



Regional Development Assessment Panel Minutes

Meeting Date and Time: Wednesday, 13 November 2024; 9:30am
Meeting Number: RDAP/28
Meeting Venue: 140 William Street, Perth

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

[RDAP/28 - 13 November 2024 - Shire of Three Springs - Town of Port Hedland](#)

PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement
2. Apologies
3. Members on Leave of Absence
4. Noting of Minutes

PART B – SHIRE OF THREE SPRINGS

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 1719 (Lot 10710) Tomkins Road, Arrowsmith East - Proposed Power Generation – DAP/24/02759
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART C – TOWN OF PORT HEDLAND

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 601, Portion of Lot 604, Lot 300 and Portion of Road Reserve Parola Court, South Hedland - Mixed Use Development – DAP/24/02737
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART D – OTHER BUSINESS

1. State Administrative Tribunal Applications and Supreme Court Appeals
2. Meeting Closure

Clayton Higham
Presiding Member, Regional DAP



Attendance	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Clayton Higham (Presiding Member)	Kristen Parker
Dale Page (Deputy Presiding Member)	Ashlee Kelly
Karen Hyde	
<i>Part B – Shire of Three Springs</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Chris Connaughton	Simon Lancaster
	Keith Woodward (CEO)
<i>Part C – Town of Port Hedland</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Mayor Peter Carter	Casimir Penheiro
Cr Camilo Blanco	Chaz Roberts

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Presiding Member, Regional DAP



Applicant and Submitters
<i>Part B – Shire of Three Springs</i>
Crispin Collier (Strike Energy) Renee Young (Element Advisory) Stephen Lloyd (Strike Energy) Claire Willey (Element Advisory)
<i>Part C – Town of Port Hedland</i>
Owen Hightower (RFF) Jordan Busher (Resolve Group) Nada Raphael (MinterEllison) Paul Ghantous (Urbii) Thomas Wetula (Pacific Partnerships)

Members of the Public / Media

Nil

Observers via livestream

There were 15 persons observing the meeting via the livestream.

Clayton Higham
Presiding Member, Regional DAP



PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:38am on 13 November 2024 and acknowledged the traditional owners and custodians of the land on which the meeting was held and welcomed members.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2024 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

1.1 Announcements by Presiding Member

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

The meeting was recorded and livestreamed on the DAP website in accordance with regulation 40(2A) of the *Planning and Development (Development Assessment Panels) Regulations 2011*. Members were reminded to announce their name and title prior to speaking.

2. Apologies

Cr Jenny Mutter, (Local Government DAP Member, Shire of Three Springs)

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](#).

Clayton Higham
Presiding Member, Regional DAP



PART B – SHIRE OF THREE SPRINGS

1. Declaration of Due Consideration

All members declared that they had duly considered the documents contained within Part B of the Agenda and Part B of the Related Information.

2. Disclosure of Interests

In accordance with section 2.4.9 of the DAP Code of Conduct 2024, DAP Member, Cr Chris Connaughton, declared that they had participated in a prior Council meeting in relation to the application at item 3.1. However, under section 2.1.2 of the DAP Code of Conduct 2024, Cr Chris Connaughton acknowledged that they are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

In accordance with section 3.3 of the DAP Code of Conduct 2024, the Presiding Member determined that the member listed above, who had disclosed an impartiality interest, was permitted to participate in the discussion and voting on the item.

3. Form 1 DAP Applications

3.1 1719 (Lot 10710) Tomkins Road, Arrowsmith East - Proposed Power Generation – DAP/24/02759

Deputations and Presentations

Crispin Collier (Strike Energy) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Renee Young (Element Advisory) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

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

Clayton Higham
Presiding Member, Regional DAP



REPORT RECOMMENDATION

An administrative change was made to correct the roman numerals from xii onwards referenced in advice note (f).

Moved by: Dale Page

Seconded by: Karen Hyde

That the Regional DAP resolve to:

Approve DAP Application reference DAP/24/02759 and accompanying plans (as contained in the Application Report dated 3 September 2024) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Three Springs Local Planning Scheme No.2 subject to the following conditions

Conditions

1. This decision constitutes planning approval only and is valid for a period of 5 years from the date of approval. If the subject development is not substantially commenced within the 5 year period, the approval shall lapse and be of no further effect.
2. The development shall be undertaken in accordance with the stamped approved plans and supporting documents (Air Emissions Assessment prepared by JBS&G and Environmental Noise Assessment prepared by Lloyd George Acoustics) including any amendments and additional plans and information arising from the approval conditions.
3. Prior to the commencement of the operations a Bushfire Management Plan shall be submitted to the local government for approval.
4. The landowner shall implement and thereafter maintain for the lifetime of the development the recommendations of the approved Bushfire Management Plan to the satisfaction of the local government.
5. Prior to the commencement of the development a Construction Management and associated Fire Management Plan shall be submitted to the local government for approval.
6. The landowner shall implement, and adhere to at all times during construction, the recommendations of the approved Construction Management Plan to the satisfaction of the local government.

