



Shire of Dardanup

Sustainable Development
Directorate

APPENDICES

Item 12.2.1 – 12.2.2

ORDINARY COUNCIL MEETING

To Be Held

Wednesday, 24th April 2024
Commencing at 5.00pm

At

Shire of Dardanup
ADMINISTRATION CENTRE EATON
1 Council Drive - EATON

This document is available in alternative formats such as:
~ Large Print
~ Electronic Format [disk or emailed]
Upon request.

RISK ASSESSMENT TOOL

OVERALL RISK EVENT: Close Out report New Shire of Dardanup Library, Administration and Community Building

RISK THEME PROFILE:

10 - Management of Facilities, Venues, Events and Services

13 - Project Management

RISK ASSESSMENT CONTEXT: Project

CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL		
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING
HEALTH	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
FINANCIAL IMPACT	Retaining the unspent funds for the 12-month defects period to address minor works that may be required otherwise these works will have no budget to be completed. Providing sufficient whole of life cost and replacement cost with the Long-Term Financial Plan to maintain the building over its lifespan.	Insignificant (1)	Possible (3)	Low (1 - 4)	Retain unspent funds for the 12-month defects period. Providing sufficient whole of life cost and replacement cost with the Long-	Insignificant (1)	Likely (4)	Low (1 - 4)
SERVICE INTERRUPTION	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
LEGAL AND COMPLIANCE	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
REPUTATIONAL	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
ENVIRONMENT	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.

CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL		
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING
PROPERTY	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required	Not required.	Not required.	Not required.

Form 1: Responsible Authority Report

(Regulation 12)

Notes for Author

This template is provided to assist in the formulation of a Responsible Authority Report (RAR) for a Development Assessment Panel (DAP) application under Regulation 12 of the *Planning and Development (Development Assessment Panel) Regulations 2011*. This template should be used for all RARs under r.12 except for applications for a review of the original decision or a reconsideration of the original decision, please use the State Administrative Tribunal (SAT) Reconsideration template for those reports.

This template contains guidance to assist the author prepare a report that is comprehensive, succinct and addresses the key issues required for a decision to be made under the relevant Local Planning Scheme and Region Scheme (where applicable). The guidance notes should be deleted once the RAR is prepared and do not form part of the report.

The RAR template also provides for some sections to be deleted if they are not required. Where other sections are not relevant to a particular report and there are no specific notes, please insert either “not relevant” or “not applicable” under those headings.

Where the RAR template is submitted to a Council meeting, please note:

- The officer’s recommendation may be placed either first or last in accordance with the usual requirements of the Council meeting.
- For the submission of the RAR to the DAP Secretariat, the heading “Responsible Authority Recommendation” must contain the Council’s recommendation.
- If the officer recommendation is different from the Council recommendation, this should be shown under the heading “Officer Recommendation”.
- The “Reasons for Responsible Authority Recommendation” section should be completed after the Council meeting and should reflect why the recommendation differs from the reasons as shown in the minutes of the Council meeting.
- Where local government officers have delegation to provide the RAR to the DAP secretariat, only the “Responsible Authority Recommendation” should be completed and the “Officer Recommendation” section can be deleted.

LOT 504 (NO. 5) **HARDISTY COURT, PICTON EAST –
CONVERSION OF DIESEL GENERATION POWER STATION TO
A BATTERY ENERGY STORAGE SYSTEM (BESS)**

Form 1 – Responsible Authority Report
(Regulation 12)

DAP Name:	Regional DAP
Local Government Area:	Shire of Dardanup
Applicant:	Fabian Jas, Taylor Burrell Barnett
Owner:	Tesla Corporation Management Pty Ltd
Value of Development:	\$9.9 million
Responsible Authority:	Shire of Dardanup
Authorising Officer:	Jan Strijdom
LG Reference:	DAP-F0361009
DAP File No:	DAP/24/02653
Application Received Date:	20 February 2024
Report Due Date:	21 May 2024
Application Statutory Process Timeframe:	90 Days
Attachment(s):	<ol style="list-style-type: none">1. Development Plans Appendix 12.2.4C Development Plans2. Development Application Report 23~103 RPT - Picton BESS DA - RevA Combined - Part 13. Schedule of Submissions 10.c - Schedule of Submissions 10.c - Copy of Submissions Combined4. BMP 23~103 RPT - Picton BESS DA - RevA Combined - Part 25. Bushfire Risk Report 23~103 RPT - Picton BESS DA - RevA Combined - Part 3

