



## Regional Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Wednesday, 24 August 2022; 9:30am  
**Meeting Number:** RJDAP/65  
**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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## **Attendance**

### **DAP Members**

Mr Tony Arias (Presiding Member)  
Ms Kanella Hope (Deputy Presiding Member)  
Ms Leigh Penney (A/Third Specialist Member)

#### *Item 8.1*

Cr Kelly Nunn (Local Government Member, City of Karratha)

#### *Item 9.1*

Cr Matthew Lynch (Local Government Member, Shire of Ashburton)

### **Officers in attendance**

#### *Item 8.1*

Ms Lee Reddell (City of Karratha)  
Mr Chris Sayer (City of Karratha)

#### *Item 9.1*

Mr Ty Matson (Shire of Ashburton)  
Mr Ben McKay (Shire of Ashburton)

### **Minute Secretary**

Ms Zoe Hendry (DAP Secretariat)  
Mr Stephen Haimes (DAP Secretariat)

### **Applicants and Submitters**

#### *Item 8.1*

Ms Leanne Taylor (JBS&G)  
Mr Cameron Herrington (Engie Hydrogen Pty Ltd)  
Mr Carlos Trench (Engie Hydrogen Pty Ltd)  
Mr Brian Howarth (Yara Pilbara Fertilisers)

#### *Item 9.1*

Mr Greg Rowe (Rowe Group)  
Mr Adrian Dhue (Rowe Group)  
Mr Hubert Kalinowski (Mineral Resources Limited)  
Mr Darren Hardy  
Mr Lance Perry  
Mr Ian Rogers (Thomson Geer Lawyers)  
Mr Darren Levey (Uloth and Associates)

### **Members of the Public / Media**

Ms Nadia Budihardjo from Business News was in attendance.

**Mr Tony Arias**  
Presiding Member, Regional JDAP



## 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:35am on 24 August 2022 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 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

Mr Justin Page (Third Specialist Member)  
Cr Linton Rumble (Local Government Member, Shire of Ashburton)  
Cr Kerry White (Local Government Member, Shire of Ashburton)  
Cr Margaret Bertling (Local Government Member, City of Karratha)

## 3. Members on Leave of Absence

Nil

## 4. Noting of Minutes

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

## 5. Declaration of Due Consideration

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 8.1, received on 17 August 2022.

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 9.1, received on 23 August 2022.

All members declared that they had duly considered the documents.



## 6. Disclosure of Interests

DAP Member, Mr Justin Page, declared an Indirect Pecuniary Interest in item 8.1. Mr Page advised that he is employed by Element Advisory, of whom the landowner, Western Australian Land Authority, trading as Development WA, is a client.

Local Government Member, Cr Kerry White, declared a Proximity Interest in item 8.2. Cr white advised that she resides within 100 metres of Lot 300 Third Avenue, Onslow.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member determined that the members listed above, who have disclosed an Indirect Pecuniary Interest and a Proximity Interest are not permitted to participate in the discussion and voting on the items.

DAP Member, Ms Kanella Hope, declared an Impartiality Interest in Item 8.1 and 9.1. Ms Hope advised that the attendees are known to her.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Presiding Member determined that the member listed above, who have disclosed an Impartiality Interest is permitted to participate in the discussion and voting on the items.

## 7. Deputations and Presentations

- 7.1 City of Karratha officers addressed the DAP in relation to the application Item 8.1 and responded to questions from the panel.

***The presentations at Item 7.1 were heard prior to the application at Item 8.1.***

- 7.2 Mr Greg Rowe (Rowe Group) addressed the DAP in support of the recommendation for the application at Item 9.1 and responded to questions from the panel.

- 7.3 Mr Darren Levey (Uloth and Associates) addressed the DAP in support of the recommendation for the application at Item 9.1 and responded to questions from the panel.

- 7.4 Mr Ian Rogers (Thomson Geer Lawyers) addressed the DAP in support of the recommendation for the application at Item 9.1 and responded to questions from the panel.

- 7.5 Mr Len Kosova (LK Advisory on behalf of the Shire of Ashburton) addressed the DAP in support of the recommendation for the application at Item 9.1 and responded to questions from the panel.

- 7.6 Shire of Ashburton officers addressed the DAP in relation to the application at Item 9.1

***The presentations at Items 7.2 - 7.6 were heard prior to the application at Item 9.1.***



## 8. Form 1 – Responsible Authority Reports – DAP Applications

### 8.1 Lot 564 Village Road, Burrup

Development Description: Renewable Hydrogen Plant & Solar PV Plant  
Applicant: Engie Hydrogen Pty Ltd  
Owner: Western Australian Land Authority (trading as Development WA)  
Responsible Authority: City of Karratha  
DAP File No: DAP/22/02157

### REPORT RECOMMENDATION

**Moved by:** Ms Leigh Penney

**Seconded by:** Ms Kanella Hope

That the Regional JDAP resolves to:

1. **Approve** DAP Application reference DAP/22/02157 and accompanying plans

Title: Site Plan/GA (Including Facilities): Overall Site Layout – Array: 200883C-400-DW-04-10-5000-Page1of6-RevA

Title: H2 Plant - General Layout:20088C001-000-DW-00-51-001-Page1of2-Rev4

Title: Vented Enclosure: 20088C001-000-DW-00-51-000-Page2of2-Rev3

'Battery Container Layout' – Drawing Name: Dimensions and Internal Layout

'Solar Panel Configuration' – Drawing Name: Monford – Yuri Hydrogen – 28x2p\_Edge -Rev00 -Sheet 1/1

'Solar Panel Configuration' – Drawing Name: Monford – Yuri Hydrogen – 28x2p\_Inner - Rev00 -Sheet 1/1

in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Karratha Local Planning Scheme No. 8, subject to the following conditions:

### Conditions

1. This decision constitutes development approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. The Stormwater Management Plan prepared by Technip Australia Pty Ltd, titled 'Yuri Phase 0 – Stormwater Management Plan' – Document No. 200883C-000-RT-1400-001 Revision C dated 19 April 22 shall be implemented and adhered to through the construction and operational phases of the development to the satisfaction of the City of Karratha.
3. The Construction Environmental Management Plan prepared by Yara Pilbara Fertilisers Pty Ltd, titled Ammonia Plant, Burrup Peninsula - Renewable Hydrogen Project - Construction Environmental Management Plan dated April 2022 shall be implemented and adhered to through the construction phase of development to the satisfaction of the City of Karratha.