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7. The landowner shall be responsible for the repair, reinstatement or replacement of any road infrastructure that is damaged, becomes unsafe or fails to meet appropriate engineering standards where the damage to the road network is caused by reason of use of the road in connection with the approved development, and within a timeframe, to the satisfaction of the local government (or where agreed to by the local government the applicant may instead arrange payment to the local government for such repair, reinstatement or replacement works to be undertaken).
8. Prior to the commencement of the development all vehicle access point(s) onto the local road network shall be located, constructed, and thereafter maintained, to the satisfaction of the local government.
9. The installation of any directional/traffic/warning/safety signage in the vicinity of the development's access point(s) onto the road network, and relating to the development, shall be to the satisfaction of the local government.
10. All parking of vehicles associated with the development shall be provided for within the property boundary and not the road reserve.
11. The design, location, installation and maintenance of on-site wastewater/effluent systems is to be to the approval of the local government and in accordance with relevant legislative requirements.
12. Prior to commencement of the development a Lighting Strategy shall be submitted to the local government for approval.
13. Prior to the commencement of operations, certification is to be provided from a suitably qualified person demonstrating the lighting has been installed in accordance with the approved Lighting Strategy to the satisfaction of the local government.
14. Prior to the commencement of operations, an Operational Management Plan shall be submitted to the local government for approval, which includes the establishment of a complaints register to record any complaints that may be received and process for undertaking any mitigating actions that may be required.
15. The measures included in the approved Operational Management Plan shall be implemented to the satisfaction of the local government.
16. Prior to commencement of operations a Preliminary Decommissioning Plan shall be submitted to the local government for approval.
17. The applicant is required to give at least 3 months' notice to the local government if the proposed development is to cease operations and all infrastructure must be decommissioned and removed from the site. The site must be demonstrated to be free of contaminants and the site rehabilitated through deep ripping/earthworks, and other measures as included in the approved Final Decommissioning Plan to the satisfaction of the local government, within 2 years of giving this notice, unless the local government agrees otherwise.

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Presiding Member, Regional DAP



Advice Notes

- (a) The applicant/landowner is advised that this determination relates to the granting of development approval only, and does not constitute a building permit and that an application for relevant building permits may be required to be submitted to the local government and be approved before any work requiring a building permit can commence onsite.
- (b) The applicant is advised that the proposed works should occur in a safe manner at all times and in accordance with all applicable legal and safety requirements (including the 'duty of care' under the laws of negligence, Worksafe requirements and guidelines, Australian Standards and Western Power policies and procedures).
- (c) Prior to any ground disturbance of the site, all contractors and operators should be made aware of the obligations under the *Aboriginal Heritage Act 1972* relating to site discovery and reporting protocols. This includes stopping work and seeking the advice of both the Registrar of Aboriginal Sites and Yamatji South Regional Corporation (YSRC) in the event that materials of Aboriginal heritage value are discovered during construction activities.
- (d) The applicant is advised that this planning approval does not negate the requirement for any additional approvals, and adherence to due diligence, which may be required under separate legislation. This including, but not limited to, the obtaining of any required approvals from the Department of Health, the Department of Energy, Mines, Industry Regulation & Safety, the Department of Water & Environment Regulation and Main Roads WA and consulting of Before You Dig Australia. It is the applicant's responsibility to obtain any additional approvals, and undertaking of due diligence, required before the development/use lawfully commences.
- (e) The applicant will need to consult with the Main Roads WA Heavy Vehicle Services branch to ascertain any approval requirements that may be required for their proposed heavy vehicle combinations, transport routes and operations.
- (f) In relation to conditions 5 & 6 the Construction Management Plan shall address the following associated with the construction of the development or any other matters considered relevant by the local government.
 - i) hours of construction;
 - ii) heritage management protocols to mitigate potential risks linked to the exposure of Aboriginal artefacts during ground-disturbing activities;
 - iii) temporary fencing, hoardings, gantries, and signage;
 - iv) site access and egress;
 - v) construction vehicle route and traffic management;
 - vi) size and frequency of construction vehicles;
 - vii) road upgrades/repairs and timing of works associated with the construction of the development;
 - viii) parking arrangements for staff and contractors;
 - ix) deliveries and storage of construction materials and machinery;

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- x) management of vibration, dust, wind, and erosion;
 - xi) management of any stormwater discharge;
 - xii) management of construction noise and other site generated noise;
 - xiii) demolition and construction waste management, recycling, and removal;
 - xiv) protection of any public realm infrastructure;
 - xv) public communication and complaint handling procedures.
- (g) The Shire is unable to provide guarantee of all-weather access on its unsealed road network, and in the event that the applicant requires all-weather access to its site, the applicant is required to seal the road network to the local government's satisfaction to connect into the existing sealed road network.
- (h) In relation to conditions 12 & 13 the Lighting Strategy is to address Australian Standard 4282:2019 - control of the obtrusive effects of lighting and the principles of the WAPC Position Statement: Dark Sky and Astrotourism.
- (i) The applicant is responsible to ensure that biosecurity protocols are maintained for the site to minimise biosecurity risks for the landowner, adjoining farms and along the transport route and should further information be required on appropriate practices the applicant should contact the Department of Primary Industries & Regional Development in this regard.
- (j) The applicant shall enter into a contribution agreement towards community, social or other infrastructure/programs that will benefit the local community. The agreement should establish the process by which the contributions should be directed to the Shire of Three Springs Medical Community Benefit Scheme or other local groups/ventures deemed appropriate.
- (k) Should the applicant be aggrieved by this determination there is a right (pursuant to the *Planning and Development Act 2005*) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

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AMENDING MOTION 1

Moved by: Karen Hyde

Seconded by: Dale Page

That Advice Note (f) be amended to read as follows:

In relation to conditions 5 & 6 Construction Management Plan shall address the following associated with the construction of the development or any other matters considered relevant by the local government.