	6. Noise Assessment 23~103 RPT - Picton BESS DA - RevA Combined - Part 3

Responsible Authority Recommendation

TBA

Reasons for Responsible Authority Recommendation

Complete this section where the Council resolution differs from the Officer Recommendation and provide the reasons as shown in the Council minutes here. The Officer Recommendation section below, including reasons, will also need to be completed.

Include a brief summary of key issues and provide clear and succinct reason/s for the recommendation. If the recommendation is for a refusal, this section may be used to emphasise the reasons in the recommendation if required.

Details: outline of development application

Region Scheme	Greater Bunbury Region Scheme
Region Scheme - Zone/Reserve	Industrial
Local Planning Scheme	Town Planning Scheme No. 3
Local Planning Scheme - Zone/Reserve	General Industry
Structure Plan/Precinct Plan	Picton Industrial Park Southern Precinct District Structure Plan
Structure Plan/Precinct Plan - Land Use Designation	General Industry
Use Class and permissibility:	Use Not Listed
Lot Size:	5,740m ²
Existing Land Use:	Use Not Listed (Power Station)
State Heritage Register	No
Local Heritage	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Heritage List <input type="checkbox"/> Heritage Area
Design Review	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> Local Design Review Panel <input type="checkbox"/> State Design Review Panel <input type="checkbox"/> Other
Bushfire Prone Area	Yes
Swan River Trust Area	No

Proposal:

The development proposal at Lot 504 (No. 5) Hardisty Court, Picton East (**subject site** or **site**) is for the conversion of a diesel generated peaking station to a battery energy storage system (**BESS**), comprising of:

- Twelve (12) battery enclosures.
- Four (4) inverter stations.
- One (1) main transformer.
- The existing transformer, auxiliary transformer, operations centre (comprising of a control and switch room), acoustic walls, vehicular circulation driveways and the crossover will remain continue to be utilised. These developments are therefore not included as part of the proposed works or this application.

A copy of the development plans is contained as at **Attachment 1**

Proposed Land Use	Use Not Listed (Power Station)
Proposed Net Lettable Area	N/A
Proposed No. Storeys	N/A
Proposed No. Dwellings	N/A

Background:

Site Description

The subject site is located approximately 8km east of the Bunbury city centre and is bound by Hardisty Court to the northern and eastern boundary. The existing vehicular access, to which is not proposed to change as part of this application, is from the northern boundary via a sealed crossover of approximately 6m. The site currently contains an existing diesel power storage facility and supporting infrastructure.

A plan showing the location of the subject site and its surrounds is contained in Figure 1 of the applicant’s Development Application report, as at **Attachment 2**.

History:

The subject site currently hosts a ‘Use Not Listed (Power Station)’ land use. This land use was granted development approval by the Shire of Dardanup (**Shire**) in 2010.

In order to improve operations at the site, two (2) acoustic walls were approved at the site by the Shire in 2012. These acoustic walls decreased the amenity impacts on the neighbouring industrial properties.

In September 2015, the site was granted a licence by the Department of Water and Environmental Regulation under the *Environmental Protection Act 1986* for ‘Electric Power Generation’.

This power station forms part of the South-West Interconnected System (**SWIS**) and ensures that the electricity network for much of Western Australia's population is able to meet key market demands.

In November 2023, the applicant sought advice from Shire officers in relation to the proposed works.

Legislation and Policy:

Legislation

- Town Planning Scheme No. 3 (**TPS3**)
- Greater Bunbury Region Scheme (**GBRS**)
- *Planning and Development Act 2005*
- Planning and Development (*Local Planning Schemes*) Regulations 2015

State Government Policies

- State Planning Policy 2.0 – Environment and Natural Resources Policy (**SPP2.0**)
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas (**SPP3.7**)
- State Planning Policy 4.1 – Industrial Interface (**SPP4.1**)

Structure Plans/Activity Centre Plans

- Picton Industrial Park Southern Precinct District Structure Plan (**DSP**)

Local Policies

- Local Planning Policy CP093 – Sustainability (**Sustainability LPP**)
- Local Planning Policy CP505 – Public Consultation – Planning Matters (**Public Consultation LPP**)

Consultation:

Public Consultation

Public Consultation

Public consultation was undertaken as part of this application. Pursuant to the Shire's Public Consultation LPP, the application was advertised to properties located within a 500m radius of the subject site for a period of 28 days.

