The applicant is advised that should any construction work occur outside of the hours of 7 am and 7pm Monday to Saturday, a Regulation 13 Approval shall be required to be obtained. This approval is issued by the CEO of the Shire of Northam and 7day notice sent to nearby residents.

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

The Report Recommendation LAPSED for want of a mover and a seconder.

PROCEDURAL MOTION 2

Moved by: Kanella Hope

Seconded by: Cr Julie Williams

That the consideration of DAP Application DAP/23/02535 be deferred up to 90 days, in accordance with section 5.10.1a of the DAP Standing Orders 2020, for the following reasons. Deferring the matter does not imply support of the Panel:

1. Demonstrate there is adequate separation, systems and contingencies provided to accommodate the amenity and potential safety and hazard risk impacts arising.
2. Details of any necessary classification and licence requirements as may be required from Department of Mines, Industry Regulation and Safety and under the Dangerous Goods Act, and how these considerations are reflected in the proposed design and operation of the development.
3. Limitations on fuel to be stored on site.
4. Response from DFES and address any matters arising.
5. Demonstrate Stormwater and Drainage can be suitably managed, including in context of flooding impacts.
6. Rationale to modify any conditions.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: The Panel having considered the Responsible Authority Report (RAR), all materials and information presented and following detailed discussions with the responsible authority and applicant during the meeting determined it was not satisfied that all relevant planning considerations had been appropriately addressed.

The absence of certainty about DMIRS and DFES advice to the JDAP on the issue of public safety concerning the chemical production of hydrogen on this site and bush fire management meant that the JDAP could not give 'due regard' to these critical issues. Despite some reassurances, the application material presented did not clearly document these matters. It was also not clear how the design and operation of the development reflected these considerations, including limitations or conditions to ensure public safety. This meant the panel was unable to determine in the interests of orderly and proper planning under cl 67 of the deemed provisions.

The Panel considered that additional information was required in relation to Stormwater and Drainage management and the rationale on the applicant's request to modify conditions

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

Nil.

10. State Administrative Tribunal Applications and Supreme Court Appeals

The Presiding Member noted the following SAT Applications -

| Current SAT Applications | | | | |
|----------------------------------|-------------------|---|---|--------------------|
| File No. & SAT DR No. | LG Name | Property Location | Application Description | Date Lodged |
| DP/14/00039 DR 65/2020 | Shire of York | Lots 4869 (2256), 5931, 9926 (2948) and 26934 Great Southern Highway, St Ronans | Construction and Use of Allawuna Farm for the purposes of a Class II Landfill | 28 July 2020 |
| DAP/21/02063 DR241/2021 | Shire of Dardanup | Lot 2 Banksia Road, Crooked Brook | Cleanaway Dardanup Landfill Facility | 5 November 2021 |
| DAP/22/02256 PA80/2022 | Shire of Capel | 79 (Lot 100) Bussell Highway, Gelorup | Proposed Service Station and Motor Vehicle Wash | 30 May 2023 |
| DAP/23/02479 DR 146/2023 | Shire of Capel | Lot 148 (No.168) Skippings Road, Boyanup | Extractive Industry Development Proposal | 30 August 2023 |

11. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2020 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

12. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 12.11pm.

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