- i) hours of construction;*
- ii) heritage management protocols to mitigate potential risks linked to the exposure of Aboriginal artefacts during ground-disturbing activities;*
- iii) temporary fencing, hoardings, gantries, and signage;*
- iv) site access and egress;*
- v) construction vehicle route and traffic management;*
- vi) size and frequency of construction vehicles;*
- vii) road upgrades/repairs and timing of works associated with the construction of the development;*
- viii) parking arrangements for staff and contractors;*
- ix) deliveries and storage of construction materials and machinery;*
- x) management of vibration, dust, wind, and erosion;*
- xi) management of any stormwater discharge;*
- xii) management of construction noise and other site generated noise;*
- xiii) demolition and construction waste management, recycling, and removal;*
- xiv) protection of any public realm infrastructure;*
- xv) public communication and complaint handling procedures;*
- xvi) biosecurity protocols**

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: As the remainder of the property is still being operated as a farm the additional point is aimed at ensuring the possibility any disease or vermin transference is prevented.

REPORT RECOMMENDATION (AS AMENDED)

That the Regional DAP resolve to:

Approve DAP Application reference DAP/24/02759 and accompanying plans (as contained in the Application Report dated 3 September 2024) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the Shire of Three Springs Local Planning Scheme No.2 subject to the following conditions:

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Presiding Member, Regional DAP



Conditions

1. This decision constitutes planning approval only and is valid for a period of 5 years from the date of approval. If the subject development is not substantially commenced within the 5 year period, the approval shall lapse and be of no further effect.
2. The development shall be undertaken in accordance with the stamped approved plans and supporting documents (Air Emissions Assessment prepared by JBS&G and Environmental Noise Assessment prepared by Lloyd George Acoustics) including any amendments and additional plans and information arising from the approval conditions.
3. Prior to the commencement of the operations a Bushfire Management Plan shall be submitted to the local government for approval.
4. The landowner shall implement and thereafter maintain for the lifetime of the development the recommendations of the approved Bushfire Management Plan to the satisfaction of the local government.
5. Prior to the commencement of the development a Construction Management and associated Fire Management Plan shall be submitted to the local government for approval.
6. The landowner shall implement, and adhere to at all times during construction, the recommendations of the approved Construction Management Plan to the satisfaction of the local government.
7. The landowner shall be responsible for the repair, reinstatement or replacement of any road infrastructure that is damaged, becomes unsafe or fails to meet appropriate engineering standards where the damage to the road network is caused by reason of use of the road in connection with the approved development, and within a timeframe, to the satisfaction of the local government (or where agreed to by the local government the applicant may instead arrange payment to the local government for such repair, reinstatement or replacement works to be undertaken).
8. Prior to the commencement of the development all vehicle access point(s) onto the local road network shall be located, constructed, and thereafter maintained, to the satisfaction of the local government.
9. The installation of any directional/traffic/warning/safety signage in the vicinity of the development's access point(s) onto the road network, and relating to the development, shall be to the satisfaction of the local government.
10. All parking of vehicles associated with the development shall be provided for within the property boundary and not the road reserve.

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Presiding Member, Regional DAP



11. The design, location, installation and maintenance of on-site wastewater/effluent systems is to be to the approval of the local government and in accordance with relevant legislative requirements.
12. Prior to commencement of the development a Lighting Strategy shall be submitted to the local government for approval.
13. Prior to the commencement of operations, certification is to be provided from a suitably qualified person demonstrating the lighting has been installed in accordance with the approved Lighting Strategy to the satisfaction of the local government.
14. Prior to the commencement of operations, an Operational Management Plan shall be submitted to the local government for approval, which includes the establishment of a complaints register to record any complaints that may be received and process for undertaking any mitigating actions that may be required.
15. The measures included in the approved Operational Management Plan shall be implemented to the satisfaction of the local government.
16. Prior to commencement of operations a Preliminary Decommissioning Plan shall be submitted to the local government for approval.
17. The applicant is required to give at least 3 months' notice to the local government if the proposed development is to cease operations and all infrastructure must be decommissioned and removed from the site. The site must be demonstrated to be free of contaminants and the site rehabilitated through deep ripping/earthworks, and other measures as included in the approved Final Decommissioning Plan to the satisfaction of the local government, within 2 years of giving this notice, unless the local government agrees otherwise.

Advice Notes

- (a) The applicant/landowner is advised that this determination relates to the granting of development approval only, and does not constitute a building permit and that an application for relevant building permits may be required to be submitted to the local government and be approved before any work requiring a building permit can commence onsite.
- (b) The applicant is advised that the proposed works should occur in a safe manner at all times and in accordance with all applicable legal and safety requirements (including the 'duty of care' under the laws of negligence, Worksafe requirements and guidelines, Australian Standards and Western Power policies and procedures).

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Presiding Member, Regional DAP



- (c) Prior to any ground disturbance of the site, all contractors and operators should be made aware of the obligations under the *Aboriginal Heritage Act 1972* relating to site discovery and reporting protocols. This includes stopping work and seeking the advice of both the Registrar of Aboriginal Sites and Yamatji South Regional Corporation (YSRC) in the event that materials of Aboriginal heritage value are discovered during construction activities.
- (d) The applicant is advised that this planning approval does not negate the requirement for any additional approvals, and adherence to due diligence, which may be required under separate legislation. This including, but not limited to, the obtaining of any required approvals from the Department of Health, the Department of Energy, Mines, Industry Regulation & Safety, the Department of Water & Environment Regulation and Main Roads WA and consulting of Before You Dig Australia. It is the applicant's responsibility to obtain any additional approvals, and undertaking of due diligence, required before the development/use lawfully commences.
- (e) The applicant will need to consult with the Main Roads WA Heavy Vehicle Services branch to ascertain any approval requirements that may be required for their proposed heavy vehicle combinations, transport routes and operations.
- (f) In relation to conditions 5 & 6 the Construction Management Plan shall address the following associated with the construction of the development or any other matters considered relevant by the local government.
 - i) hours of construction;
 - ii) heritage management protocols to mitigate potential risks linked to the exposure of Aboriginal artefacts during ground-disturbing activities;
 - iii) temporary fencing, hoardings, gantries, and signage;
 - iv) site access and egress;
 - v) construction vehicle route and traffic management;
 - vi) size and frequency of construction vehicles;
 - vii) road upgrades/repairs and timing of works associated with the construction of the development;
 - viii) parking arrangements for staff and contractors;
 - ix) deliveries and storage of construction materials and machinery;
 - x) management of vibration, dust, wind, and erosion;
 - xi) management of any stormwater discharge;
 - xii) management of construction noise and other site generated noise;
 - xiii) demolition and construction waste management, recycling, and removal;
 - xiv) protection of any public realm infrastructure;
 - xv) public communication and complaint handling procedures;
 - xvi) biosecurity protocols.
- (g) The Shire is unable to provide guarantee of all-weather access on its unsealed road network, and in the event that the applicant requires all-weather access to its site, the applicant is required to seal the road network to the local government's satisfaction to connect into the existing sealed road network.