At the end of the consultation process eight (8) submissions were received all from State Government Departments. A copy of the submissions (**Appendix ORD:**

12.2.2D) along with a schedule of the full submissions (Appendix ORD: 12.2.2E). Below is a summary of the most significant of those submissions received.

Consultation with Government/Service Agencies

Department of Planning, Lands and Heritage (DPLH):

- Land is zoned Industrial under the GBRS.
- The subject site is not identified as within any of the GBRS policy areas or buffers.
- DPLH has no further comment on the proposal.

Officer Comment

Noted.

Department of Water and Environment Regulation (DWER):

Submission 1:

As noise are matters delegated to the Shire's Environmental Health Officers, can you please confirm that the noise report in Appendix E is not required by DWER?

If an assessment of the noise report is required of DWER, the provision of this information may extend our response to the Shire past its due date as the turnaround time for noise advice is around 6 weeks depending upon workloads.

Officer Comment

Noted. The noise report was assessed by Shire Officers.

Submission 2:

Issue 1: Prescribed Premises and the *Environmental Protection Regulations 1987*

- a) As the BESS on its own does not meet the description of any of the prescribed premises categories in Schedule 1 of the *Environmental Protection Regulations 1987* it would not be subject to the requirement to obtain a works approval prior to construction or to hold a licence to cause emissions or discharges provided it is established following the surrender of the existing licence.
- b) As such, the licence holder is advised to apply to surrender their licence following the removal of the generators on the premises – and once surrendered the premises would no longer be considered prescribed.
- c) However, if the existing power generation infrastructure is **not** removed and the licence surrendered **prior** to commencing works to establish the BESS, the provisions of section 53 of the *Environmental Protection Act 1986* (EP Act) apply, which may include a works approval or licence amendment.
- d) Further guidance on changes to prescribed premises can be found in DWER's Industry Regulation Guide to Licensing which can be accessed at:

<https://www.wa.gov.au/system/files/2023-02/Guideline-Industry-regulation-guide-to-licensing.pdf>

Officer Comment

Noted

Issue 2: Acid sulphate soils (ASS)

Acid sulfate soils (ASS) risk mapping indicates that the site is located within an area identified as representing a moderate to low risk of ASS occurring within 3 metres of the natural soil surface. DWER advises that a model ASS related condition is not considered necessary in this instance. However an advice note is recommended.

Officer Comment

Noted

Department of Fire and Emergency Services

I refer to your email dated 29 February 2024 regarding the submission of a Bushfire Management Plan (BMP) (Version 1.0), prepared by Bushfire Prone Planning dated 24 January 2024, for the abovementioned development application. The BMP is accompanied by a Bushfire Risk Report (Version 1.0) prepared by Bushfire Prone Planning and a Development Application prepared by Taylor Burrell Barnett dated February 2024.

This advice relates only to State Planning Policy 3.7: Planning in Bushfire Prone Areas (SPP 3.7) and the Guidelines for Planning in Bushfire Prone Areas (Guidelines). Commentary is also provided regarding provisions set out in the Victorian Country Fire Association (CFA) Renewable Energy Facilities Design Guidelines and Model Requirements, Version 4, August 2023, which currently provides best practice guidance in relation to such facilities. It is the responsibility of the proponent to ensure the proposal complies with relevant planning policies and building regulations where necessary. This advice does not exempt the applicant/proponent from obtaining approvals that apply to the proposal including planning, building, health or any other approvals required by a relevant authority under written laws.

