

Regional Development Assessment Panel Minutes

Meeting Date and Time: Wednesday, 14 May 2025; 1:00pm

Meeting Number: RDAP/42

Meeting Venue: 140 William Street, Perth

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

RDAP/42 - 14 May 2025 - Shire of Chapman Valley - Shire of Manjimup

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 CHAPMAN VALLEY

- 1. Declaration of Due Consideration
- 2. Disclosure of Interests
- 3. Form 1 DAP Applications
 - 3.1 2017 (Lot 11 and Lot 12) North West Coastal Highway, Oakajee- Proposed Industry DAP/25/02856
- 4. Form 2 DAP Applications
- 5. Section 31 SAT Reconsiderations

PART C - SHIRE OF MANJIMUP

- 1. Declaration of Due Consideration
- 2. Disclosure of Interests
- 3. Form 1 DAP Applications
 - 3.1 Lots 174 176 (Nos.13 -17) Rose Street, Manjimup Proposed Motel DAP/24/02783
- 4. Form 2 DAP Applications
- Section 31 SAT Reconsiderations

PART D - OTHER BUSINESS

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

Clayton Higham



ATTENDANCE			
Specialist DAP Members	DAP Secretariat		
Clayton Higham (Presiding Member)	Kristen Parker		
Karen Hyde (Deputy Presiding Member)	Ashlee Kelly		
Neema Premji			
Part B – Shire of Chapman Valley			
Local Government DAP Members	Officers/Technical Advisors in Attendance		
Cr Emma Rodney	Simon Lancaster		
Part C – Shire of Manjimup			
Local Government DAP Members	Officers/Technical Advisors in Attendance		
Cr Jennifer Willcox	Jocelyn Baister		
Cr Donelle Buegge	Benjamin Rose		



Appli	cant	and	Sub	mitters
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Part B - Shire of Chapman Valley

Hide Shigeyoshi (GHD Pty Ltd)

Prakesh Seth (Blue Diamond Australia)

Peter Howe (Platinum Blasting)

Alex Mandl (Shrapnel Explosive Solutions)

Part C – Shire of Manjimup

Alan Stewart (Lateral Planning)

Zara Wang (Texture Design Pty Ltd)

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 1:06pm on 14 May 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 Wendy Eiby (Local Government DAP Member, Shire of Manjimup)

3. Members on Leave of Absence

Nil.

4. Noting of Minutes

DAP members noted that signed minutes of previous meetings are available on the <u>DAP website</u>.

Clayton Higham Presiding Member, Regional DAP



PART B - SHIRE OF CHAPMAN VALLEY

1. Declaration of Due Consideration

The Presiding Member noted that details of a DAP direction for further information and responsible authority response in relation to Item 3.1, received on 13 May 2025 was published in Part B of the Related Information.

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 Emma Rodney, 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 Rodney 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, are permitted to participate in the discussion and voting on the item.

3. Form 1 DAP Applications

3.1 2017 (Lot 11 and Lot 12) North West Coastal Highway, Oakajee- Proposed Industry – DAP/25/02856

Deputations and Presentations

Hide Shigeyoshi (GHD Pty Ltd) addressed the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

Prakash Seth responded to questions from the panel.

The Shire of Chapman Valley addressed the DAP in relation to the application at Item 3.1 and responded to questions from the panel.

Clayton Higham
Presiding Member Regi



REPORT RECOMMENDATION

Moved by: Nil Seconded by: Nil

The Shire of Chapman Council resolved at its 28 April 2025 meeting as follows:

"Council advise the Development Assessment Panel that it considers determination on the development of an Industry (Ammonium Nitrate Storage and Ammonium Nitrate Emulsion Manufacturing) upon Lots 11 & 12 North West Coastal Highway, Oakajee should be deferred pending receipt of the following:

- 1. Comment from the Department of Energy, Mines, Industry Regulation and Safety's Dangerous Goods/ Resources Safety Section upon the application.
- Submission by the applicant of a risk analysis for the proposed storage of ammonium nitrate and ammonium nitrate emulsion that includes modelling of potential scenarios and their preventative and response management, and also for the transportation of ammonium nitrate and ammonium nitrate emulsion along the proposed routes."

"Council write to the Minister for Transport seeking an update on the progress of the Dongara-Geraldton-Northampton Route Alignment Study and to raise the increasing need for the Oakajee-Narngulu Infrastructure Corridor section of this route (road, rail and services corridor width) to be purchased and constructed to provide certainty to landowners, industry proponents and transport operators."

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

ALTERNATE MOTION

Moved by: Karen Hyde Seconded by: Neema Premji

That the Regional DAP resolve to approve DAP Application reference DAP/25/02856 for development of an Industry (Ammonium Nitrate Storage and Ammonium Nitrate Emulsion Manufacturing and Storage) upon 2017 (Lots 11 & 12) North West Coastal Highway, Oakajee (as contained in the Application Report and supporting documents provided as Attachments 1 and 2, and Figure 5, of the DAP Report) 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 Chapman Valley Local Planning Scheme No.3 subject to the following conditions:

Conditions:

1. This decision constitutes planning approval only and is valid for a period of 3 years from the date of approval. If the subject development is not substantially commenced within the 3 year period, the approval shall lapse and be of no further effect.