Clayton Higham
Presiding Member, Regional DAP



- (h) In relation to conditions 12 & 13 the Lighting Strategy is to address Australian Standard 4282:2019 - control of the obtrusive effects of lighting and the principles of the WAPC Position Statement: Dark Sky and Astrotourism.
- (i) The applicant is responsible to ensure that biosecurity protocols are maintained for the site to minimise biosecurity risks for the landowner, adjoining farms and along the transport route and should further information be required on appropriate practices the applicant should contact the Department of Primary Industries & Regional Development in this regard.
- (j) The applicant shall enter into a contribution agreement towards community, social or other infrastructure/programs that will benefit the local community. The agreement should establish the process by which the contributions should be directed to the Shire of Three Springs Medical Community Benefit Scheme or other local groups/ventures deemed appropriate.
- (k) Should the applicant be aggrieved by this determination there is a right (pursuant to the *Planning and Development Act 2005*) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

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

REASON: The panel considered that this development is well sited and would be unlikely to cause any amenity impacts to the surrounding, but distant, community. The panel noted that the site did not contain any identified Aboriginal cultural heritage sites and that the structures would not require the removal of any significant vegetation. The panel was satisfied that the proposed development could operate appropriately given the supporting reports and the conditions imposed.

4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

Cr Chris Connaughton (Local Government DAP Member, Shire of Three Springs) left the panel at 10:14am.

Clayton Higham
Presiding Member, Regional DAP



PART C – TOWN OF PORT HEDLAND

Mayor Peter Carter and Cr Camilo Blanco (Local Government DAP Members, Town of Port Hedland) joined the panel at 10:15am.

1. 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 3.1, received on 11 November 2024 and 12 November 2024.

The Presiding Member noted an addendum to the responsible authority report was published in relation to Item 3.1, received on 12 November 2024.

All members declared that they had duly considered the documents contained within Part C of the Agenda and Part C of the Related Information.

2. Disclosure of Interests

In accordance with section 2.4.9 of the DAP Code of Conduct 2024, DAP Member, Mayor Peter Carter and Cr Camilo Blanco, declared that they had participated in a prior Council meeting in relation to the application at item 3.1. However, under section 2.1.2 of the DAP Code of Conduct 2024, Mayor Peter Carter and Cr Camilo Blanco acknowledged that they are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

In accordance with section 3.3 of the DAP Code of Conduct 2024, the Presiding Member determined that the members listed above, who had disclosed an impartiality interest, were permitted to participate in the discussion and voting on the item.

3. Form 1 DAP Applications

3.1 Lot 601, Portion of Lot 604, Lot 300 and Portion of Road Reserve Parola Court, South Hedland - Mixed Use Development – DAP/24/02737

Clayton Higham
Presiding Member, Regional DAP



Deputations and Presentations

Owen Hightower (RFF) addressed the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

Jordan Busher (Resolve Group) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Nada Raphael (MinterEllison) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Paul Ghantous (Urbii) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Thomas Wetula (Pacific Partnerships) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

The panel noted a written submission in support of the recommendation for the application at Item 3.1. was received from Resolve Group.

Casimir Penheiro and Chaz Roberts from the Town of Port Hedland addressed the DAP in relation to the application at Item 3.1 and responded to questions from the panel.

PROCEDURAL MOTION

Moved by: Cr Camilo Blanco

Seconded by: Karen Hyde

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

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: To allow members to have a comfort break.

The meeting was adjourned at 11:18am

The meeting was reconvened at 11:26am

Clayton Higham
Presiding Member, Regional DAP



REPORT RECOMMENDATION

Moved by: Nil.

Seconded by: Nil.

That the Regional Development Assessment Panel resolves to:

1. **Accept** that the DAP Application reference DAP/24/02737 is appropriate for consideration as “South Hedland Mixed Use Development” land uses and compatible with the objectives of the zoning table in accordance with Clause 16 (2) of the Town of Port Hedland Local Planning Scheme No. 7;
2. **Approve** DAP Application reference DAP/24/02737 in accordance with Clause 74 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the Town of Port Hedland Local Planning Scheme No. 7, subject to the following conditions:

Conditions

1. All development and use of the development site must be carried out in accordance with the approved plans as listed below and all information submitted as part of this application. These details shall not be altered without the prior written consent from the Joint Development Assessment Panel (as applicable) and/or Town of Port Hedland. This approval does not relate to any other development on this lot.
 1. Site Plan
 2. Floor Plan 1- Tourist Development
 3. Floor Plan 2-Tourist Development
 4. Cross Section-Tourist Development
 5. Elevation 1-Tourist Development
 6. Elevation 2-Tourist Development
 7. Elevation 3-Tourist Development
 8. Floor Plan-Central Facilities
 9. Elevation-Central Facilities
 10. Floor Plan-Gym & Wellness
 11. Elevation-Gym & Wellness
 12. Floor Plan 1-Workforce Accommodation
 13. Floor Plan 2-Workforce Accommodation
 14. Elevation-Workforce Accommodation
 15. Floor Plan-Construction Rooms
 16. Elevation-Construction Rooms
 17. Development Renders
2. This decision constitutes development approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the four-year period, the approval shall lapse and be of no further effect.

