



Regional Joint Development Assessment Panel Minutes

Meeting Date and Time: Friday, 8 December 2023; 9.30am
Meeting Number: RJDAP/123
Meeting Venue: Electronic Means

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

1 Table of Contents

1. Opening of Meeting, Welcome and Acknowledgement.....	2
2. Apologies.....	3
3. Members on Leave of Absence.....	3
4. Noting of Minutes.....	3
5. Declaration of Due Consideration.....	3
6. Disclosure of Interests.....	3
7. Deputations and Presentations.....	3
8. Form 1 – Responsible Authority Reports – DAP Applications.....	4
8.1 Lots 3001, 113 and 74 Boys Home Road and UCL, Palmer	4
9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval	13
Nil	13
10. State Administrative Tribunal Applications and Supreme Court Appeals ...	14
11. General Business.....	14
12. Meeting Closure	14

Tony Arias
Presiding Member, Regional JDAP



Attendance

DAP Members

Tony Arias (Presiding Member)
Neema Premji (A/Third Specialist Member)
Cr Joe Italiano (Local Government Member, Shire of Collie)
Cr Ian Miffing (Local Government Member, Shire of Collie)

Officers in attendance

Isabel Fry (Shire of Collie)
Matt Young (Shire of Collie)
Scott Geere (Shire of Collie)

Minute Secretary

Tenielle Brownfield (DAP Secretariat)

Applicants and Submitters

Hide Shigeyoshi (GHD Pty Ltd)
Dom Watson (Synergy)
Naren Gupta (Synergy)
Anle Tieu (Synergy)

Members of the Public / Media

Claire Tyrrell from Business News and Sean Van Der Wielen from The West Australian were in attendance.

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.35am on 8 December 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.

Tony Arias
Presiding Member, Regional JDAP



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

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

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 4 December 2023.

All members declared that they had duly considered the documents.

6. Disclosure of Interests

DAP Member, Justin Page, declared an indirect pecuniary interest in item 8.1. The proponent (Synergy) is a client of Justin's employer (Element).

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 had disclosed a indirect pecuniary interest, was not permitted to participate in the discussion and voting on the item.

7. Deputations and Presentations

7.1 Dom Watson (Synergy) and Hide Shigeyoshi (GHD Pty Ltd) responded to questions from the panel at Item 8.1.

7.2 The Shire of Collie officers addressed the DAP in relation to the application at Item 8.1 and responded to questions from the panel.

Tony Arias
Presiding Member, Regional JDAP



8. Form 1 – Responsible Authority Reports – DAP Applications

8.1 Lots 3001, 113 and 74 Boys Home Road and UCL, Palmer

Development Description: Battery Energy Storage System
Applicant: GHD Pty Ltd
Owner: Electricity Generation and Retail Corporation
Responsible Authority: Shire of Collie
DAP File No: DAP/23/02558

REPORT RECOMMENDATION

Moved by: Cr Ian Miffing

Seconded by: Cr Joe Italiano

That the Regional Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/23/02558 is appropriate for consideration as a “Use Not Listed- Battery Energy Storage System” land use that is deemed to be compatible with the objectives of the Zoning Table in accordance with Clause 18 (4) (a) of the Shire of Collie Local Planning Scheme No. 6 and Clause 64 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
2. **Accept** that the DAP application reference DAP/23/02558 does not conflict with the principles of orderly and proper planning and will not prejudice the overall development potential of the area, pursuant to Clause 27(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, where no structure plan for the site has been approved.
3. **Approve** DAP Application reference DAP/23/02558 and accompanying plans (CBS1-SKT-ELC-0012, CBS1-SKT-ELC-0001, CBS1-SKT-CIV-001, CBS1-A-0110-001, CBS1-A-0111-002, CSB1-A-0115-001, CSB1-A-0116-002, CBS1-A-0103-001, CBS1-A-0103-002) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause 18(4)(a) of the Shire of Collie Local Planning Scheme No. 6, subject to the following conditions:
 - a) This decision constitutes development approval only and is valid for a period of 4 years from the date of approval. If the development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
 - b) Prior to commencement, detailed design to demonstrate surface water, stormwater and drainage management is to be submitted to the satisfaction and specification of the Shire of Collie. The stormwater and drainage management design is to be implemented at construction and for the duration of the development.