Clayton Higham



- 2. The development shall be undertaken in accordance with the approved plans and supporting documents including any amendments and additional plans and information arising from the approval conditions.
- 3. The applicant shall prepare a Construction Management Plan to the satisfaction of the local government and thereafter implement its recommendations.
- 4. The applicant shall prepare a Bushfire Management Plan to the satisfaction of the local government and thereafter implement its recommendations.
- 5. The applicant shall prepare an Emergency Management Plan to the satisfaction of the local government and thereafter implement its recommendations.
- 6. The applicant shall prepare a Stormwater Management Plan to the satisfaction of the local government and thereafter implement its recommendations.
- 7. The applicant shall prepare a Waste Management Plan to the satisfaction of the local government and thereafter implement its recommendations.
- 8. The applicant shall prepare an Air Quality Management Plan to the satisfaction of the local government and thereafter implement its recommendations.
- 9. The applicant shall prepare a Lighting Strategy to the satisfaction of the local government and thereafter implement its recommendations.
- 10. The applicant shall prepare a Traffic Management Plan to the requirements of Main Roads WA and the satisfaction of the local government and thereafter implement its recommendations.
- 11. The applicant shall be responsible for the construction and maintenance of the main access track linking back to the road network to the satisfaction of the local government.
- 12. An emergency entry/exit point onto the North West Coastal Highway and emergency/secondary access track shall be constructed and maintained to the satisfaction of the local government to prevent the site having only one means of access/egress.
- 13. All parking of vehicles associated with the development shall be provided for within the property boundary and not the road reserve.
- 14. The design, location, installation and maintenance of on-site wastewater/effluent systems are to be to the approval of the local government and in accordance with relevant legislative requirements.



- 15. The landowner shall ensure that the following residences are vacated and demolished prior to commencement of the use of the development:
 - residence at 2017 North West Coastal Highway, Oakajee upon Lot 11 (Plan 18559) that is approximately 300m south-east of the proposed development;
 &
 - residence at 2097 North West Coastal Highway, Oakajee upon Lot 2 (Diagram 35736) that is approximately 850m north-east of the proposed development;

Advice Notes:

- (a) The Department of Water & Environmental Regulation have advised that the proposed development is deemed a prescribed premises under Schedule 1 of the *Environmental Protection Regulations 1987*, with a Category 73 (bulk storage of chemicals) and Category 75/33 (chemical blending and mixing) prescribed premises activity, and will therefore also require the applicant to obtain, separate to this development approval, a works approval and licence from the Department of Water & Environmental Regulation.
- (b) The applicant is advised that they will need to obtain, separate to this development approval, approvals as may be required from the Department of Energy, Mines, Industry Regulation and Safety, including but not limited to, a Dangerous Goods Licence and Ammonium Nitrate Storage Licence pursuant to the Dangerous Goods Safety Act 2004 and the Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007, a Security Sensitive Ammonium Nitrate manufacture licence pursuant to the Dangerous Goods Safety (Security Sensitive Ammonium Nitrate) Regulations 2007 and Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007 and a dangerous goods licence under the Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007 will also be required for the diesel storage (combustible liquid) and other potentially dangerous goods stored onsite.
- (c) The applicant is advised that they 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.
- (d) 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.
- (e) 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).

Clayton Higham



- (f) 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.
- (g) 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 Energy, Mines, Industry Regulation & Safety, Department of Water & Environment Regulation, Department of Health, Mid West Ports Authority 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.
- (h) In relation to condition 3 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. waste management, recycling, and removal;
 - xiv. protection of any public realm infrastructure;
 - xv. public communication and complaint handling procedures;
 - xvi. biosecurity protocols.