Mr Tony Arias  
Presiding Member, Regional JDAP



4. The final revised Project Environmental Plan - Yuri Hydrogen and PV Plant Project shall be implemented and adhered to the satisfaction of the City of Karratha.
5. The recommendations and fire protection measures contained within the Yara Pilbara Ammonia Plant and Technical Ammonium Nitrate Production Facility Emergency Management Plan prepared by Yara Pilbara Fertilisers Pty Ltd and Yara Pilbara Nitrates Pty Ltd and endorsed by the Department of Fire and Emergency Services, including all on-site firebreaks, fire-fighting equipment and other appropriate fire protection measures shall be implemented and adhered to for the duration of the development to the satisfaction of the City of Karratha.
6. Commitments given in the Social Impact Assessment for this development being implemented to the satisfaction of the City of Karratha.

### **Advice Notes**

- a) The proponent is required to comply with the *Aboriginal Heritage Act 1972*.
- b) 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 City of Karratha.
- c) It is recommended the proponent undertake its own evaluation as to whether a Building Permit is required for any component of the development. Should a Building Permit not be required for the buildings and structures proposed, the proposed development and associated infrastructure should be designed and constructed to meet required engineering standards for Region D cyclonic wind loads.
- d) The existing Road Maintenance Agreement for Village Road requires submission of a pre-construction and post-construction Dilapidation Report. It is noted that the traffic generation and analysis for this development does not forecast heavy traffic impacts during either construction or operational phases for this project. The City is prepared to work with the proponent to determine the best way to address the impact of additional traffic on Village Road generated by this development. Please discuss this matter with the City's Technical Services before commencing construction.
- e) Notwithstanding the advice at d) above, damage to road pavements, kerbing, footpaths or City assets (as applicable) caused by construction activity including but not limited to vehicle movements, shall be repaired at the proponent's cost in accordance with specifications and works supervision and scheduling arrangements to be approved by the City of Karratha.
- f) Approvals may need to be sought from the City of Karratha and/or relevant authorities should roads be utilised for the transport of modules and oversized loads using heavy vehicles.
- g) The proponent shall comply with the *Environmental Protection (Noise) Regulations 1997* at all times.

*Tony Arias*



- h) The proponent shall implement dust management measures at all times during the construction and operational phases of the development in accordance with the required plans and any other relevant legislation and/or approvals applicable to this development.
- i) The proponent may be required to submit an application to the City of Karratha's Environmental Health Services and/or the Department of Health for the use of any temporary effluent disposal systems.
- j) The proponent is required to undertake the development in accordance with the *Dangerous Goods Safety Act 2004* and relevant associated regulations.
- k) Portions of the development footprint to the east of the site are lower than 6.0m AHD. Based on storm surge modelling that has been undertaken for Dampier, development lower than 6.0m AHD may be susceptible to a modelled 1 in 500 year storm surge event. In accordance with the City's Local Planning Policy DP19 Storm Surge Risk, it is the responsibility of the proponent to assess the risk to proposed development from storm surge.

Should the proponent be aggrieved by this decision, or any of the conditions imposed, there is a right of review under the Planning and Development Act 2005. An application for review must be submitted in accordance with Part XIV of the Planning and Development Act 2005 within twenty-eight (28) days of the date of this decision to: the State Administrative Tribunal, GPO Box U1991 Perth, WA 6845. Further information regarding this right of review is available on the SAT website [www.sat.justice.wa.gov.au](http://www.sat.justice.wa.gov.au) or by phoning 1300 306 017.

#### **AMENDING MOTION 1**

**Moved by:** Ms Kanella Hope

**Seconded by:** Ms Leigh Penney

*The following amendments were moved en bloc.*

- (i) That Advice Note E be reworded, added as Condition No.7 and the remaining advice notes be re-alphabetised accordingly.

~~Notwithstanding the advice at d) above,~~ Damage to road pavements, kerbing, footpaths, or City assets (as applicable) caused by construction activity including but not limited to vehicle movements, shall be repaired at the proponent's cost in accordance with specifications and works supervision and scheduling arrangements to be approved by the City of Karratha.

- (ii) That Advice Note H (now G) be deleted, and the remaining advice notes be re-alphabetised accordingly.

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** To provide the applicant with added clarity and certainty for the approval and condition requirements.

**Mr Tony Arias**  
Presiding Member, Regional JDAP



## REPORT RECOMMENDATION (AS AMENDED)

That the Regional JDAP resolves to:

1. **Approve** DAP Application reference DAP/22/02157 and accompanying plans

Title: Site Plan/GA (Including Facilities): Overall Site Layout – Array: 200883C-400-DW-04-10-5000-Page1of6-RevA

Title: H2 Plant - General Layout:20088C001-000-DW-00-51-001-Page1of2-Rev4

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in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Karratha Local Planning Scheme No. 8, subject to the following conditions:

### Conditions

1. This decision constitutes development approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. The Stormwater Management Plan prepared by Technip Australia Pty Ltd, titled 'Yuri Phase 0 – Stormwater Management Plan' – Document No. 200883C-000-RT-1400-001 Revision C dated 19 April 22 shall be implemented and adhered to through the construction and operational phases of the development to the satisfaction of the City of Karratha.
3. The Construction Environmental Management Plan prepared by Yara Pilbara Fertilisers Pty Ltd, titled Ammonia Plant, Burrup Peninsula - Renewable Hydrogen Project - Construction Environmental Management Plan dated April 2022 shall be implemented and adhered to through the construction phase of development to the satisfaction of the City of Karratha.
4. The final revised Project Environmental Plan - Yuri Hydrogen and PV Plant Project shall be implemented and adhered to the satisfaction of the City of Karratha.
5. The recommendations and fire protection measures contained within the Yara Pilbara Ammonia Plant and Technical Ammonium Nitrate Production Facility Emergency Management Plan prepared by Yara Pilbara Fertilisers Pty Ltd and Yara Pilbara Nitrates Pty Ltd and endorsed by the Department of Fire and Emergency Services, including all on-site firebreaks, fire-fighting equipment and other appropriate fire protection measures shall be implemented and adhered to for the duration of the development to the satisfaction of the City of Karratha.
6. Commitments given in the Social Impact Assessment for this development being implemented to the satisfaction of the City of Karratha.