Tony Arias
Presiding Member, Regional JDAP



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- c) Prior to commencement, a detailed landscaping plan must be submitted to the satisfaction of and approved by the Shire of Collie. The landscape plan must address the following:
- a) A site plan of the existing and proposed development with natural and finished ground levels.
 - b) The location, species and size of existing vegetation and vegetation to be removed.
 - c) Exact species, maturity, location and number of proposed plants.
 - d) A key or legend detailing proposed species type grouped under the subheadings of tree, shrub and groundcover.
 - e) Fence material, height and treatment
 - f) Lighting
- d) Prior to commencement, the proponent shall prepare a Construction Management Plan (CMP) for the construction period, to the satisfaction and specification of the Shire of Collie, that includes but is not limited to;
- a) Hours of construction;
 - b) Location of temporary construction areas;
 - c) Construction waste management;
 - d) Occupational health and safety;
 - e) Noise, vibration and dust management;
 - f) Drainage management;
 - g) Site traffic management;
 - h) Bushfire Risk and Emergency Management Measures;
 - i) Construction Environmental Management.
- e) Prior to commencement, detailed design for the proposed effluent disposal system is to be submitted to the specifications and satisfaction of the Shire of Collie. The effluent system design is to be implemented at construction and for the duration of the development.
- f) Prior to commencement, detailed designs to upgrade the intersection of Boys Home Road and Collie - Williams Road is to be submitted for approval to the specification and satisfaction of Main Roads WA. The intersection is to be constructed to the specifications and satisfaction of Main Roads including widening, sealing, curbing and street lighting.
- g) Prior to the development operating, the proponent will remediate or-repair the gazetted portion of Boys Home Road to the standard identified in a Pre-Construction Road Condition Report.
- h) Prior to the development operating, the proponent will-decommission and reinstate laydown and temporary workforce parking areas to pre-development condition.
- i) Prior to the development operating, the landscaped area(s) must be planted and established in accordance with the endorsed Landscape Plan. These areas must be maintained at all times by the applicant in accordance with the Landscaping Plan and to the satisfaction of the Shire of Collie.

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- j) Prior to the development operating, an environmental management plan (EMP) is to be prepared for the protection and management of the site's environmental assets during operation, to the satisfaction of the Shire of Collie. The EMP is to be implemented for the duration of the development.
- k) The applicant must perform all of the required Bushfire Protection Measures contained in the Bushfire Management Plan (as amended) dated 8 September 2023 for the duration of the development.
- l) Prior to the development operating, the applicant submit an amended bushfire management plan in accordance with State Planning Policy 3.7 – Planning in Bushfire Prone areas, addressing any infrastructure, topographical and vegetation changes for the site to the satisfaction of the Shire of Collie, that is to include:
- Any reference to 'bushfire risk management plan' to be updated to 'risk management plan';
 - Photographic evidence for Plot 17 to be added;
 - Plan to be submitted denoting 10m wide separation between BESS components and groups of cells in accordance with CFA REF Guidelines;
 - Water tank/s relocated to the vehicle entrance and be at least 10m away from any infrastructure (electrical substations, inverters, battery energy storage systems, buildings).
- m) A Section 70A Notification pursuant to the *Transfer of Land Act 1893* must be placed on the titles of all lots, at the full cost of the applicant, alerting landowners to the existence of the approved Bushfire Fire Management Plan and advising landowners of their obligations in respect to the use and ongoing management of the land.
- n) Prior to Issue of a Building Permit a Design Compliance Statement for the proposed Bushfire Refuge is to be provided to the Shire. This Design Compliance Statement is to specifically reference all DA revision documentation pertaining to the Bushfire Refuge and verify compliance with the ABCB 2014 Information Handbook for the Design and Construction of Community Bushfire Refuges and the approved Bushfire Management Plan and is to be signed off by a suitably accredited Building Surveyor or Fire Engineer, to the satisfaction of the Shire of Collie;
- o) Prior to Issue of an Occupancy Permit, a Construction Compliance Statement for the as constructed proposed Bushfire Refuge is to be provided to the Shire. This Construction Compliance Statement is to specifically reference the as constructed building, inspection date, testing records, and all documentation pertaining to the Bushfire Refuge to verify compliance with the ABCB 2014 Information Handbook for the Design and Construction of Community Bushfire Refuges and the approved Bushfire Management Plan and is to be signed off by a suitably accredited Building Surveyor or Fire Engineer, to the satisfaction of the Shire of Collie;
- p) The approved Bushfire Refuge is to be audited annually for functional compliance against the requirements of the ABCB 2014 Information Handbook for the Design and Construction of Community Bushfire Refuges by a suitably qualified technician, with readily accessible records of these audits kept onsite within the refuge building, to the satisfaction of the Shire of Collie.