Clayton Higham Presiding Member, Regional DAP



- (i) In regards to condition 4 the Bushfire Management Plan shall be prepared in accordance with the requirements of the Department of Fire and Emergency Services and must ensure there are strict controls on potential ignition sources, storage and handling controls in accordance with the Dangerous Goods legislation and code, relevant Australian Standards and restrictions on hot works and electrical equipment within any on-site hazardous areas. The Bushfire Management Plan must also detail the ongoing management of fuel load about the development, access points/network, firefighting equipment upon the property and on-site water supply/storage to be maintained to a required level at all times (i.e. the plan shall detail a minimum amount of on-site water to be maintained and available for firefighting purposes, not a total site capacity that would be expected to vary during the industry's operation).
- (j) In regards to condition 5 the Emergency Management Plan shall be prepared in accordance with the requirements of the Department of Fire and Emergency Services and the Department of Energy, Mines, Industry Regulation and Safety and must maintain a current manifest and a dangerous goods site plan, to allow an appropriate response by DFES in the event of an emergency, such as a fire. Information retained onsite should include the Emergency Plan, Dangerous Goods Manifest, Register of Dangerous Goods and Hazardous Materials, Safety Data Sheets for bulk products kept on site and dangerous goods site layout plan.
- (k) In regards to condition 5 the Emergency Management Plan shall not just address the operations at the development site but the transportation of, ammonium nitrate to, and ammonium nitrate emulsion from the development site and include refence to the licensing requirements of the Department of Energy, Mines Industry Regulation & Safety, any relevant National Codes of Practice and the recommendations of the DEMIRS Incident Investigation Report-Ammonium Nitrate Emulsion Tanker Trailer Explosion (2023).
- (I) In regards to condition 6 the Surface Water Management Plan shall be prepared in accordance with the requirements of the Department of Water and Environmental Regulation and shall include requirement to develop and undertake monitoring of the drainage basins to assess their performance and respond accordingly within the required monitoring period. In the event that testing of stormwater within the basin(s) identifies that it does not meet the water quality criteria or the presence of ammonium nitrate contamination is detected, a licenced contractor shall be engaged to pump out the stormwater storage and dispose of the water at a licenced facility.
- (m) In regards to condition 9 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.
- (n) In regards to condition 11 this will become void/superseded at such time as the internal road reserve network of the Oakajee Strategic Industrial Area has been constructed to connect the development site to the wider road network.



- (o) In regards to condition 12 the emergency entry/exit point shall be constructed to a gravel/unsealed standard and gated, with a gravel/unsealed emergency access alignment linking back to the development site. The emergency entry/exit point shall be located at SLK 20.07-20.14 as identified in Figure 16 of the Transport Impact Assessment, approximately 100m to the north of the existing 'farm gate' vehicle access point into Lot 11. This existing 'farm gate' vehicle access point at SLK19.993 shall be closed/fenced.
- (p) The applicant is encouraged to enter into a contribution agreement towards community, social or other infrastructure/programs that will benefit the local community.
- (q) 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.

AMENDING MOTION 1

Moved by: Karen Hyde Seconded by: Clayton Higham

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

This decision constitutes planning approval only and is valid for a period of 3 4 years from the date of approval. If the subject development is not substantially commenced within the 3 4 year period, the approval shall lapse and be of no further effect.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: To be compatible with the generally standard timeframe for commencement of development, which allows for a number of other permits, licences and technical studies to be completed and approved prior to commencement

AMENDING MOTION 2

Moved by: Karen Hyde Seconded by: Neema Premji

That Condition No.11 be deleted, and the remaining conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The track will be a private access and under agreement between the landowner and lease, will not be a public access and some flexibility is required to determine the location.

Clayton Higham



AMENDING MOTION 3

Moved by: Karen Hyde Seconded by: Neema Premji

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

In regards to condition 12 the emergency entry/exit point shall be constructed to a gravel/unsealed standard and gated, with a gravel/unsealed emergency access alignment linking back to the development site. The emergency entry/exit point shall be located at SLK 20.07-20.14 as identified in Figure 16 of the Transport Impact Assessment, approximately 100m to the north of the existing 'farm gate' vehicle access point into Lot 11. This existing 'farm gate' vehicle access point at SLK19.993 shall be closed/fenced.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The location of the emergency access has yet to be agreed and therefore a precise location is unnecessary, some flexibility is required. The advice note is advisory only and the requirement for the access is covered by condion12 which remains as per the Officer's recommendation.

AMENDING MOTION 4

Moved by: Neema Premji Seconded by: Karen Hyde

That Advice Note No.(b) be amended to read as follows:

The applicant is advised that they will need to obtain, separate to this development approval, approvals as may be required from the Department of Energy, Mines, Industry Regulation and Safety, including but not limited to, a Dangerous Goods Licence and Ammonium Nitrate Storage Licence pursuant to the Dangerous Goods Safety Act 2004 and the Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007, a Security Sensitive Ammonium Nitrate manufacture licence pursuant to the Dangerous Goods Safety (Security Sensitive Ammonium Nitrate) Regulations 2007 and Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007 and a dangerous goods licence under the Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007 will also be required for the diesel storage (combustible liquid) and other potentially dangerous goods stored onsite. The applicant to share with the Shire the technical studies relating to risk analysis prepared for permits and licences with other State agencies.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The applicant had prepared a lot of information to seek approvals for licences form other State Agencies. This information covered risk analysis. The information would assist the Shire in its understanding and administration of the development proposal under the planning framework without the need for further duplication of risk analysis.