Clayton Higham
Presiding Member, Regional DAP



3. This approval is for 'Tourist Development' and 'Workforce Accommodation' as defined by the Town of Port Hedland Local Planning Scheme No. 7. Use of the site for a different land use may require further development approval in accordance with the Town's Local Planning Scheme No. 7 and the Planning and Development (Local Planning Schemes) Regulations 2015.
- 4) The uses stated under Condition '3' are limited to forty (40) years from the date the uses commence on site.
- 5) Within 3 months from date of approval, Pacific Partnerships Pty Ltd (Applicant) shall enter into an agreement with Town of Port Hedland, prepared by the Town's solicitors at the developer's cost, addressing the following social/infrastructure requirements:
 - i) Within three (3) years of commencement of construction, shall design and construct (including landscaping) a connector road between Parola Court and Shoata Road, to the specifications and satisfaction of the Town of Port Hedland.
 - ii) Within three (3) years of commencement of construction, shall design and construct (including landscaping) the extension of North Circular Road, along the northern boundary of the subject land, westward of the Parola Court intersection, to the specifications and satisfaction of the Town of Port Hedland.
 - iii) Prior to commencement of works, shall provide a 50% cost contribution to the Parola Court and North Circular Road intersection, to the satisfaction of the Town of Port Hedland.
 - iii) Prior to the commencement of works, shall provide a social contribution to the value of \$2.5 Million per ten (10) year period, indexed from the date of approval to CPI at the date due, for the duration of the development/use. The contribution shall be in the form of a financial contribution paid at the commencement of each ten (10) year term, or part-thereof, and shall be used for the establishment of social infrastructure in the locality.
 - v) A commitment for public access to rooms and services within the commercial/retail, and 'Tourist Development' components of the development, protected by conditions relating to numbers or percentage of rooms within the facility.
- 6) Within 3 months from the date of approval, the Applicant shall submit an updated Traffic Impact Assessment in accordance with Annexure – A, attached to this approval, to the satisfaction of Town of Port Hedland.
- 7) Extensions/upgrades of all utility services including electrical power, water, wastewater, gas and internet telecommunications (nbn) connections shall be provided at the cost of the Applicant.

Clayton Higham
Presiding Member, Regional DAP



- 8) The Applicant to provide detailed plans of facade treatments of the 'Tourist Development' facility including but not limited to, materials, colour finishes, and treatment of blank walls, to the satisfaction of Town of Port Hedland.
- 9) The Applicant shall submit an updated Social Impact Statement and Management Plan, in accordance with the Town's Local Planning Policy 06 - Social Impact Assessment, detailing but not limited to the following:
 - i. How the local public gain access to rooms and services within the development.
 - ii. A plan indicating layout to tourist development rooms and detail of how many tourist development rooms remain available to public.
 - iii. Implementation of the sustainability report, including use of electric vehicle charging and solar panels.
- 10) The Applicant shall provide public art within the development to a minimum value of 1% (capped at \$150,000) of the estimated total development construction cost, in accordance with the Town of Port Hedland Local Planning Policy - 04 'Percent for Public Art'. Alternatively, a cash-in-lieu payment of this amount shall be made to the Town of Port Hedland, prior to the occupation or use of the development.
- 11) To comply with the Town's public art policy, the Applicant shall, submit a statutory declaration within 60 days of the date of this approval stipulating the choice of:
 - a) Option 1: Applicant chooses to co-ordinate the Public Art project themselves or by engaging an art consultant; or
 - b) Option 2: Applicant chooses to pay cash-in-lieu to the Town of Port Hedland.
- 12) Prior to lodging an application for a building permit, the Applicant to submit a detailed Stormwater Management Plan, in accordance with the Town's Local Planning Policy 11 Stormwater Management for approval by the Town of Port Hedland and include but not limited to the following:
 - i. Contour and Feature survey showing existing levels (CAD data) and proposed FGL and FFL.
 - ii. Details of all hardstands (car parking areas, internal footpaths) required.
 - iii. Demonstrating detention and retention method including the details and capacity of proposed system 'Atlan chamber', calculating in rational method.
 - iv. Cross-sectional details of excess water discharge towards the Town main drainage system. Note that direct discharge to the creek is not allowed, the plan needs to be revised accordingly.
 - v. Details and location of barriers/kerbs.
 - vi. Proposed surface treatment required including car park, service yard, perimeter road to be indicated on the plan.
 - vii. Location of overflow spillways.
 - viii. Preparation of a drainage plan, to control drainage from the site that considers Town's local and district network, connection and discharge points within the existing road reserves, adjacent to the development site.