Assessment

- It is noted that the proposed development has been referred as a high-risk land use.
- An Emergency Evacuation Plan has not been submitted for the proposal in accordance with SPP 3.7 clause 6.6.1.
- BMP Table 6.1 describes developer responsibilities 'prior to issue of a certificate of title for new lots'. Table 6.1 should be amended to refer to works 'prior to commencement of the use'.
- References to residential dwellings in Table 6.3 should be removed.

- Further clarification is required within the BMP of the requirements of SPP 3.7, and the supporting Guidelines as outlined in our assessment below

Officer Comment

A condition requiring an amended BMP and Emergency Evacuation Plan to be submitted in accordance with several of DFES comments is recommended by Officers. The amendments are minor in nature and do not impact the merits of the proposed development.

Planning Assessment:

The proposal has been assessed against all the relevant legislative requirements of the TPS3, and the relevant State and Local Planning Policies as outlined in the Legislation and Policy section of this report. The following matters have been identified as key considerations for the determination of this application:

- Land Use Definition and Permissibility
- Setbacks
- Traffic and Car Parking
- Landscaping
- Waste
- Bushfire Hazard
- Noise

These matters are outlined and discussed below.

Town Planning Scheme No. 3

Land Use Definition and Permissibility:

The subject site is zoned General Industry under TPS3. The existing land use on the site is a 'Use Not Listed (Power Station)', whereby the existing development produces power from diesel generator sets.

It is considered appropriate that as the development is converting the diesel generators to a battery energy storage system (BESS), the proposed development comfortably falls within the existing land use as a power station. Therefore, the proposed development is for the works component only.

Notwithstanding the above, clause 2.4.2 of TPS3 outlines the process to how the Shire may determine a Use Not Listed. It is considered clause 2.4.2(b) is the most appropriate, as quoted below:

“determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 7.2.2 in considering an application for planning approval”

It is therefore required for the proposed development to be assessed from the ‘General Industry’ zone objectives and reference be made to the consultation section of this report.

The objective of the General Industry zone, as defined by TPS3 is:

“To provide for a wide range of industrial and associated activities, which can be undertaken without undue constraints on operational performance, so as to meet the needs of the wider community for industrial services and facilities.”

It is considered that the conversion from diesel generation to a BESS is more efficient and significantly more environmentally friendly to service the wider community, with little undue constraints on operational performance.

Setbacks:

Appendix 2 of TPS3 stipulates a 10m front and rear setback requirements for all development within industrial zones, as well as a 5m side setback.

Notwithstanding the proposed development will be situated in the same location as the existing structures to be removed, the setbacks are well in excess of the above requirements and therefore complies.

Traffic and Car Parking:

Due to the nature of the development, the development will create minimal traffic volume. The site is monitored remotely, and it is expected that the site will only be accessed by 3-5 light vehicles per week.

Given the low traffic numbers to site (with no customers/visitors) and ample hardstand areas for parking, the proposal is deemed to have an adequate amount of parking opportunities and does not warrant the need for formal parking bays.

It is therefore considered the proposal will create no adverse traffic or parking impacts.

Landscaping:

Appendix 2 of TPS3 consists of minimum landscaping requirements, as listed below.

- 1. 3m wide abutting all streets, except for approved crossovers.*
- 2. Council approved canopy shade trees at the rate of 1 tree for every 4 open air parking bays.*

As the development does not provide any shade trees for parking bays (due to no dedicated car bays on site), the landscaping in the 3m setback and verges becomes ever more important. Furthermore, whilst the applicant has noted landscaping within the verge, and three (insignificant) trees on site, it is considered the current landscaping on site and the adjacent verge is sparse and inadequate.

It is therefore recommended that a condition be imposed for a detailed landscaping plan (with low threat vegetation) to be prepared, implemented and maintained, to the satisfaction of the Shire.

Waste:

Due to the nature of the proposed development, the development will create no waste and therefore no waste management detail or plan is required.

Bushfire Hazard

The subject site and surrounding areas are identified as being bushfire prone and the provisions of SPP 3.7 therefore apply. As the development is considered to be a 'High Risk' land use in accordance with SPP3.7 and its supplemental **Guidelines** (Guidelines for Planning in Bushfire Prone Areas), due to the storage of combustible materials and/or flammable hazardous materials, a Bushfire Management Plan (**BMP**) and a Bushfire Risk Assessment and Management Report (**Bushfire Risk Report**) were prepared. The BMP and the Bushfire Risk Report are as at **Attachment 4** and **Attachment 5**, respectively.