Mr Tony Arias  
Presiding Member, Regional JDAP





7. Damage to road pavements, kerbing, footpaths or City assets (as applicable) caused by construction activity including but not limited to vehicle movements, shall be repaired at the proponent's cost in accordance with specifications and works supervision and scheduling arrangements to be approved by the City of Karratha.

### Advice Notes

- a) The proponent is required to comply with the *Aboriginal Heritage Act 1972*.
- b) 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 City of Karratha.
- c) It is recommended the proponent undertake its own evaluation as to whether a Building Permit is required for any component of the development. Should a Building Permit not be required for the buildings and structures proposed, the proposed development and associated infrastructure should be designed and constructed to meet required engineering standards for Region D cyclonic wind loads.
- d) The existing Road Maintenance Agreement for Village Road requires submission of a pre-construction and post-construction Dilapidation Report. It is noted that the traffic generation and analysis for this development does not forecast heavy traffic impacts during either construction or operational phases for this project. The City is prepared to work with the proponent to determine the best way to address the impact of additional traffic on Village Road generated by this development. Please discuss this matter with the City's Technical Services before commencing construction.
- e) Approvals may need to be sought from the City of Karratha and/or relevant authorities should roads be utilised for the transport of modules and oversized loads using heavy vehicles.
- f) The proponent shall comply with the *Environmental Protection (Noise) Regulations 1997* at all times.
- g) The proponent may be required to submit an application to the City of Karratha's Environmental Health Services and/or the Department of Health for the use of any temporary effluent disposal systems.
- h) The proponent is required to undertake the development in accordance with the *Dangerous Goods Safety Act 2004* and relevant associated regulations.
- i) Portions of the development footprint to the east of the site are lower than 6.0m AHD. Based on storm surge modelling that has been undertaken for Dampier, development lower than 6.0m AHD may be susceptible to a modelled 1 in 500 year storm surge event. In accordance with the City's Local Planning Policy DP19 Storm Surge Risk, it is the responsibility of the proponent to assess the risk to proposed development from storm surge.

*Tony Arias*



Should the proponent be aggrieved by this decision, or any of the conditions imposed, there is a right of review under the Planning and Development Act 2005. An application for review must be submitted in accordance with Part XIV of the Planning and Development Act 2005 within twenty-eight (28) days of the date of this decision to: the State Administrative Tribunal, GPO Box U1991 Perth, WA 6845. Further information regarding this right of review is available on the SAT website [www.sat.justice.wa.gov.au](http://www.sat.justice.wa.gov.au) or by phoning 1300 306 017.

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

**REASON:** The Panel, having considered the Responsible Authority Report and all the materials and information presented, was satisfied with the Responsible Authority Report recommendation to approve.

*Cr Kelly Nunn (Local Government Member, City of Karratha left the panel at 9:50am.*

*Cr Matthew Lynch (Local Government Member, City of Ashburton) joined the panel at 9:50am.*

#### **PROCEDURAL MOTION**

**Moved by:** Mr Tony Arias

**Seconded by:** Ms Kanella Hope

That the meeting be adjourned for a period of 10 minutes.

**The Procedural Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** To provide the Shire of Ashburton time to address the technical issues with connecting to the meeting it was experiencing.

*The meeting was adjourned at 11am.*

*The meeting was reconvened at 11:10am.*

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

#### **9.1 Lot 300 Back Beach Road, Onslow**

Development Description:	Workforce Accommodation
Proposed Amendments:	Condition working amendments and minor building modifications
Applicant:	Rowe Group
Owner:	Buurabalayji Thalanyji Aboriginal Corporation RNTBC
Responsible Authority:	Shire of Ashburton
DAP File No:	DAP/21/02078

**Mr Tony Arias**  
Presiding Member, Regional JDAP



## REPORT RECOMMENDATION

**Moved by:** Ms Kanella Hope

**Seconded by:** Ms Leigh Penney

That the Regional Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/21/02078 as detailed on the DAP Form 2 dated 1/06/2022 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** DAP Application reference DAP/21/02078 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the Shire of Ashburton Local Planning Scheme No. 7, for the proposed minor amendment to the approved DA 21-67 | DAP/21/02078 at Lot 300 Back Beach Road, Onslow, subject to the following details:

DA002 – Site master plan - Rev. K DA003 – Site plan – North East\_Rev. F DA004 – Site Sections. D  
DA005 – Site Fencing Schedule – Rev A  
DA100 – ADM, IND, CRE & MED – Floor plan and elevations. H DA101 – ADM, IND, CRE & MED – Roof plan. G  
DA200 – RST & TVN – Floor plan. G DA201 – RST & TVN – Elevations. G DA202 – RST & TVN – Roof plan. E  
DA300 – GYM & SPT – Floor plan & elevations. G DA301 – I-REC – Floor plan & elevations. G DA302 – GYM, SPT & I-REC – Roof plan. E  
DA400 – ACCOM & LDRY POD – Floor plan & elevations. F DA500 – ANC – Floor plan & elevations. D  
DA600 – Visualisations. C  
DA002 – Fencing Plan 15.03.2022 – Rev K

### Amended Conditions

- 3 Prior to lodging an application for a building permit, a detailed fauna survey (targeted terrestrial vertebrate survey to determine the presence and significance of the *Lerista planiventralis maryani*, a Priority 1 listed reptile) shall be undertaken and a report for the site shall be prepared by a qualified zoologist in accordance with the EPA Technical Guidance – Terrestrial vertebrate fauna surveys for environmental impact assessment (June 2020) and submitted to and approved by the Shire of Ashburton on advice from the EPA. If any of these species are found, an environmental management Plan, addressing any impact and mitigation measures shall be submitted and implemented to the satisfaction of the Shire of Ashburton.
- 4 Prior to lodging an application for a building permit, a targeted survey is to be undertaken to determine the presence and significance of 'Marine' and 'Shorebirds' and a report for the site shall be prepared by a qualified zoologist in accordance with the EPA Technical Guidance – Terrestrial vertebrate faunasurveys for environmental impact assessment (June 2020) and submitted to and approved by the Shire of Ashburton on advice from the EPA.