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- ix. Engineering drawings and specifications to be submitted in accordance with an approved Urban Water Management Plan (UWMP) for the site, or where no UWMP exists, to the satisfaction of the Town.
 - x. Typical cross-section details for any subsurface retention storage infrastructure and calculations /reporting on stormwater capacity.
 - xi. 150mm boundary kerbing to be provided (to be shown on plans).
- 13) The approved stormwater management plan shall be implemented in full by the Applicant prior to the occupation or use of the site and be maintained thereafter to the satisfaction of the Town.
- 14) Prior to lodging an application for a building permit, the Applicant shall lodge a detailed landscaping plan for the subject site for approval by the Town of Port Hedland, and must indicate but not limited to the following:
- i. Planting, pathways, car parking bays within the Parola Court road reserve, for the length/frontage of the subject land.
 - ii. Planting within the subject land adjacent to the parking areas, for the entire lengths of the northern, southern and western boundaries.
 - iii. All planting to be in accordance with the Town's 'Preferred Planting Guide' and a planting schedule / list of plant type and species to be identified.
 - iv. Colour and material finish of all ground surfaces e.g. pavement types (e.g. sand, timber, concrete, bitumen), soft/hard mulch areas (e.g. wood mulch, gravel types and sizes), within all landscape areas.
 - v. Planting areas /zones to be reticulated.
 - vi. The location, number and type of proposed trees, shrubs, ground cover including planter and/or tree pit sizes and planting density.
 - vii. Internal and external path network location, width sizes, purpose and pavement surface treatments.
 - viii. Show connections between internal and external/surrounding path network to the satisfaction of the Town of Port Hedland.
 - ix. A planting scheme for the proposed 3m low fuel zone around the modular 'workforce accommodation' building.
- 15) Fencing to existing and future streets shall be fully visually permeable to maximum of 2.1m height, to maintain passive surveillance over the public streets and internal carparking. All fencing to be of a high quality, consistent with the landscape design themes and consider Crime Prevention Through Environmental Design (CPTED) principles, to the satisfaction of the Town. Fencing not to include barbwire or electrification devices.
- 16) Lighting shall be constructed as per the approved lighting management plan and all windows facing the public open space reserve shall remain visually accessible during day and night to maintain passive surveillance of the adjacent reserve.
- 17) The Applicant shall prepare a 'Construction and Environmental Management Plan' (CEMP) for submission and approval by the Town of Port Hedland and thereafter be implemented throughout the construction phase of the development. The CEMP shall include, but not be limited to, the following information:

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- i. Contact details of essential site personnel, construction period and operating hours.
 - ii. Community information, consultation and complaints management plan.
 - iii. Public safety, security and amenity management.
 - iv. Traffic, access, and construction staff parking management.
 - v. Noise and dust management plan.
 - vi. Earthworks, excavation, land retention/piling methods and associated matters, to be contained with the approved development site.
 - vii. Stormwater and sediment control; site laydown office and temporary accommodation for construction crew.
- 18) The Applicant must not use gravel fines (cracker dust) for covering/sealing the property, within landscaping areas or the street verges, and areas of vehicular and pedestrian movement.
- 19) All car parking areas shall be constructed to the satisfaction of the Town prior to the occupation or use of the development and be:
- i. designed to a 'User class 3A' with the B99 vehicle in accordance with the Australian Standards 2890.1:2004 (as amended) and the Building Codes.
 - ii. sealed (concrete, bitumen or asphalt), kerbed, drained and line marked.
 - iii. not be obstructed in any way or used for any other purpose other than parking.
 - iv. provided with wheel stops, where bays are adjacent to any infrastructure, including landscaping, footpaths, fences etc.
 - v. include provision of a car bays in accordance with AS 2890.6 – 'Off-street Parking for People with Disabilities'.
 - vi. provided with shade trees at a ratio of one (1) tree to four (4) car bays, to the satisfaction of the Town.
- 20) The Waste Management Plan prepared by Talis Consultants dated 23 February 2024 must be updated to include amendments to the floor plan and submitted to the Town of Port Hedland for approval . The approved Waste Management Plan must be implemented, and maintained thereafter, to the satisfaction of the Town of Port Hedland.
- 21) The approved Acoustic Assessment, prepared by NDY - Tetra Tech dated 7 March 2024 must be fully implemented and maintained thereafter, to the satisfaction of the Town of Port Hedland. v) All waste bin storage areas must be screened from view from the streetscape by landscaping and or suitable designed fencing incorporating crime prevention through environmental design principles, to the satisfaction of the Town of Port Hedland w) Prior to occupation or use of the site, the Applicant shall construct vehicle crossovers to the specification and satisfaction of the Town's Infrastructure Services. The crossovers, to be maintained for the duration of the development to the satisfaction of the Town of Port Hedland.

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- 22) The Applicant must submit an Operational Management Plan (OPM) within six (6) months from the date of this approval and/or prior to lodgement of a building application, for approval by the Town of Port Hedland. The OPM to incorporate but not limited to the following:
- i. Complaints Management Procedure.
 - ii. Fire and Cyclone Emergency Management Plan.
 - iii. Noise Management Plan.
 - iv. Public Access Management Plan, to include but not be limited to the following:
 - How public access is achieved to the Tourist Development facility.
 - Rooms are made available for public accommodation at the Tourist Development component of the facility.
 - Reporting on access as part of Town's requirements under Local Planning Policy 06 - Social Impact Assessment
 - v. Vehicle and Bicycle Parking Management Plan.
 - vi. Traffic Management Plan, to include but not be limited to workforce bus trips times and frequency, personal trips.
 - vii. Reference to the approved Lighting Management Plan.
 - viii. Health and Safety Management Plan for occupants and visitors, with reference but not limited to the following:
 - location and provision of private, communal, and general open space areas on and off the property.
 - how privacy / minimum areas can be achieved with screening and/or fencing.
 - opportunities for recreation facilities on and off site.
 - location of CCTV or other security systems to be used.
 - opportunity for and location of end-of-trip facilities for service staff.
- 23) The development is to be carried out in accordance with the approved Operational Management Plan, for the duration of the development approval, to the satisfaction of the Town of Port Hedland.
- 24) A Site Rehabilitation Plan to be submitted for approval by the Town of Port Hedland within six (6) months from the date of this approval. The approved Site Rehabilitation Plan be implemented at the end of the approval period or the cessation of the uses on the land, whichever is earlier
- 25) The Bushfire Management Plan to be amended in accordance with the Department of Fire Emergency Services (DFES) recommendations for safe vehicular traffic and compliant emergency access way from Parola Court to Shoata Road, and other matters identified under the DFES submission.
- 26) The Applicant shall ensure all stages of the development and associated surface treatments tie in with surrounding developments, to the satisfaction of the Town of Port Hedland.