Clayton Higham



ALTERNATE MOTION (AS AMENDED)

That the Regional DAP resolve to approve DAP Application reference DAP/25/02856 for development of an Industry (Ammonium Nitrate Storage and Ammonium Nitrate Emulsion Manufacturing and Storage) upon 2017 (Lots 11 & 12) North West Coastal Highway, Oakajee (as contained in the Application Report and supporting documents provided as Attachments 1 and 2, and Figure 5, of the DAP Report) 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 Chapman Valley Local Planning Scheme No.3 subject to the following conditions:

Conditions:

- 1. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the 4 year period, the approval shall lapse and be of no further effect.
- 2. The development shall be undertaken in accordance with the approved plans and supporting documents including any amendments and additional plans and information arising from the approval conditions.
- 3. The applicant shall prepare a Construction Management Plan to the satisfaction of the local government and thereafter implement its recommendations.
- 4. The applicant shall prepare a Bushfire Management Plan to the satisfaction of the local government and thereafter implement its recommendations.
- 5. The applicant shall prepare an Emergency Management Plan to the satisfaction of the local government and thereafter implement its recommendations.
- 6. The applicant shall prepare a Stormwater Management Plan to the satisfaction of the local government and thereafter implement its recommendations.
- 7. The applicant shall prepare a Waste Management Plan to the satisfaction of the local government and thereafter implement its recommendations.
- 8. The applicant shall prepare an Air Quality Management Plan to the satisfaction of the local government and thereafter implement its recommendations.
- 9. The applicant shall prepare a Lighting Strategy to the satisfaction of the local government and thereafter implement its recommendations.
- 10. The applicant shall prepare a Traffic Management Plan to the requirements of Main Roads WA and the satisfaction of the local government and thereafter implement its recommendations.

Clayton Higham



- 11. An emergency entry/exit point onto the North West Coastal Highway and emergency/secondary access track shall be constructed and maintained to the satisfaction of the local government to prevent the site having only one means of access/egress.
- 12. All parking of vehicles associated with the development shall be provided for within the property boundary and not the road reserve.
- 13. The design, location, installation and maintenance of on-site wastewater/effluent systems are to be to the approval of the local government and in accordance with relevant legislative requirements.
- 14. The landowner shall ensure that the following residences are vacated and demolished prior to commencement of the use of the development:
 - residence at 2017 North West Coastal Highway, Oakajee upon Lot 11 (Plan 18559) that is approximately 300m south-east of the proposed development;
 - residence at 2097 North West Coastal Highway, Oakajee upon Lot 2 (Diagram 35736) that is approximately 850m north-east of the proposed development;

Advice Notes:

- (a) The Department of Water & Environmental Regulation have advised that the proposed development is deemed a prescribed premises under Schedule 1 of the *Environmental Protection Regulations 1987*, with a Category 73 (bulk storage of chemicals) and Category 75/33 (chemical blending and mixing) prescribed premises activity, and will therefore also require the applicant to obtain, separate to this development approval, a works approval and licence from the Department of Water & Environmental Regulation.
- (b) The applicant is advised that they will need to obtain, separate to this development approval, approvals as may be required from the Department of Energy, Mines, Industry Regulation and Safety, including but not limited to, a Dangerous Goods Licence and Ammonium Nitrate Storage Licence pursuant to the Dangerous Goods Safety Act 2004 and the Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007, a Security Sensitive Ammonium Nitrate manufacture licence pursuant to the Dangerous Goods Safety (Security Sensitive Ammonium Nitrate) Regulations 2007 and Dangerous Goods Safety (Storage and Handling of Nonexplosives) Regulations 2007 and a dangerous goods licence under the Dangerous Goods Safety (Storage and Handling of Nonexplosives) Regulations 2007 will also be required for the diesel storage (combustible liquid) and other potentially dangerous goods stored onsite. The applicant to share with the Shire the technical studies relating to risk analysis prepared for permits and licences with other State agencies.