Mr Tony Arias  
Presiding Member, Regional JDAP



- 5 Prior to commencement of construction, a HAZMAT site survey is required to confirm whether asbestos containing materials (ACM), asbestos fines (AF) or fibrous asbestos (FA) are present at the site shall be undertaken for the site shall be pared to the satisfaction of the Shire and submitted to and approved by the Shire of Ashburton.

a) If no evidence of ACM, AF or FA is found, no further action is required.

If evidence of ACM, AF or FA is found, asbestos remediation or asbestos management is to be undertaken in accordance with Department of Health guidelines.

- 7 An acid sulphate self-assessment form and, if required as a result of the self-assessment, an acid sulphate soils report and an acid sulphate soils management plan, shall be submitted to and approved by the Shire of Ashburton on advice from the Department of Water and Environmental Regulation before any earthworks beyond 3m below the natural ground surface of the Area of Potential Concern 4 described in the 'Desktop Contamination Assessment' (July 2021 (prepared by 360 Environmental)) are commenced. Where an acid sulphate soils management plan is required to be submitted, all earthworks shall be carried out in accordance with the approved management plan.

- 8 Prior to the commencement of construction, a Traffic Impact Assessment shall be prepared in accordance with the Western Australian Planning Commission's Transport Assessment Guidelines and to the satisfaction of the Shire of Ashburton. The TIA shall consider:

- a) The full extent of the traffic impacts the development will have on the locality
- b) Assess the full potential impact of the development
- c) Include the likely post-development traffic volumes
- d) The impact is to be assessed for 10 years after full opening of the development
- e) The application relies on the assumption that the majority of the 500 occupants will travel to and from the site by bus. The Shire expects that other scenarios are considered within the Traffic Impact Assessment document whereby the use of work and private vehicles is also factored into transport arrangements. This is typical of the operation of other significant sized workforce accommodation facilities in the Shire of Ashburton.

- 9 Prior to the commencement of the use, any road upgrades or contributions denoted are to be undertaken to the satisfaction of the responsible local government.

All costs shall be the responsibility of the proponent and responsibility for the road upgrades shall be agreed with the Shire of Ashburton, on the advice of the responsible local government.



- 12 Prior to commencement of construction, the applicant must submit and have approved by the Local Government, and thereafter implement to the satisfaction of the Local Government, a Construction Environmental Management Plan addressing the following matters:
- a) How materials and equipment will be delivered and removed from the site;
  - b) How materials and equipment will be stored on the site;
  - c) Parking arrangements for contractors;
  - d) Construction waste disposal strategy;
    - i. Recycling of demolition materials including concrete;
    - ii. Removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works;
    - iii. Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction for the Local Government prior to the removal of any hazardous materials.
  - e) Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;
  - f) How risks of wind and/or water borne erosion and sedimentation will be minimised during and after the works; and
  - g) What noise mitigating provisions will be put in place to address impacts on neighbouring properties.
  - h) Whether dune stabilisation will be required during the construction.
  - i) How car parking, delivery vehicles and traffic impacts associated with construction will be managed so as not to jeopardise the safety of the school community, particularly during peak school drop off / pick up times; and
  - j) Other matters likely to impact on the surrounding properties
- 13 Prior to lodging an application for a building permit, a Waste Management Plan must be submitted to and approved by the Local Government. The plan must include the following details to the satisfaction and specification of the Local Government:
- 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
  - d) Frequency of bin collections.

The Waste Management Plan must be implemented at all times to the satisfaction of the Local Government.

*Tony Arias*



- 14 Prior to commencement of development, a detailed Landscaping and Reticulation Plan for the subject site and the abutting road verges must be submitted to, and approved by the Local Government, and must include the following to the Local Government's satisfaction:
- a) The location, number and type of proposed trees and shrubs including planter and / or tree pit sizes and planting density;
  - b) Any lawns to be established;
  - c) Any existing vegetation and/or landscaped areas to be retained;
  - d) Any verge treatments;
  - e) Evidence that the proposed landscaping will not, at maturity, negatively impact the development or adjoining properties.
  - f) A key or legend detailing proposed species type grouped under the subheadings of tree, shrub and groundcover;
  - g) Mulching or similar treatments of garden beds including edges;
  - h) Details of reticulation of landscaped areas including the source of the water supply and proposed responsibility for maintenance;
  - i) Treatment of paved areas (parking and pedestrian area);
  - j) Screening of car parking areas; and
  - k) Fence material, height and treatment.
- 16 Prior to lodging an application for a building permit, a modified Bushfire Management Plan needs to be submitted to and approved by the Shire of Ashburton, and thereafter implemented by the proponent, addressing the following:
- a) Is amended to incorporate the extent of native vegetation clearing.
- The private driveway should be upgraded to meet the technical requirements of Column 1 Table 6 of the Guidelines.
- 17 Prior to lodging an application for a building permit, a modified Bushfire Emergency Evacuation Plan needs to be submitted to and approved by the Shire of Ashburton, and thereafter implemented by the proponent, addressing the following:  
Consideration should be given to the Guidelines Section 5.5.2 'Developing a Bushfire Emergency Evacuation Plan'. This contains detail regarding what should be included in a BEEP and will ensure the appropriate content is detailed when finalising the BEEP to the satisfaction of the Shire.
- 22 Prior to occupation of the development, an Operational Management Plan is to be submitted to and approved by the Shire of Ashburton and thereafter implemented to the satisfaction of the Shire of Ashburton.
- 23 No fencing is permitted on the site, unless agreed to and approved by the Shire of Ashburton.

*Tony Arias*



- 27 In accordance with the Social Impact Statement letter dated 15 September 2021, the following Social Impact Management measures shall be implemented to the satisfaction of the Shire of Ashburton:
- a) inductions ensuring all guests are made aware of local community facilities, liquor restrictions and associated risks;
  - b) maintaining relationships with Shire of Ashburton Rangers, local police and the ward councillors to continually improve situational awareness and early detection of any issues;
  - c) sourcing workers responsible for maintenance (landscaping, cleaning and general maintenance) from Onslow where practicable;
  - d) sourcing an on-site Duty Manager from Onslow where practicable; and
  - e) sourcing catering, waste management and security services from Onslow where practicable

- 28 In accordance with Shire of Ashburton Local Planning Policy 14 - Percent for Art the application is required to make a public art contribution of \$1 million being one percent of the \$100 million total cost of development.