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Advice Notes:

- a) This is a development approval issued under the Town of Port Hedland Local Planning Scheme No. 7 only. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant/owner to obtain any other necessary approvals and to commence and carry out development in accordance with all other laws.
- b) The development requires a Building Permit Application for any structural works including, including but not limited to fencing, retaining walls, signage, bin stores light posts, temporary gym and other temporary structures. Any amendment to the internal layout, specifically changes to the unit layouts and sizes, will affect the building permit. It is recommended that any changes to the design are made prior to an application for building permit being submitted.
- c) With reference to Condition '3', the following definitions under the Local Planning Scheme No. 7 state:

'Tourist Development': "means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide –
 - a) short-term accommodation for guests; and*
 - b) onsite facilities for the use of guests; and*
 - c) facilities for the management of the development."*
'Workforce Accommodation': "means premises, which may include modular or relocatable buildings, used –
 - i. Primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and*
 - ii. For any other associated catering, sporting and recreation facilities for the occupants and authorised visitors."*
- d) With respect to Condition '4', the Applicant's right to use and occupy the development land is subject to the applicable land tenure agreement with the Town of Port Hedland. The 40 year limit imposed by Condition 4 does not in any way fetter or affect the terms of the relevant land tenure agreement.
- e) In reference to Condition '18', gravel fines (cracker dust) is not permitted due to its ability to erode during storm events, compromising on-site drainage systems and or the public drainage network.
- f) In reference to Condition '20', the Waste Management Plan must comply with the Town of Port Hedland Waste Local Law 2020 for the duration of the development.
- g) The Crown lots subject of this approval are required to be amalgamated prior to issue of a building permit.

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- h) The development must comply with Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974 at all times for the duration of the development.
- i) This approval does not authorise or approve any signage. All signage is to be in strict accordance with the Town of Port Hedland Local Planning Policy 02 'Advertising Signs', unless further development approval is obtained. The applicant/developer should liaise with the Town's Planning and Development Services in this regard.
- j) The approved development must comply with the Health (Public Building) Regulations 1992 at all times for the duration of the development.
- k) The approved accommodation buildings must comply with the relevant provisions of the Health Act 1911 and the Town of Port Hedland Health Local Law 2016 at all times for the duration of the development.
- l) All lodging houses are required to be registered under the Health (Miscellaneous Provisions) Act 1911 and operate in accordance with that Act and the Town of Port Hedland Health Local Law 2016. 12. The approved development must comply with the Environmental Protection (Noise) Regulations 1997 at all times for the duration of the development.
- m) The approved development must comply with the Environmental Protection (Noise) Regulations 1997 at all times for the duration of the development.
- n) It is a requirement under the Food Act 2008 that all food premises be registered prior to the commencement of operations. The following is relevant:
 - i. The construction and use of the proposed premises is required to comply with the Food Regulations 2009, the Food Safety Standards and the Town of Port Hedland Health Local Law 2016;
 - ii. A fit-out plan of all internal fixtures, finishes and fittings must be provided and approved to the specifications of the Town of Port Hedland; and
 - iii. The food premises may be required to be connected to a grease trap prior to effluent entering the disposal system.
- o) The Department of Water and Environmental Regulations has advised the following:
 - i. clearing of this site is not exempt, and a clearing permit is required prior to any works commencing.
 - ii. Flooding in the proposed area is primarily related to the localised rainfall and the capacity of the stormwater drainage network. The location would appear to be at lower risk from storm surge with the primary risks being from local creeks and overland flows.

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- iii. The proposal involves the use of on-site swales and storage tanks to manage stormwater and then the discharge of this water to the existing local drainage system, an open drainage channel and a local creek.
- iv. Water Corporation will need to approve the discharge to their system to ensure there is sufficient capacity in the network.
- v. The proponent to demonstrate proposed swales and storage are sufficient for the predicted volumes of water and information regarding available capacity in the local drainage channels, and that the level and design of the discharge point are appropriate to prevent the drainage system backing up during high flows in the drainage channel.
- vi. Proposal occurs within the proclaimed Pilbara surface water and groundwater area and is subject to licensing requirements under the Rights in Water and Irrigation Act 1914. The proposal is to be connected to reticulated water supply and so no abstraction of groundwater or surface water is necessary.
- vii. If the proponent amends the proposal to use groundwater for any purpose, they will need to apply for a 5C licence to take water, and a 26D licence if new water supply bores are needed.
- viii. The WA Department of Health has advised the following:
 - i. all drinking water provided onsite must meet the health-related requirements of the Australian Drinking Water Guidelines 2011.
 - ii. Proposed Development must be connected to deep sewage services provided by a licensed service provider. Sewage intended to be reused or recycled for beneficial purposes such as landscape and garden bed irrigation, toilet flushing or other purposes, will require prior approval from the DoH.
 - iii. The subject land is in an area that occasionally experiences problems with nuisance and disease carrying mosquitoes – mosquito collections on surrounding land that vector mosquito's species *Cx. annulirostris* and *Ae. vigilax* breed nearby.
 - iv. Onsite infrastructure and constructed water bodies be designed and maintained to ensure they do not breed mosquitoes.
- ix. If an Applicant 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.