Tony Arias
Presiding Member, Regional JDAP



- q) The applicant is required to undertake a noise monitoring program within the first 6 months of the project operating to demonstrate compliance with acceptable criteria of the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997*.

An acoustics report shall be prepared by a qualified acoustic engineer, detailing appropriate actions and mitigation measures to be undertaken to ensure that noise emissions do not contravene the provisions of the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997*. The acoustic report will be at the full cost of the owner/applicant and must be submitted for the endorsement of the Shire of Collie

- r) Prior to the development operating, car parking bays must be provided on the subject site, in accordance with the approved plans, to the satisfaction of the Shire of Collie.
- s) Prior to the development operating, arrangements are to be made for connection to a suitable power supply to the satisfaction of the Shire.
- t) Prior to the development operating, arrangements are to be made for provision of a suitable water supply service that will be available to the development, to the satisfaction of the Shire.

Advice Notes

1. The clearing of native vegetation in Western Australia requires a Clearing Permit under the *Environmental Protection Act 1986* unless the clearing is for an exempt purpose. Proponents are advised to contact the Department of Environment Regulation on (08) 9725 4300 for further advice in this regard. It should also be noted that the clearing of native vegetation within the Shire of Collie may result in impacts upon the *Country Areas Water Supply Act 1947* and an additional permit from the Department of Water may be required. The Department of Water can be contacted on (08) 6364 7600 for further advice in this regard.
2. This development approval does not remove or affect any statutory responsibility the owner may have in notifying the relevant Federal Government public authority(s) of the proposal under the Commonwealth of Australia *Environment Protection and Biodiversity Conservation Act 1999*.
3. It is the applicant's responsibility to ensure all required approvals are obtained prior to the works commencing. Works such as de-watering, native vegetation clearing or working near existing infrastructure may require separate approvals from relevant private or government agencies.
4. The Department of Water and Environmental Regulation and the Department of Biodiversity, Conservation and Attractions should be consulted for advice on the preparation of the environmental management plan as required.

Tony Arias
Presiding Member, Regional JDAP



5. The Applicant is advised that future stages may be subject to a Developer Contribution Plan, pending structure planning of the wider Coolangatta Industrial Estate.
6. In relation to condition (C) requiring a landscaping plan, this is to address the area relating to and surrounding the building areas on the site, namely the gatehouse, administration building and operations and maintenance building, it is not intended to cover the whole development site.
7. The development must comply with the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997* in relation to noise emissions. Further information can be obtained from the Shire of Collie's Environmental Health Services on (08) 97349015.

AMENDING MOTION 1

Moved by: Tony Arias

Seconded by: Neema Premji

That Advice Note No.1 be amended to read as follows:

The Applicant is advised that the clearing of native vegetation in Western Australia requires a Clearing Permit under the Environmental Protection Act 1986 unless the clearing is for an exempt purpose. Proponents are advised to contact the Department of Environment Regulation on (08) 9725 4300 for further advice in this regard. It should also be noted that the clearing of native vegetation within the Shire of Collie may result in impacts upon the Country Areas Water Supply Act 1947 and an additional permit from the Department of Water may be required. The Department of Water can be contacted on (08) 6364 7600 for further advice in this regard.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To provide wording for the Advice Note consistent with the intent that it is advisory.

