



Regional Development Assessment Panel Minutes

Meeting Date and Time: Wednesday, 15 January 2025; 9:30am
Meeting Number: RDAP/33
Meeting Venue: 140 William Street, Perth

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

[RDAP/33 - 15 January 2025 - Shire of Three Springs](#)

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 Lot 10707 (No.290) Natta Road, Lot 1 & 10710 (No.1543 & No.1719) 1719 (Lot 10710) Tomkins Road, Arrowsmith East, 1543 (Lot 1) Tomkins Road, Arrowsmith East, Section Of Tomkins Road Road Reserve, 290 (Lot 10707) Natta Road, Arrowsmith East, 1001 (Lot 10108) Carey Road, Arrowsmith East, Section Of Carey Road Road Reserve, Section Of Unmade Road Reserve, 442 (Lot 122) Carey Road, Arrowsmith East - Proposed Power Transmission Line – DAP/24/02787
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART C – OTHER BUSINESS

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

Karen Hyde
Presiding Member, Regional DAP



Attendance	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Karen Hyde (Presiding Member)	Kristen Parker
Eugene Koltasz (Deputy Presiding Member)	Zoe Hendry
Robert Karelse	
<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

Karen Hyde
Presiding Member, Regional DAP



Applicant and Submitters
<i>Part B – Shire of Three Springs</i>
Renee Young (Element Advisory) Crispin Collier (Strike Energy) Stephen Lloyd (Strike Energy) Dylan Wray (Western Environmental)

Members of the Public / Media

Nil.

Observers via livestream

There were 5 persons observing the meeting via the livestream.

Karen Hyde
Presiding Member, Regional DAP



PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9:34am on 15 January 2025 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](#).

Karen Hyde
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 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 Lot 10707 (No.290) Natta Road, Lot 1 & 10710 (No.1543 & No.1719) 1719 (Lot 10710) Tomkins Road, Arrowsmith East, 1543 (Lot 1) Tomkins Road, Arrowsmith East, Section Of Tomkins Road Road Reserve, 290 (Lot 10707) Natta Road, Arrowsmith East, 1001 (Lot 10108) Carey Road, Arrowsmith East, Section Of Carey Road Road Reserve, Section Of Unmade Road Reserve, 442 (Lot 122) Carey Road, Arrowsmith East - Proposed Power Transmission Line – DAP/24/02787

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.

Dylan Wray (Western Environmental) responded to questions from the panel.

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

Karen Hyde
Presiding Member, Regional DAP



REPORT RECOMMENDATION

Moved by: Eugene Koltasz

Seconded by: Cr Chris Connaughton

That the Regional DAP resolve to:

1. **Approve** DAP Application reference DAP/24/02787 and accompanying plans (as contained in the Application Report dated 7 October 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 including any amendments and additional plans and information arising from the approval conditions.
3. All power poles located within a road reserve must be sited in an offset position so that they have sufficient separation distance from any existing carriageway, or potential formation/future widening of the carriageway, to the satisfaction of the local government.
4. Prior to the commencement of the development a Bushfire Management Plan shall be submitted to the local government for approval.
5. The infrastructure owner 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.
6. Prior to the commencement of the development a Construction Management Plan shall be submitted to the local government for approval.
7. The infrastructure owner 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.
8. The infrastructure owner 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).

Karen Hyde
Presiding Member, Regional DAP



9. 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.
10. Prior to commencement of operations a Preliminary Decommissioning Plan shall be submitted to the local government for approval.
11. 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.
12. The applicant shall advise the Civil Aviation Safety Authority, Airservices Australia and the Commonwealth Department of Defence of the development, and comply with any related approvals/assessments/legislative requirements.

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 Civil Aviation Safety Authority, Airservices Australia, Commonwealth Department of Defence, 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.

Karen Hyde
Presiding Member, Regional DAP



- (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.
- (h) 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.
- (i) 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.
- (j) 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.

Karen Hyde
Presiding Member, Regional DAP



AMENDING MOTION 1

Moved by: Eugene Koltasz

Seconded by: Karen Hyde

The following amendments were made en bloc:

- (i) That Condition No.4 be amended to read as follows:

Prior to the commencement of the development a Bushfire Management Plan shall be prepared for any habitable buildings included in the development and shall be submitted to the local government for approval.