Clayton Higham



- (c) The applicant is advised that they 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.
- (d) 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.
- (e) 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).
- (f) 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.
- (g) 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 Energy, Mines, Industry Regulation & Safety, Department of Water & Environment Regulation, Department of Health, Mid West Ports Authority 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.
- (h) In relation to condition 3 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. waste management, recycling, and removal;
- xiv. protection of any public realm infrastructure;
- xv. public communication and complaint handling procedures;
- xvi. biosecurity protocols.
- (i) In regards to condition 4 the Bushfire Management Plan shall be prepared in accordance with the requirements of the Department of Fire and Emergency Services and must ensure there are strict controls on potential ignition sources, storage and handling controls in accordance with the Dangerous Goods legislation and code, relevant Australian Standards and restrictions on hot works and electrical equipment within any on-site hazardous areas. The Bushfire Management Plan must also detail the ongoing management of fuel load about the development, access points/network, firefighting equipment upon the property and on-site water supply/storage to be maintained to a required level at all times (i.e. the plan shall detail a minimum amount of on-site water to be maintained and available for firefighting purposes, not a total site capacity that would be expected to vary during the industry's operation).
- (j) In regards to condition 5 the Emergency Management Plan shall be prepared in accordance with the requirements of the Department of Fire and Emergency Services and the Department of Energy, Mines, Industry Regulation and Safety and must maintain a current manifest and a dangerous goods site plan, to allow an appropriate response by DFES in the event of an emergency, such as a fire. Information retained onsite should include the Emergency Plan, Dangerous Goods Manifest, Register of Dangerous Goods and Hazardous Materials, Safety Data Sheets for bulk products kept on site and dangerous goods site layout plan.
- (k) In regards to condition 5 the Emergency Management Plan shall not just address the operations at the development site but the transportation of, ammonium nitrate to, and ammonium nitrate emulsion from the development site and include refence to the licensing requirements of the Department of Energy, Mines Industry Regulation & Safety, any relevant National Codes of Practice and the recommendations of the DEMIRS Incident Investigation Report-Ammonium Nitrate Emulsion Tanker Trailer Explosion (2023).
- (I) In regards to condition 6 the Surface Water Management Plan shall be prepared in accordance with the requirements of the Department of Water and Environmental Regulation and shall include requirement to develop and undertake monitoring of the drainage basins to assess their performance and respond accordingly within the required monitoring period. In the event that testing of stormwater within the basin(s) identifies that it does not meet the water quality criteria or the presence of ammonium nitrate contamination is detected, a licenced contractor shall be engaged to pump out the stormwater storage and dispose of the water at a licenced facility.



- (m) In regards to condition 9 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.
- (n) In regards to condition 11 this will become void/superseded at such time as the internal road reserve network of the Oakajee Strategic Industrial Area has been constructed to connect the development site to the wider road network.
- (o) In regards to condition 12 the emergency entry/exit point shall be constructed to a gravel/unsealed standard and gated, with a gravel/unsealed emergency access alignment linking back to the development site.
- (p) The applicant is encouraged to enter into a contribution agreement towards community, social or other infrastructure/programs that will benefit the local community.
- (q) 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 Alternate Motion was put and CARRIED UNANIMOUSLY.

REASON: The panel were not supportive of a deferral because it was evident that sufficient technical studies relating to risk had either been or were underway to satisfy the State agencies responsible for issuing licences for dangerous goods and associated manufacturing activities. The Applicant was encouraged to share this information with the Shire as a result of the relevant advice notes and conditions of approval under the planning framework. Whilst it was acknowledged that this may result in some duplication, the management of traffic, lighting, noise and emergency management were regarded as relevant to the overall development and ongoing operation under the planning framework. Overall, the panel was unanimous in support of the application as the activity and location of the facility was appropriate to the Strategic Industrial Area and compatible with the future function of the zone which has been earmarked for general and heavy industry of State significance. The community submissions were acknowledged however the technical studies and conditions of approval demonstrate appropriate control of the development to mitigate impacts. Other legislation was noted as providing ongoing operational controls and safety measures.

Clayton Higham



4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

Cr Emma Rodney (Local Government DAP Member, Shire of Chapman Valley) left the panel at 1:48pm.

Clayton Higham Presiding Member, Regional DAP



PART C - SHIRE OF MANJIMUP

Cr Jennifer Willcox & Cr Donelle Buegge (Local Government DAP Members, Shire of Manjimup) joined the panel at 1:50pm.

1. Declaration of Due Consideration

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, Cr Donnelle Buegge and Cr Jennifer Wilcox, 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 Buegge and Cr Wilcox 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 DAP Executive Director determined that Cr Donnelle Buegge, who had disclosed an impartiality interest, was permitted to participate in the discussion and voting on the item and the Presiding Member determined that Cr Jennifer Wilcox, 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 Lots 174 - 176 (Nos.13 -17) Rose Street, Manjimup - Proposed Motel - DAP/24/02783

Deputations and Presentations

Alan Stewart (Lateral Planning) addressed the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

The Shire of Manjimup 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

Moved by: Nil Seconded by: Nil

That the Regional Development Assessment Panel **refuse** the Development Assessment Panel Application reference DAP/24/02783 at contained in Attachment 9.5.2(1) in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of Clause 10.3 of the Shire of Manjimup Local Planning Scheme No. 4 for the following reasons:

- 1. The proposed development does not comply with the minimum three (3) metre landscaping strip to Ipsen Street and Rose Street in accordance with Local Planning Policy 6.1.8 Landscaping and does not provide as an alternative a nil setback with pedestrian shelter.
- 2. The proposed development does not respond to the site context and art deco or jazz style architecture within the Manjimup Planning Precinct in accordance with clause 2.1.1 of the Local Planning Scheme No. 4.
- 3. The proposed development does not provide compliant parking numbers in accordance with Table 2 of Local Planning Scheme No. 4

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

ALTERNATE MOTION

Moved by: Karen Hyde Seconded by: Cr Donnelle Buegge

The RAR recommendation was moved and seconded inclusive of an administrative change to the preamble.