The BMP has identified that most of the property, including the area of where the development is located, is BAL-12.5. Further, the BMP has identified that the development meets all of the applicable acceptable solutions. It is therefore considered the development is acceptable in terms of potential risks from bushfire.

Notwithstanding the above, DFES have required the submission of an Emergency Evacuation Plan and minor amendments to the BMP to confirm vegetation classification along Hardisty Court and Harris Road. As the modifications are minor in nature DFES have advised that they do not need to be referred the updated BMP. Officers have recommended conditions to address some of DFESs concerns.

Noise

To support the proposed development, the applicant submitted an Environmental Noise Assessment (**Noise Assessment**) as at **Attachment 6**. The key findings of the Noise Assessment are as follows:

- The modelling suggests that noise generated from the development, will exceed the prescribed standards of the *Environmental Protection (Noise) Regulations 1997* at the neighbouring southern industrial boundary and two (2) nearby residences during normal operations.
- The southern industrial lot is currently vacant, this exceedance is not considered to be an issue (currently).
- If a development was constructed on the lot boundary to the south, extending the existing wall as shown in Figure 5-1 of the Noise Assessment would be required. Prior to constructing the additional wall, it is recommended further measurements be undertaken once the proposed development is operational to confirm if any mitigation is required.

- Implementing a 20% reduction in fan speed between the hours of 7.00am and 9.00am on a Sunday would achieve compliance at all nearby residences during normal operations. An alternative option during this period is to delay the start of operations until 9.00am on Sundays.
- Compliance is predicted at the nearest industrial boundaries and residences when the BESS and inverter fans are operating at a fan speed of 80%.

Given the unknown timeframe of the vacant industrial lot to be developed, it is considered that it is unrealistic for the applicant (or future landowners) to develop a noise wall in accordance with the Noise Assessment. Compliance with this requirement could be difficult if the vacant lot is developed after a period of ten plus years. It is therefore recommended that the noise wall should be conditioned to be developed prior to operation to ensure compliance and not prejudice the vacant industrial lot on where they can and cannot build.

Additionally, due to the non-compliance on Sunday mornings as per normal operations, it is recommended that a condition be imposed for the ongoing compliance with the recommendations made within the Noise Assessment.

Conclusion:

As discussed throughout this report, the following matters have been identified as key planning considerations for the determination of this application:

- Land Use Definition and Permissibility
- Setbacks
- Traffic and Car Parking
- Landscaping
- Waste
- Bushfire Hazard
- Noise

The proposal is considered consistent with the planning framework for TPS3, and the relevant State and Local Planning Policies as outlined in the Legislation and Policy section of this report. It is therefore recommended for approval, subject to conditions.

Officer Recommendation

It is recommended that the Regional DAP resolves to:

1. **Accept** that the DAP Application reference DAP/24/02653 is appropriate for consideration as a "Use Not Listed (Power Station)" land use and compatible with the objectives of the zoning table in accordance with Clause 2.2 of the Shire of Dardanup Town Planning Scheme No. 3;

2. **Approve** DAP Application reference DAP/24/02653 and accompanying plans:
- Drawing No. 8582-E-800, Rev A
 - Drawing No. 8582-E-801, Rev A

in accordance with the Greater Bunbury Region Scheme, Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause 7.3 of the Shire of Dardanup Town 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 specified period, the approval shall lapse and be of no further effect.
2. Prior to the operation of the development Drawing No. 8582-E-800, Rev A being amended and submitted to the satisfaction of the Shire of Dardanup showing the sealed crossover width to be 6m.
3. Prior to operation of the development, the noise wall as shown in Figure 5-1 of the Environmental Noise Assessment prepared by Lloyd George Acoustics and dated 19 December 2023, shall be constructed to a height of 1.8m and have a minimum surface mass of 15kg/m².
4. Within one (1) month of the date of this approval, a Landscape Plan for the development site and the adjoining road verge(s) is to be submitted to and approved by the Shire of Dardanup. The following details are to be included:
 - a. Existing street trees and other vegetation.
 - b. Vegetation to be retained on the site.
 - c. Landscape treatments such as lawn, mulch areas, and bin collection areas.
 - d. The location, species, quantity and pot size of proposed trees and shrubs.
 - e. Areas to be irrigated.
5. Within six (6) months of the date of this approval, the landscaping and irrigation of the development site and the adjoining verges is to be installed in accordance with an approved landscape plan and thereafter maintained in perpetuity to the satisfaction of the Shire of Dardanup.
6. Prior to the works commencing onsite, an amended Bushfire Management Plan must be submitted to the Shire of Dardanup for approval which must include the following:
 - An Emergency Evacuation Plan prepared in accordance with State Planning Policy 3.7;