In order to comply with the Policy, the owner(s) or applicant, on behalf of the owner(s) shall submit a statutory declaration prior to the lodgement of a Building permit stipulating the choice of:

Option 1: Owner/Applicant chooses to co-ordinate the Public Art project themselves or by engaging an art consultant; or

Option 2: Owner/Applicant chooses to pay cash - in-lieu

- 29 A Notification under Section 70A of the Transfer of Land Act 1983 shall be prepared and lodged with the Registrar of Titles for endorsement on the Certificate prior to the commencement of development. The notification shall advise of the existence of a hazard or other factor affecting use or enjoyment of the land to the satisfaction of the Shire and at the applicant's cost. The notification shall state as follows:

*Vulnerable Coastal Area*

*'This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years.'*

- 30 A Notification under Section 70A of the Transfer of Land Act 1983 shall be prepared and lodged with the Registrar of Titles for endorsement on the Certificate prior to the commencement of development. The notification shall advise of the existence of a hazard or other factor affecting use or enjoyment of the land to the satisfaction of the Shire and at the applicant's cost. The notification shall state as follows:

*Bushfire Management (SPP3.7)*

*'Registered proprietors and prospective purchasers of the land described above or any part thereof (land) are notified that the land is within a bushfire prone area and buildings shall be designed and constructed in accordance with Australian Standard 3959 - Construction of Buildings in Bushfire-Prone Areas (or superseded Australian Standard) and comply with any approved fire management plan prepared in respect of the land to minimise the risk of property damage*



- 31 A Notification under Section 70A of the Transfer of Land Act 1983 shall be prepared and lodged with the Registrar of Titles for endorsement on the Certificate prior to the commencement of development. The notification shall advise of the existence of a hazard or other factor affecting use or enjoyment of the land to the satisfaction of the Shire and at the applicant's cost. The notification shall state as follows:

Onslow Salt Operational Noise

*'The land is located within an area identified as a potential noise source being the Onslow Salt operations'*

**Amended Advice Notes**

- B Construction work undertaken on site is confined within the following times:
- (i). Monday to Saturday: 7:00am to 7:00pm
  - (ii). Sunday and Public Holidays: 7:00am to 7:00pm for construction work that does not emit noise beyond the property boundaries. Any construction work that requires the use of machinery that will emit noise beyond the property boundaries is not permitted unless approval is obtained from the Shire of Ashburton in the form of an approved Noise Management Plan under Regulation 13 of the Environmental Protection (Noise) Regulations 1997 prior to the commencement of construction works.

Construction work shall not be carried out outside of the abovementioned times unless approval is obtained from the Shire of Ashburton in the form of an approved Noise Management Plan under Regulation 13 of the Environmental Protection (Noise) Regulations 1997 prior to the commencement of construction works.

**New Advice Notes**

- J This property is on a site where records confirm there is a history of military activities that have resulted in residual UXO. A possibility exists that dangerous items of UXO may still be found on this site. Contact police if a suspicious item that may be UXO is found. Visit [www.defence.gov.au](http://www.defence.gov.au) for further information.
- K The Shire of Ashburton is prepared to consider an application from the owner of Lot 300 under Regulation 17A of the Planning and Development (Development Assessment Panels) Regulations 2011 to delete or amend Conditions 8 and 9, if it can be demonstrated to the Shire's satisfaction that:
- (a) Vehicle access/egress connection will be provided to Back Beach Road; and
  - (b) To the extent deemed necessary by and where agreed with the Shire, the proponent will contribute towards the upgrading of:
    - (i). Back Beach Road up to and including the intersection with Simpson Street.
- L The Operational Management Plan required by Condition 22 relates to the operational, day-to-day running of the facility, to address Objective 2.2 of the Shire's Local Planning Policy No. 13 – Transient Workforce Accommodation. The operator of the facility may apply in writing to the Shire for approval to amend this Plan if required for operational purposes

*Tony Arias*





All other conditions and requirements detailed on the previous approval dated 23 December 2021 shall remain unless altered by this application.

### **AMENDING MOTION 1**

**Moved by:** Ms Kanella Hope

**Seconded by:** Ms Leigh Penney

That Condition No.8 be amended to read as follows:

Prior to the commencement of construction, ~~a the Traffic Impact Statement is to be updated shall be prepared in accordance with the Western Australian Planning Commission's Transport Assessment Guidelines and to the satisfaction of the Shire of Ashburton to address the following matters. The TIA shall consider:~~

- a) The full extent of the traffic impacts the development will have on the locality
- b) Assess the full potential impact of the development
- c) Include the likely post-development traffic volumes
- d) The impact is to be assessed for 10 years after full opening of the development
- e) The application relies on the assumption that the majority of the 500 occupants will travel to and from the site by bus. The Shire expects that other scenarios are considered within the Traffic Impact Assessment document whereby the use of work and private vehicles is also factored into transport arrangements. This is typical of the operation of other significant sized workforce accommodation facilities in the Shire of Ashburton.
- f) Road condition and any necessary upgrades arising from the development, including potential cost contributions.**

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** The development is a major change in Onslow. Parts a) to e) of the original condition are considered to be valid, although a full Traffic Impact Assessment as per the Guidelines, particularly across a large geographical area, may not be warranted. Road condition and upgrades in immediate vicinity of the development, including Third Avenue, and the Third Avenue and Simpson Street intersection have not been directly addressed and would appear to be where there will be greatest impacts, and new part f) refers to this.



## AMENDING MOTION 2

**Moved by:** Ms Kanella Hope

**Seconded by:** Ms Leigh Penney

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

Prior to the commencement of the use, any road upgrades or contributions ~~denoted~~ **arising from the development and articulated by satisfying Condition No.8** are to be undertaken to the satisfaction of the responsible local government.