The Presiding Member approved changes to the plan reference numbers in condition No.2 on 15th May 2025 so that the reference numbers matched the plans that were provided.

The Regional Development Assessment Panel approves DAP/24/02783 with the provisions of the Shire of Manjimup local planning scheme with the following conditions:

- 1. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
- 2. The development hereby approved is to be carried out in accordance with the plans and specifications submitted with the application and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire of Maniimup.

Clayton Higham



Reference	Document Title	Date Received
DA-2000	Demolition Plan	27 March 25
DA-2100	Floor Plan	27 March 25
DA-2102	Floor Plan	27 March 25
DA-3100	Elevations	27 March 25
DA-3101	Sectional Elevations	27 March 25

- 3. Notwithstanding condition 1, prior to application for building permit, the plans submitted and hereby approved shall be modified as follows:
 - 3.1 Revised floor plan of accessible units to ensure compliance with Disability Discrimination Act standards.
- 4. Prior to the issue of a Building Permit, a Geotechnical Report and an urban water and drainage management plan is to be prepared and approved, to the satisfaction of the Shire of Manjimup.
- 5. The urban water management plan referred to in Condition 3, shall be implemented to the satisfaction of the Shire of Manjimup.
- 6. Prior to the application for Building Permit, a noise management plan is to be submitted to the Shire for approval and thereafter applied to the development to the satisfaction to the Shire of Manjimup.
- 7. Prior to the issue of a Building Permit, a Waste Management Plan must be submitted to and approved by the Shire of Manjimup. The plan must include the following details to the satisfaction and specification of the Shire of Manjimup:
 - 7.1 the location of bin storage areas and bin collection areas.
 - 7.2 the number, volume and type of bins, and the type of waste to be placed in
 - 7.3 details on the future ongoing management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas.
 - 7.4 frequency of bin collections.
- 8. A schedule of the colour and texture of the building materials, demonstrating that the proposed development complements the surrounding area, must be submitted to and approved by the Shire of Manjimup, prior to lodging an application for a building permit. The development must be finished, and thereafter maintained, in accordance with the schedule provided to and approved by the Shire of Manjimup, prior to occupation of the development.
- 9. A dilapidation report, prepared at the applicant's expense, documenting the current state of the verge, footpath and road shall be prepared and submitted to the Shire of Manjimup for approval prior to the commencement of any works associated with the development.



- 10. Prior to the commencement of works, the applicant is to submit, and have approved to the satisfaction of the Shire Manjimup, a detailed parking plan design which complies with Table 2 and 3, Clause 5.17.11, of the Shire of Manjimup Local Planning Scheme No. 4 including 40 car parking bay/s, aisle widths, circulation areas driveway/s and points of ingress and egress. Alternatively, the Shire of Manjimup is prepared to accept payment of cash-in-lieu for the required parking that cannot be provided on-site, with such payment to be used by the Shire to formalise parking on Rose Street and/or Ipsen Street prior to the occupation of the development.
- 11. Prior to the commencement of construction, a detailed landscaping and reticulation plan for the subject site and/or verge(s) must be submitted to and approved to the satisfaction of the Shire of Manjimup.
- 12. The approved landscaping and reticulation plan must be fully implemented within the first available planting season prior to the occupation of the development, and maintained thereafter, to the satisfaction of the Shire of Manjimup. Any species which fail to establish within the first two planting seasons following implementation must be replaced in consultation with and to the satisfaction of the Shire of Manjimup.
- 13. Prior to the commencement of construction, the applicant must submit and have approved by the Shire of Manjimup, and thereafter implement to the satisfaction of the Shire of Manjimup, a construction management plan addressing the following matters:
 - 13.1 How materials and equipment will be delivered and removed from the site.
 - 13.2 How materials and equipment will be stored on the site.
 - 13.3 Parking arrangements for contractors.
 - 13.4 Construction waste disposal strategy and location of waste disposal bins.
 - 13.5 Details of cranes, large trucks or similar equipment which may block public thoroughfares during construction.
 - 13.6 How risks of wind and/or water borne erosion and sedimentation will be minimised during and after the works.
 - 13.7 Other matters likely to impact on the surrounding properties.
- 14. Prior to commencement of construction the applicant is to prepare an Operation Management Plan to address amenity issues including, fumes, noise, vibration, odour, vapour, dust wastewater, waste products or other pollutants to the satisfaction of the Shire of Manjimup.
- 15. Prior to the occupation of the development, vehicle crossovers between the subject land and Rose Street are to be located, designed, constructed, sealed and drained to the specification and satisfaction of the Shire of Manjimup.
- 16. The development hereby approved shall be connected to the Water Corporation reticulated sewerage system.