ANNEXURE – A Subject to Condition 6)

- i. The information in the Traffic Impact Assessment to be provided, according to Western Australian Planning Commission (WAPC) Traffic Impact Assessment (TIA) guidelines (Vol 4 Part C).
 - checklist to confirm all sections of TIA includes information according to WAPC guidelines.
- ii. Section 2.6
 - show footpath connectivity to buildings from bus bays.
- iii. Section 2.7
 - Pedestrian access to South Hedland Integrated Sport Hub to be mentioned.
 - Discuss its internal connectivity and how it will improve connectivity towards South Hedland.

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- iv. Section 4
 - Visitor carpark to be clearly labelled on the drawings.
 - Crossover details required and to be constructed in accordance with ToPH specifications.
 - Subsequent design stages to be confirmed and the traffic impact to discuss the impacts that will be proposed at each design stage.
 - Angled parking on the plans to be identified.
- v. Section 5
 - details required on surrounding road upgrades. Assumption that upgrades will take place after 2036 are not accurate.
 - It is proposed that the existing Hudson way will be closed and North Circular will be extended from Hamilton Rd.
- vi. Section 6
 - More details required.
- vii. Section 7.1
 - Following scenarios to be considered: 5 year post completion, 10 year post completion.
- viii. Section 7.3
 - Traffic generation has been completed on basis of previous accommodation camps, and an overall trip generation, which doesn't allow for maximum/peak trip generation in a period.
 - Although the proposed traffic generation is based on average trip generation from other accommodation camps in South Hedland, a detailed assessment based on the facilities generating traffic should be done and reflected in the report.
 - The source of the trip rates should be explained in detailed along with the AM and PM peak rates.
 - This sections notes that the AM and PM peak traffic is more than the 100 vehicle trips in the peak hour, this means that the assessment should be considered as High Impact for the proposed development. Please see attached except from TIA guidelines.
- ix. Section 7.5
 - The traffic growth rate has been applied on the existing scenario and what the trip generation will look like post 10 year development.
 - The known and unknown disruptors are not applicable to this development as this is an accommodation camp.
- x. Section 7.6
 - Specify Austroads guidelines.
 - include correct intersection types and the re-alignment of the road.
 - A SIDRA modelling should be undertaken based on future road alignment and alignment and intersections.
 - There are no 4-way intersections as specified in Figure 18 around Hamilton Rd. Similarly, table 6 to be revised according to revised SIDRA calculations.
- xi. Section 7.7 & 7.8
 - More information required as the Town believes there would be considerable traffic from this development with potential to impact the surrounding road network.

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- xii. Section 8
 - Comparable facilities to be mentioned in the section.
 - Discussion required if parking requirement is met if maximum occupancy is achieved.
 - Parking demand to be based on individual facilities within the lot and the expected occupants for each facility.
 - Parking bays should be calculated based on Local Planning Scheme No.7 Car Parking Standard.
- xiii. Section 9
 - Swept path analysis to show lane correct movements of service vehicles.
 - Native files of Swept path analysis to be provided.
- xiv. Section 11
 - Walking path network details to be provided and access to SHISH site.

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

ALTERNATE MOTION

Moved by: Karen Hyde

Seconded by: Cr Camilo Blanco

That the Development Assessment Panel resolves to:

REFUSE DAP Application ref DAP/24/02737 in accordance with clause 68 of Schedule 2 (Deemed provisions) of the Planning and Development (Local Planning Scheme) regulations 2015, and the provisions of the Town of Port Hedland Local Planning Scheme No.7 for the following reasons;

- 1) The proposal is inconsistent with the objectives of LPS7 and the objectives of the Rural Zone;
 - There is insufficient information regarding the stormwater and urban water management and the scale if the proposal is incompatible with the rural land use and conservation values.
- 2) The retail shop component is an X use in the Rural Zone
- 3) The proposal is contrary to the requirements of the LPP5 workforce accommodation;
 - There is insufficient information and demand to support the scale of the workforce accommodation proposal
 - There is no interpretation of rehabilitation at the time of the approval lapses
 - The development has not achieved the quality of design standard required
- 4) The uses Tavern, Café, Gym & Wellness and Hotel and Resort typologies of accommodation have not been adequately assess for impact, consistency with the planning framework and associated technical studies, in particular whether they satisfy the requirements of Clause 68 of the Scheme.

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- a) The development is not in keeping with the desired future character of the area.
 - b) The development is not appropriate for the location and compatible with surround land uses.
 - c) The whole development will have an environmental impact by way of uncontrolled stormwater discharge points exiting the property.
 - d) The workforce accommodation use will have a social impact on the amenity of the locality, which cannot be mitigated.
 - e) The development has not shown suitable treatment of landscaping to improve amenity for residents in the complex.
- 5) The technical studies regarding stormwater, traffic and transport, built form design, social impact, operational management are lacking sufficient detail to support the proposal and provide a level of certainty for the future implementation.

The Alternate Motion was put and CARRIED UNANIMOUSLY.

REASON: The panel members felt that there was a distinct lack of clarity and certainty around the proposal, in particular the mix of accommodation types, and the public access to the various components. Concern was expressed that the technical documentation referenced a superseded proposal and no updated documentation was provided. In terms of the design of the development the panel members were very cognisant of the Design Review Panel (DRP) comments and that the changes referred by the applicant to did not satisfy the DRP concerns.

4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

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PART D – OTHER BUSINESS

1. State Administrative Tribunal Applications and Supreme Court Appeals

The DAP noted the status of the following State Administrative Tribunal Applications and Supreme Court Appeals:

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DP/14/00039 DR65/2020	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/23/02510 DR84/2024	Shire of Harvey	Lot 28 (No.79) Tredrea Place, Myalup	Workforce Accommodation	13 June 2024

2. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 12:09pm.

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