~~All costs shall be the responsibility of the proponent and responsibility for the road upgrades shall be agreed with the Shire of Ashburton, on the advice of the responsible local government.~~

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** Amended Condition 9 is required to implement Condition 8, including providing clarity with regards to cost contributions and requirements.

## AMENDING MOTION 3

**Moved by:** Ms Kanella Hope

**Seconded by:** Ms Leigh Penney

That add an additional dot point to Condition No.12 to read as follows:

*K Road condition reporting and any additional repairs*

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** To provide clarity and certainty that the condition addressed potential maintenance and repair requirements that may arise during construction.

## AMENDING MOTION 4

**Moved by:** Ms Kanella Hope

**Seconded by:** Ms Leigh Penney

That Condition No.14 be amended to read as follows:

*Prior to ~~commencement~~ **occupation or use of the development**, a detailed Landscaping and Reticulation Plan for the subject site and the abutting road verges must be submitted to, and approved by the Local Government, and must include the following to the Local Government's satisfaction:*

**The Amending Motion was put and CARRIED (3/1).**

For: Mr Tony Arias  
Ms Kanella Hope  
Ms Leigh Penney

Against: Cr Matthew Lynch

Mr Tony Arias  
Presiding Member, Regional JDAP



**REASON:** The Panel was satisfied the obligation on the applicant is unchanged, just the timing of the when the plan is to be approved by, noting Condition 15 also requires the landscaping to be implemented during the first available planting season.

### **AMENDING MOTION 5**

**Moved by:** Ms Kanella Hope

**Seconded by:** Ms Leigh Penney

That Condition No.28 be amended to read as follows:

**Prior to occupation of the development, a public art contribution to address the objectives of the** ~~In accordance with Shire of Ashburton Local Planning Policy 14 - Percent for Art the application is required to make a public art contribution of \$1 million being one percent of the \$100 million total cost of development is to be provided to the satisfaction of the Shire of Ashburton.~~

~~In order to comply with the Policy, the owner(s) or applicant, on behalf of the owner(s) shall submit a statutory declaration prior to the lodgement of a Building permit stipulating the choice of:~~

~~Option 1: Owner/Applicant chooses to co-ordinate the Public Art project themselves or by engaging an art consultant; or~~

~~Option 2: Owner/Applicant chooses to pay cash in lieu~~

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** the applicant explained their willingness to provide a public art contribution and to work with the Shire to deliver this, however the arbitrary nature of the monetary value and applicability of the LPP was queried.

The panel was satisfied the LPP could be given due regard in context of Clause 67(2), and that weight should be afforded to the objectives of the LPP, however the panel had reservations about specifying an arbitrary monetary value. The objectives of the LPP however, were considered to be sound and relevant.

In this context the panel acknowledged this development is a major development and change in Onslow. Artistic, creative, and cultural statements were considered characteristic of Onslow. It was acknowledged the development itself demonstrates focus on architectural quality in response to its setting, and various opportunities and means exist to contribute towards these public art objectives, and at a scale commensurate with the significance of this development.

The panel did not however have before it an art proposition to evaluate and to determine whether the policy objects were met. The condition has been amended to be less explicit and to enable a cooperative art solution that meets the policy objects, to be determined in the first instance, between the applicant and the Shire.



## AMENDING MOTION 6

**Moved by:** Ms Kanella Hope

**Seconded by:** Cr Matthew Lynch

That Advice Note L (now K) be amended to read as follows:

The Operational Management Plan required by Condition 22 relates to the operational, day-to-day running of the facility, to address Objective 2.2 of the Shire's Local Planning Policy No. 13 – Transient Workforce Accommodation. **The Operational Management Plan should also address the traffic generation assumptions to support the development and outline contingencies were these to change during ongoing operation.** The operator of the facility may apply in writing to the Shire for approval to amend this Plan if required for operational purposes

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** The applicant outlined how the Operational Management Plan can also be used to manage ongoing traffic. In conjunction with Conditions 8 and 9, this additional wording provides clarity as to what is expected to be addressed in this Management Plan.

## AMENDING MOTION 7

**Moved by:** Mr Tony Arias

**Seconded by:** Ms Kanella Hope

That Advice Note K be deleted, and the remaining advice notes be re-alphabetised.

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**REASON:**

## AMENDING MOTION 8

**Moved by:** Mr Tony Arias

**Seconded by:** Ms Kanella Hope

To delete Condition No.6 and add as New Advice Note J.

To delete Conditions No.21 and No.32.

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** To ensure the recommendations in the RAR to delete Conditions 6, 21 and 32, which were supported by the Applicant are formally determined in the Approval..

## REPORT RECOMMENDATION (AS AMENDED)

That the Regional Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/21/02078 as detailed on the DAP Form 2 dated 1/06/2022 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;

Mr Tony Arias  
Presiding Member, Regional JDAP



2. **Approve** DAP Application reference DAP/21/02078 and accompanying plans in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the Shire of Ashburton Local Planning Scheme No. 7, for the proposed minor amendment to the approved DA 21-67 | DAP/21/02078 at Lot 300 Back Beach Road, Onslow, subject to the following details:

DA002 – Site master plan - Rev. K DA003 – Site plan – North East\_Rev. F DA004 – Site Sections. D

DA005 – Site Fencing Schedule – Rev A

DA100 – ADM, IND, CRE & MED – Floor plan and elevations. H DA101 – ADM, IND, CRE & MED – Roof plan. G

DA200 – RST & TVN – Floor plan. G DA201 – RST & TVN – Elevations. G DA202 – RST & TVN – Roof plan. E

DA300 – GYM & SPT – Floor plan & elevations. G DA301 – I-REC – Floor plan & elevations. G DA302 – GYM, SPT & I-REC – Roof plan. E

DA400 – ACCOM & LDRY POD – Floor plan & elevations. F DA500 – ANC – Floor plan & elevations. D