- 17. All piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters and bin storage areas must be located to minimise any visual and noise impact on the occupants of nearby properties and screened from view from the street. Design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the Shire of Manjimup, prior to lodging an application for a Building Permit.
- 18. External lighting must comply with the requirements of AS4282 Control of Obtrusive Effects of Outdoor Lighting to the satisfaction of the Shire of Manjimup.

Advice Notes

- 1. This Development approval is NOT a building permit. A certified building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works.
- 2. With regards to Condition 11, privacy screening is to be shown between the motel unit living spaces opposite, the sandpit is not supported, additional fencing is to be provided to the nature play area and landscape buffer between parking and units to be increased.
- 3. The development and associated uses are required to comply all relevant provisions of the *Health (Miscellaneous Provisions) Act 1911* (as Amended), *Health (Public Buildings) Regulations 1992*, the *Food Act 2008* and *Food Regulations 2009*. Prior to commencement of the uses hereby approved, various applications are required under this legislation, and it is recommended that you liaise with the Shire of Manjimup's Environmental Health Team over the preparation, lodgement and approvals processes.
- 4. If public consumption of alcohol is likely to occur on the subject premises, additional requirements may be imposed by the Liquor Licensing Division of the Department of Local Government, Sport and Cultural Industries. It is recommended that the proponent consult with the Liquor Licensing Division, either directly (on 1800 634 541) or via the website: www.dlgsc.wa.gov.au for further information.

AMENDING MOTION 1

Moved by: Karen Hyde Seconded by: Cr Donnelle Buegge

That a new Advice Note No.3 be added to read as follows and all remaining Advice Notes renumbered accordingly:

The applicant is encouraged to provide shade trees in the landscape at the interface with Ipsen Street and Rose Street.

The Amending Motion was put and CARRIED UNANIMOUSLY.

Clayton Higham



REASON: The DRP had noted the landscape was of a coastal nature and not of a local character or in keep with the Shire's policy, hence the need for condition 11, and the Shire had identified the purpose of the landscape along the interface of the development with the public realm was dimensioned at 3 metres to allow for tree planting to enhance the public realm and development amenity. The additional wording in the advice note reflected the purpose of the 3 metre landscape strip.

AMENDING MOTION 2

Moved by: Karen Hyde Seconded by: Neema Premji

That Condition No.10 be deleted, and the remaining conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The requirement for 40 parking bays was regarded by the majority off the panel to be unnecessary in the context of the demand analysis, understanding of the operation and peak demand for parking by staff and visitors and the availability, albeit shared with other user groups, of the on-street parking. Additional parking would necessarily come at the expense of the landscape provision, and whilst there was a generous amount of landscape proposed on site, this was preferrable as a setting to the development and at the interface with the public realm. The condition for additional parking over and above that shown on the development plans was therefore deleted.

ALTERMATE MOTION (AS AMENDED)

The Regional Development Assessment Panel approves DAP/24/02783 with the provisions of the Shire of Manjimup local planning scheme with the following conditions:

- 1. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
- The development hereby approved is to be carried out in accordance with the plans and specifications submitted with the application and these shall not be altered and/or modified without the prior knowledge and written consent of the Shire of Manjimup.

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Clayton Higham



- 3. Notwithstanding condition 1, prior to application for building permit, the plans submitted and hereby approved shall be modified as follows:
 - 3.1 Revised floor plan of accessible units to ensure compliance with Disability Discrimination Act standards.
- 4. Prior to the issue of a Building Permit, a Geotechnical Report and an urban water and drainage management plan is to be prepared and approved, to the satisfaction of the Shire of Manjimup.
- 5. The urban water management plan referred to in Condition 3, shall be implemented to the satisfaction of the Shire of Manjimup.
- 6. Prior to the application for Building Permit, a noise management plan is to be submitted to the Shire for approval and thereafter applied to the development to the satisfaction to the Shire of Manjimup.
- 7. Prior to the issue of a Building Permit, a Waste Management Plan must be submitted to and approved by the Shire of Manjimup. The plan must include the following details to the satisfaction and specification of the Shire of Manjimup:
 - 7.1 the location of bin storage areas and bin collection areas.
 - 7.2 the number, volume and type of bins, and the type of waste to be placed in the bins.
 - 7.3 details on the future ongoing management of the bins and the bin storage areas, including cleaning, rotation and moving bins to and from the bin collection areas.
 - 7.4 frequency of bin collections.
- 8. A schedule of the colour and texture of the building materials, demonstrating that the proposed development complements the surrounding area, must be submitted to and approved by the Shire of Manjimup, prior to lodging an application for a building permit. The development must be finished, and thereafter maintained, in accordance with the schedule provided to and approved by the Shire of Manjimup, prior to occupation of the development.
- 9. A dilapidation report, prepared at the applicant's expense, documenting the current state of the verge, footpath and road shall be prepared and submitted to the Shire of Manjimup for approval prior to the commencement of any works associated with the development.
- 10. Prior to the commencement of construction, a detailed landscaping and reticulation plan for the subject site and/or verge(s) must be submitted to and approved to the satisfaction of the Shire of Manjimup.