- Evidence to support the exclusion of Harris Road and Hardisty Road reserves as managed low threat vegetation;
- Table 6.1 of should be amended to refer to 'prior to commencement of works';
- Remove reference to residential dwellings in Table 6.3.

Once approved the, the BMP is to be implemented in its entirety to the satisfaction of the Shire.

- 7 The development must be designed, and all works must be carried out in accordance with the Environmental Noise Assessment prepared by Lloyd George Acoustics and dated 19 December 2023, to the satisfaction of the Shire of Dardanup for the duration of development.
- 8 All stormwater generated by the development is to be retained on site, to the satisfaction of the Shire of Dardanup.

Advice Notes

None

Reasons for Officer Recommendation

For the reasons specified in the report.

Appendix ORD:

12.2.2B

Under E- Separate
Cover

Tardis Link:

OCM-R1537277

HARDISTY COURTI

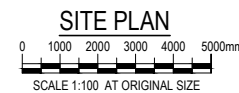
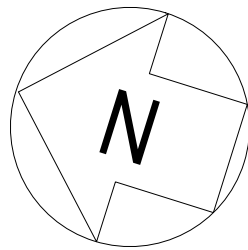
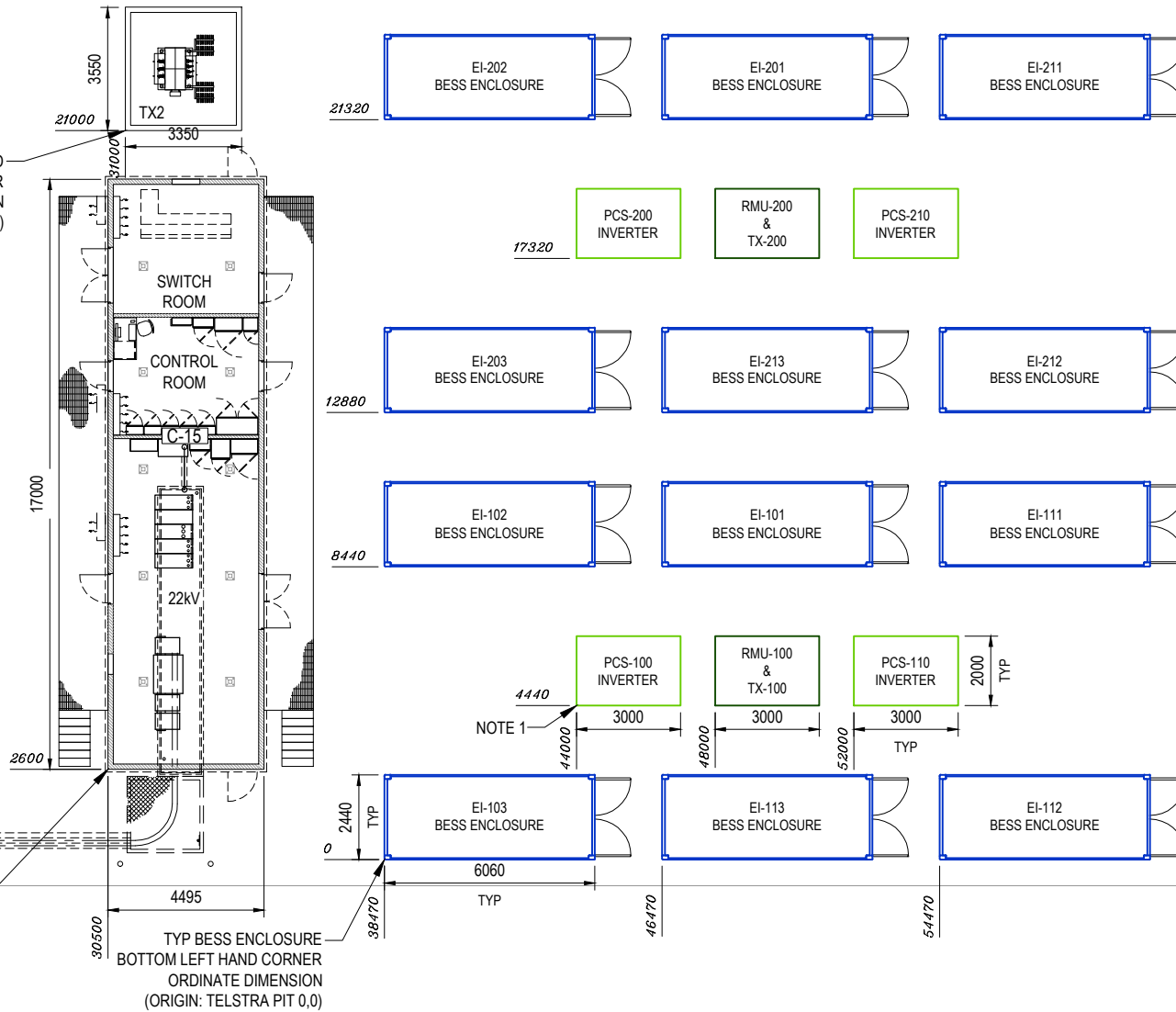
MAIN ACCESS GATE