DA600 – Visualisations. C

DA002 – Fencing Plan 15.03.2022 – Rev K

### Amended Conditions

- 3 Prior to lodging an application for a building permit, a detailed fauna survey (targeted terrestrial vertebrate survey to determine the presence and significance of the *Lerista planiventralis maryani*, a Priority 1 listed reptile) shall be undertaken and a report for the site shall be prepared by a qualified zoologist in accordance with the EPA Technical Guidance – Terrestrial vertebrate fauna surveys for environmental impact assessment (June 2020) and submitted to and approved by the Shire of Ashburton on advice from the EPA. If any of these species are found, an environmental management Plan, addressing any impact and mitigation measures shall be submitted and implemented to the satisfaction of the Shire of Ashburton.
- 4 Prior to lodging an application for a building permit, a targeted survey is to be undertaken to determine the presence and significance of 'Marine' and 'Shorebirds' and a report for the site shall be prepared by a qualified zoologist in accordance with the EPA Technical Guidance – Terrestrial vertebrate faunasurveys for environmental impact assessment (June 2020) and submitted to and approved by the Shire of Ashburton on advice from the EPA.
- 5 Prior to commencement of construction, a HAZMAT site survey is required to confirm whether asbestos containing materials (ACM), asbestos fines (AF) or fibrous asbestos (FA) are present at the site shall be undertaken for the site shall be pared to the satisfaction of the Shire and submitted to and approved by the Shire of Ashburton.
- a) If no evidence of ACM, AF or FA is found, no further action is required.

If evidence of ACM, AF or FA is found, asbestos remediation or asbestos management is to be undertaken in accordance with Department of Health guidelines.



- 7 An acid sulphate self-assessment form and, if required as a result of the self-assessment, an acid sulphate soils report and an acid sulphate soils management plan, shall be submitted to and approved by the Shire of Ashburton on advice from the Department of Water and Environmental Regulation before any earthworks beyond 3m below the natural ground surface of the Area of Potential Concern 4 described in the 'Desktop Contamination Assessment' (July 2021 (prepared by 360 Environmental)) are commenced. Where an acid sulphate soils management plan is required to be submitted, all earthworks shall be carried out in accordance with the approved management plan.
- 8 Prior to the commencement of construction, the Traffic Impact Statement is to be updated to the satisfaction of the Shire of Ashburton to address the following matters:
  - a) The full extent of the traffic impacts the development will have on the locality
  - b) Assess the full potential impact of the development
  - c) Include the likely post-development traffic volumes
  - d) The impact is to be assessed for 10 years after full opening of the development
  - e) The application relies on the assumption that the majority of the 500 occupants will travel to and from the site by bus. The Shire expects that other scenarios are considered within the Traffic Impact Assessment document whereby the use of work and private vehicles is also factored into transport arrangements. This is typical of the operation of other significant sized workforce accommodation facilities in the Shire of Ashburton.
  - f) Road condition and any necessary upgrades arising from the development including potential cost contributions.
- 9 Prior to the commencement of the use, any road upgrades or contributions arising from the development and articulated by satisfying Condition No.8 are to be undertaken to the satisfaction of the responsible local government.
- 12 Prior to commencement of construction, the applicant must submit and have approved by the Local Government, and thereafter implement to the satisfaction of the Local Government, a Construction Environmental Management Plan addressing the following matters:
  - a) How materials and equipment will be delivered and removed from the site;
  - b) How materials and equipment will be stored on the site;
  - c) Parking arrangements for contractors;
  - d) Construction waste disposal strategy;
    - i. Recycling of demolition materials including concrete;
    - ii. Removal of hazardous materials and disposal at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works;
    - iii. Details demonstrating compliance with the relevant legislative requirements, associated with the removal of hazardous waste, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction for the Local Government prior to the removal of any hazardous materials.

*Tony Arias*



- e) Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction;
  - f) How risks of wind and/or water borne erosion and sedimentation will be minimised during and after the works; and
  - g) What noise mitigating provisions will be put in place to address impacts on neighbouring properties.
  - h) Whether dune stabilisation will be required during the construction.
  - i) How car parking, delivery vehicles and traffic impacts associated with construction will be managed so as not to jeopardise the safety of the school community, particularly during peak school drop off / pick up times;
  - j) Other matters likely to impact on the surrounding properties;
  - k) Road condition reporting and any additional repairs.
- 13 Prior to lodging an application for a building permit, a Waste Management Plan must be submitted to and approved by the Local Government. The plan must include the following details to the satisfaction and specification of the Local Government:
- 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
  - d) Frequency of bin collections.

The Waste Management Plan must be implemented at all times to the satisfaction of the Local Government.

- 14 Prior to occupation or use of the development, a detailed Landscaping and Reticulation Plan for the subject site and the abutting road verges must be submitted to, and approved by the Local Government, and must include the following to the Local Government's satisfaction:
- a) The location, number and type of proposed trees and shrubs including planter and / or tree pit sizes and planting density;
  - b) Any lawns to be established;
  - c) Any existing vegetation and/or landscaped areas to be retained;
  - d) Any verge treatments;
  - e) Evidence that the proposed landscaping will not, at maturity, negatively impact the development or adjoining properties.
  - f) A key or legend detailing proposed species type grouped under the subheadings of tree, shrub and groundcover;
  - g) Mulching or similar treatments of garden beds including edges;
  - h) Details of reticulation of landscaped areas including the source of the water supply and proposed responsibility for maintenance;
  - i) Treatment of paved areas (parking and pedestrian area);
  - j) Screening of car parking areas; and
  - k) Fence material, height and treatment.