- 11. The approved landscaping and reticulation plan must be fully implemented within the first available planting season prior to the occupation of the development, and maintained thereafter, to the satisfaction of the Shire of Manjimup. Any species which fail to establish within the first two planting seasons following implementation must be replaced in consultation with and to the satisfaction of the Shire of Manjimup.
- 12. Prior to the commencement of construction, the applicant must submit and have approved by the Shire of Manjimup, and thereafter implement to the satisfaction of the Shire of Manjimup, a construction management plan addressing the following matters:
 - 12.1 How materials and equipment will be delivered and removed from the site.
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 - 12.7 Other matters likely to impact on the surrounding properties.
- 13. Prior to commencement of construction the applicant is to prepare an Operation Management Plan to address amenity issues including, fumes, noise, vibration, odour, vapour, dust wastewater, waste products or other pollutants to the satisfaction of the Shire of Manjimup.
- 14. Prior to the occupation of the development, vehicle crossovers between the subject land and Rose Street are to be located, designed, constructed, sealed and drained to the specification and satisfaction of the Shire of Manjimup.
- 15. The development hereby approved shall be connected to the Water Corporation reticulated sewerage system.
- 16. All piped, ducted and wired services, air conditioners, hot water systems, water storage tanks, service meters and bin storage areas must be located to minimise any visual and noise impact on the occupants of nearby properties and screened from view from the street. Design plans for the location, materials and construction for screening of any proposed external building plant must be submitted to and approved by the Shire of Manjimup, prior to lodging an application for a Building Permit.
- 17. External lighting must comply with the requirements of AS4282 Control of Obtrusive Effects of Outdoor Lighting to the satisfaction of the Shire of Manjimup.



Advice Notes

- 1. This Development approval is NOT a building permit. A certified building permit must be formally applied for and obtained from Building Services BEFORE the commencement of any site and/or development works.
- 2. With regards to Condition 11, privacy screening is to be shown between the motel unit living spaces opposite, the sandpit is not supported, additional fencing is to be provided to the nature play area and landscape buffer between parking and units to be increased.
- 3. The applicant is encouraged to provide shade trees in the landscape at the interface with Ipsen Street and Rose Street.
- 4. The development and associated uses are required to comply all relevant provisions of the *Health (Miscellaneous Provisions) Act 1911* (as Amended), *Health (Public Buildings) Regulations 1992*, the *Food Act 2008* and *Food Regulations 2009*. Prior to commencement of the uses hereby approved, various applications are required under this legislation, and it is recommended that you liaise with the Shire of Manjimup's Environmental Health Team over the preparation, lodgement and approvals processes.
- 5. If public consumption of alcohol is likely to occur on the subject premises, additional requirements may be imposed by the Liquor Licensing Division of the Department of Local Government, Sport and Cultural Industries. It is recommended that the proponent consult with the Liquor Licensing Division, either directly (on 1800 634 541) or via the website: www.dlgsc.wa.gov.au for further information.

The Alternate Motion was put and CARRIED UNANIMOUSLY.

Clayton Higham



REASON: The panel were not supportive of the reasons for refusal as sufficient information had been provided to meet the requirements of the Scheme and Town Centre precinct requirements, or were capable of being required through conditions without altering the overall land use and general layout. The panel were unanimous in support of the Motel proposal in the Town Centre which meets the scheme's aims and which was generally supported through the officer's assessment. Consideration was given to the architectural style of the development, particularly in the context of the reasons for refusal which required a deco or jazz style, however the panel were of the opinion that as the proposal was for new build, that a pastiche style of architecture was inappropriate and the natural looking materials and rural style architecture was acceptable, particularly given the eclectic mix of styles prevailing through the existing commercial centre. The panel also gave consideration to the landscape interfacing with the public realm and considered it to be satisfactory and generally meeting the requirement for a 3m depth along Ipsen Street and Rose Street, however the panel augmented the advisory notes to encourage shade tree planting in the landscape to support the amenity of the public realm and adjacent footpaths in keeping with the Local Planning Policy. The parking shortfall was also considered, however the demand analysis and availability of some on street parking was noted and the majority of the panel felt there was adequate onsite parking with some flexibility provided through on street public parking. Conditions concerning revisions to the landscape plan and requirements for construction management, lighting strategies and screening of utilities were all supported. Overall, the development was regarded as a welcome addition to the Town's tourism offering and one which would support the local economy in accordance with the planning framework.

4. Form 2 DAP Applications

Nil.

5. **Section 31 SAT Reconsiderations**

Nil.

Clayton Higham



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/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
DAP/24/02807 DR/32/2025	Shire of Dardanup	Lot 2 Banksia Road, Crooked Brook	Capping of Tronox Cell 1	27 March 2025

2. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 2:20pm.

Clayton Higham Presiding Member, Regional DAP