AMENDING MOTION 2

Moved by: Tony Arias

Seconded by: Neema Premji

That Advice Note No. 7 be amended to read as follows:

The Applicant is advised of the obligation to comply with the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997 in relation to noise emissions. Further information can be obtained from the Shire of Collie's Environmental Health Services on (08) 97349015.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To provide wording for the Advice Note consistent with the intent that it is advisory.

Tony Arias
Presiding Member, Regional JDAP



REPORT RECOMMENDATION (AS AMENDED)

That the Regional Joint Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/23/02558 is appropriate for consideration as a “Use Not Listed- Battery Energy Storage System” land use that is deemed to be compatible with the objectives of the Zoning Table in accordance with Clause 18 (4) (a) of the Shire of Collie Local Planning Scheme No. 6 and Clause 64 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
2. **Accept** that the DAP application reference DAP/23/02558 does not conflict with the principles of orderly and proper planning and will not prejudice the overall development potential of the area, pursuant to Clause 27(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, where no structure plan for the site has been approved.
3. **Approve** DAP Application reference DAP/23/02558 and accompanying plans (CBS1-SKT-ELC-0012, CBS1-SKT-ELC-0001, CBS1-SKT-CIV-001, CBS1-A-0110-001, CBS1-A-0111-002, CSB1-A-0115-001, CSB1-A-0116-002, CBS1-A-0103-001, CBS1-A-0103-002) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause 18(4)(a) of the Shire of Collie Local Planning Scheme No. 6, subject to the following conditions:
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- d) Prior to commencement, the proponent shall prepare a Construction Management Plan (CMP) for the construction period, to the satisfaction and specification of the Shire of Collie, that includes but is not limited to;
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Advice Notes

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2. This development approval does not remove or affect any statutory responsibility the owner may have in notifying the relevant Federal Government public authority(s) of the proposal under the Commonwealth of Australia *Environment Protection and Biodiversity Conservation Act 1999*.
3. It is the applicant's responsibility to ensure all required approvals are obtained prior to the works commencing. Works such as de-watering, native vegetation clearing or working near existing infrastructure may require separate approvals from relevant private or government agencies.
4. The Department of Water and Environmental Regulation and the Department of Biodiversity, Conservation and Attractions should be consulted for advice on the preparation of the environmental management plan as required.
5. The Applicant is advised that future stages may be subject to a Developer Contribution Plan, pending structure planning of the wider Coolangatta Industrial Estate.

Tony Arias
Presiding Member, Regional JDAP



6. In relation to condition (C) requiring a landscaping plan, this is to address the area relating to and surrounding the building areas on the site, namely the gatehouse, administration building and operations and maintenance building, it is not intended to cover the whole development site.
7. The Applicant is advised of the obligation to comply with the *Environmental Protection Act 1986* and the *Environmental Protection (Noise) Regulations 1997* in relation to noise emissions. Further information can be obtained from the Shire of Collie's Environmental Health Services on (08) 97349015.

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

REASON: The Panel having considered the Responsible Authority Report (RAR) and all materials and information presented, was satisfied with the RAR recommendation. The Panel was satisfied that the Unlisted Use "Battery Energy Storage System" is an appropriate use within the 'Rural', Industrial Development and Strategic Industrial under LPS6. The proposal is not inconsistent with the objectives of the various zones and unlikely to restrict future development of the surrounding industrial land or likely to be adversely impacted by future industry uses.

The Panel was satisfied that the proposal adequately addresses all planning considerations of the relevant planning framework. The Panel was satisfied that the proposal was consistent with the objectives of the Special Control Area 80 – Coolangatta Industrial Estate and would not restrict future development of the Special Control Area 80 – Coolangatta Industrial Estate and surrounding industrial land. The Proposal will facilitate and complement development of the adjoining Industrial Development and Strategic Industrial area by providing alternative energy options.

The Panel noted the requirement for a Structure Plan to be prepared prior to development occurring. Consistent with the Planning and Development (Local Planning Schemes) Regulations the Panel was satisfied that the proposed development does not conflict with the principles of orderly and proper planning; and would not prejudice the overall development potential of the area.

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

Nil.

Tony Arias
Presiding Member, Regional JDAP



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/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 10.08am.

Tony Arias
Presiding Member, Regional JDAP