*Tony Arias*



- 16 Prior to lodging an application for a building permit, a modified Bushfire Management Plan needs to be submitted to and approved by the Shire of Ashburton, and thereafter implemented by the proponent, addressing the following:
- a) Is amended to incorporate the extent of native vegetation clearing.
- The private driveway should be upgraded to meet the technical requirements of Column 1 Table 6 of the Guidelines.
- 17 Prior to lodging an application for a building permit, a modified Bushfire Emergency Evacuation Plan needs to be submitted to and approved by the Shire of Ashburton, and thereafter implemented by the proponent, addressing the following:  
Consideration should be given to the Guidelines Section 5.5.2 'Developing a Bushfire Emergency Evacuation Plan'. This contains detail regarding what should be included in a BEEP and will ensure the appropriate content is detailed when finalising the BEEP to the satisfaction of the Shire.
- 22 Prior to occupation of the development, an Operational Management Plan is to be submitted to and approved by the Shire of Ashburton and thereafter implemented to the satisfaction of the Shire of Ashburton.
- 23 No fencing is permitted on the site, unless agreed to and approved by the Shire of Ashburton.
- 27 In accordance with the Social Impact Statement letter dated 15 September 2021, the following Social Impact Management measures shall be implemented to the satisfaction of the Shire of Ashburton:
- a) inductions ensuring all guests are made aware of local community facilities, liquor restrictions and associated risks;
- b) maintaining relationships with Shire of Ashburton Rangers, local police and the ward councillors to continually improve situational awareness and early detection of any issues;
- c) sourcing workers responsible for maintenance (landscaping, cleaning and general maintenance) from Onslow where practicable;
- d) sourcing an on-site Duty Manager from Onslow where practicable; and
- e) sourcing catering, waste management and security services from Onslow where practicable
- 28 Prior to occupation of the development, a public art contribution to address the objectives of the Shire of Ashburton Local Planning Policy 14 - Percent for Art is to be provided to the satisfaction of the Shire of Ashburton.
- 29 A Notification under Section 70A of the Transfer of Land Act 1983 shall be prepared and lodged with the Registrar of Titles for endorsement on the Certificate prior to the commencement of development. The notification shall advise of the existence of a hazard or other factor affecting use or enjoyment of the land to the satisfaction of the Shire and at the applicant's cost. The notification shall state as follows:

Vulnerable Coastal Area

*'This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years.'*

*Tony Arias*





- 30 A Notification under Section 70A of the Transfer of Land Act 1983 shall be prepared and lodged with the Registrar of Titles for endorsement on the Certificate prior to the commencement of development. The notification shall advise of the existence of a hazard or other factor affecting use or enjoyment of the land to the satisfaction of the Shire and at the applicant's cost. The notification shall state as follows:

*Bushfire Management (SPP3.7)*

*'Registered proprietors and prospective purchasers of the land described above or any part thereof (land) are notified that the land is within a bushfire prone area and buildings shall be designed and constructed in accordance with Australian Standard 3959 - Construction of Buildings in Bushfire-Prone Areas (or superseded Australian Standard) and comply with any approved fire management plan prepared in respect of the land to minimise the risk of property damage*

- 31 A Notification under Section 70A of the Transfer of Land Act 1983 shall be prepared and lodged with the Registrar of Titles for endorsement on the Certificate prior to the commencement of development. The notification shall advise of the existence of a hazard or other factor affecting use or enjoyment of the land to the satisfaction of the Shire and at the applicant's cost. The notification shall state as follows:

*Onslow Salt Operational Noise*

*'The land is located within an area identified as a potential noise source being the Onslow Salt operations'*

**DELETED CONDITIONS**

- ~~6. Prior to lodging an application for a building permit, an Unexploded Ordinance (UXO) survey of the site shall be undertaken to the whole of the site to determine if a remediation survey required as this property is on a site where records confirm a history of UXO finds or heavy residual fragmentation to the satisfaction of the Shire and submitted to and approved by the Shire of Ashburton.~~
- ~~a. If no evidence of UXO is found, no further action is required.~~
- ~~b. If evidence of UXO is found, a remediation survey is to be completed to locate and remove any UXO.~~
- ~~c. if a remediation survey is completed, a notification pursuant to Section 70A of the Transfer of Land Act 1893 (WA) is to be placed on the Certificate of Title advising of the existence of a hazard or other factor. Notice of this notification is to be included on the diagram or plan of survey (deposited plan) as it to state as follows:~~

~~"Anti-aircraft artillery live firing practices using high explosive ammunition during WW (World War) II. Aerial bombing also highly likely. For land use planning advice contact the WA Department of Fire and Emergency Services (advice@dfes.wa.gov.au) and quote location number N26 and page number C-275. Where a Defence report is available, it will be listed below and can be found on the Defence UXO Website at <https://defence.gov.au/UXO/Where/Default.asp>".~~

- ~~21. Prior to occupation or use of the development, an Operational Environmental Management Plan is to be submitted to and approved by the Shire of Ashburton and thereafter implemented to the satisfaction of the Shire of Ashburton.~~

*Tony Arias*



~~32. A cyclone emergency shelter of adequate size shall be provided to accommodate all occupants on site at any time.~~

### **Amended Advice Notes**

- B Construction work undertaken on site is confined within the following times:
- (i). Monday to Saturday: 7:00am to 7:00pm
  - (ii). Sunday and Public Holidays: 7:00am to 7:00pm for construction work that does not emit noise beyond the property boundaries. Any construction work that requires the use of machinery that will emit noise beyond the property boundaries is not permitted unless approval is obtained from the Shire of Ashburton in the form of an approved Noise Management Plan under Regulation 13 of the Environmental Protection (Noise) Regulations 1997 prior to the commencement of construction works.

Construction work shall not be carried out outside of the abovementioned times unless approval is obtained from the Shire of Ashburton in the form of an approved Noise Management Plan under Regulation 13 of the Environmental Protection (Noise) Regulations 1997 prior to the commencement of construction works.

### **New Advice Notes**

- J This property is on a site where records confirm there is a history of military activities that have resulted in residual UXO. A possibility exists that dangerous items of UXO may still be found on this site. Contact police if a suspicious item that may be UXO is found. Visit [www.defence.gov.au](http://www.defence.gov.au) for further information.
- K The Operational Management Plan required by Condition 22 relates to the operational, day-to-day running of the facility, to address Objective 2.2 of the Shire's Local Planning Policy No. 13 – Transient Workforce Accommodation. The Operational Management Plan should also address the traffic generation assumptions to support the development and outline contingencies were these to change during ongoing operation. The operator of the facility may apply in writing to the Shire for approval to amend this Plan if required for operational purposes

All other conditions and requirements detailed on the previous approval dated 23 December 2021 shall remain unless altered by this application.

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

**REASON:** The Panel, having considered the Responsible Authority Report and all the materials and information presented, was satisfied with the Responsible Authority Report recommendation to approve the Form 2 Application, but with the amended conditions.



## 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/21/02120 DR49/2022	City of Busselton	Lot 400 (No.24) Dunn Bay Road, Dunsborough	Proposed six storey mixed use (Restaurant/Cafe and Multiple Dwellings) Development	23 March 2022

## 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 12:18pm.