- (ii) That a new Condition No.5 be added to read as follows and the remaining conditions be renumbered accordingly:

Prior to the commencement of the development a Bushfire Emergency Management and Operations Plan shall be prepared for the development and shall be submitted to the local government for approval. The Bushfire Emergency Management and Operations Plan shall address operational fire management matters including, but not limited to:

- *personnel availability and contact details;*
- *property accessibility;*
- *water supplies and firefighting equipment location and availability/accessibility;*
- *communication protocols with the volunteer bushfire brigade;*
- *yearly and ongoing management of on site fire risks and hazards;*
- *site bushfire preparedness; and*
- *an emergency response plan*

- (iii) That Condition No.5 (now Condition No.6) be amended to read as follows:

The infrastructure owner shall implement and thereafter maintain for the lifetime of the development the recommendations of the approved Bushfire Management Plan and Bushfire Emergency Management and Operations Plan to the satisfaction of the local government.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Insert Reason for amendment as the panel were comfortable that as no habitable accommodation was proposed in the development that a BMP as set out under SPP 3.7 was not required but that a management and evacuation plan was relevant and that condition 4 should be amended accordingly and new condition 5 to be inserted to explain the scope of the proposed plan. The new condition resulted in the remainder of the conditions being renumbered. In addition, as the development did not require a building permit the panel were satisfied that original condition 5 ,now renumbered to be condition 6 should refer to prior to commencement as the trigger for submission of the plan.

Karen Hyde
Presiding Member, Regional DAP



AMENDING MOTION 2

Moved by: Eugene Koltasz

Seconded by: Karen Hyde

That now Condition No.12 be deleted and a new Advice Note (k) be added to read as follows:

The applicant ~~shall~~ **is to** advise the Civil Aviation Safety Authority, Airservices Australia and the Commonwealth Department of Defence of the development, and comply with any related approvals/assessments/legislative requirements.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Whilst it was acknowledged that this proposed condition was consistent with previous approval for the power station, the panel felt that the requirement to consider CASA requirements was better placed as an advice note through which the proponent was notified that they would need to advise the relevant regulatory authority of the proposal.

AMENDING MOTION 3

Moved by: Eugene Koltasz

Seconded by: Karen Hyde

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

*The applicant ~~shall~~ **is encouraged to** 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.*

The Amending Motion was put and CARRIED.

REASON: As advice notes are not statutory requirements the panel considered the wording should be altered to reflect this and that word 'shall' should be replaced with the word 'encourage'.

REPORT RECOMMENDATION (AS AMENDED)

That the Regional DAP resolve to:

1. **Approve** DAP Application reference DAP/24/02787 and accompanying plans (as contained in the Application Report dated 7 October 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



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 - personnel availability and contact details;
 - property accessibility;
 - water supplies and fire fighting equipment location and availability/accessibility;
 - communication protocols with the volunteer bushfire brigade;
 - yearly and ongoing management of on site fire risks and hazards;
 - site bushfire preparedness; and
 - an emergency response plan
6. The infrastructure owner shall implement and thereafter maintain for the lifetime of the development the recommendations of the approved Bushfire Management Plan and Bushfire Emergency Management and Operations Plan to the satisfaction of the local government.
7. Prior to the commencement of the development a Construction Management Plan shall be submitted to the local government for approval.
8. The infrastructure owner 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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9. The infrastructure owner 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).
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12. 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).
- (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.

Karen Hyde
Presiding Member, Regional DAP



- (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 Civil Aviation Safety Authority, Airservices Australia, Commonwealth Department of Defence, 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.
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 - 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;
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- (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) 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.

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- (i) The applicant is encouraged to 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.
- (j) 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.
- (k) The applicant is to advise the Civil Aviation Safety Authority, Airservices Australia and the Commonwealth Department of Defence of the development, and comply with any related approvals/assessments/legislative requirements.

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

REASON: The panel unanimously regarded the proposal as well considered and supported by relevant technical studies. The proposal was consistent with previous decisions associated with power station. The location of the overhead and in ground infrastructure had been designed to take account of the topography, vegetation and public and operational access satisfactorily. The proposal, when implemented, would not impact the prevailing agricultural activity, could be adequately serviced and operated without unduly impacting traffic in the adjacent roads and intersections and tourism routes. The proposal had not received any objections during advertising and was consistent with the objectives of the Shire scheme for economic diversity. The proposal was therefore unanimously supported as per the Conditions as amended.

4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Karen Hyde
Presiding Member, Regional DAP



PART C – 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/24/02737	Town of Port Hedland	Lot 601, Portion of Lot 604, Lot 300 and Portion of Road Reserve Parola Court, South Hedland	Mixed-Use Development	13 December 2024
DAP/24/02681 DR/199/2024	Shire of Capel	Lot 287 South Western Highway, Gwindinup	Sand Gravel Extraction	23 December 2024

2. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 10:10am.

Karen Hyde
Presiding Member, Regional DAP