DATUM
TELSTRA PIT
xxx:E xxxN

TX2 COMPOUND CONCRETE PAD
BOTTOM LEFT HAND CORNER
ORDINATE DIMENSION
(ORIGIN: TELSTRA PIT 0,0)

SWITCHROOM
BOTTOM LEFT HAND CORNER
ORDINATE DIMENSION
(ORIGIN: TELSTRA PIT 0,0)

TYP BESS ENCLOSURE
BOTTOM LEFT HAND CORNER
ORDINATE DIMENSION
(ORIGIN: TELSTRA PIT 0,0)



LOT 504

NOTES

- 1. DIMENSIONS SUBJECT TO EQUIPMENT CONCRETE PAD DESIGN.

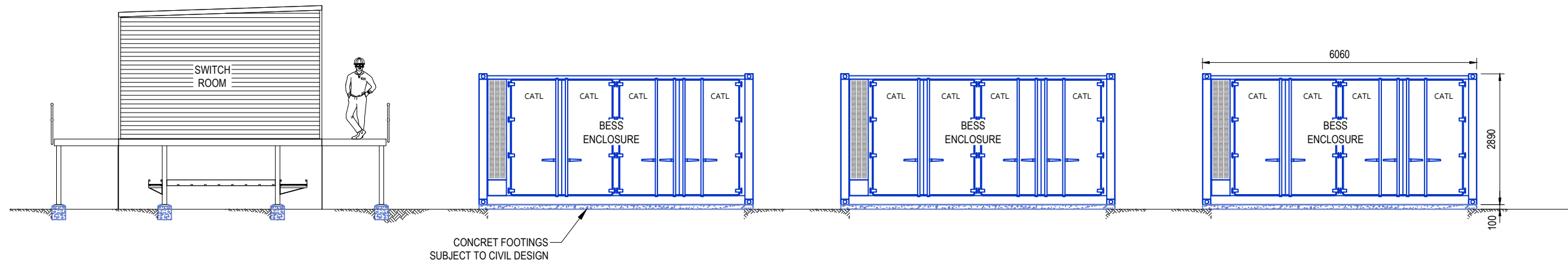
FILE NAME: 8582-E-800_A.dwg PLOT DATE: 23/08/2023 4:07:46PM BY: John Owe

DRAWING No.	REFERENCE DRAWING	No.	DATE	REVISION	DRN	CHK	APP	No.	DATE	REVISION	DRN	CHK	APP
x								A	23.08.23	ISSUED FOR REVIEW	JFC	DG	GM

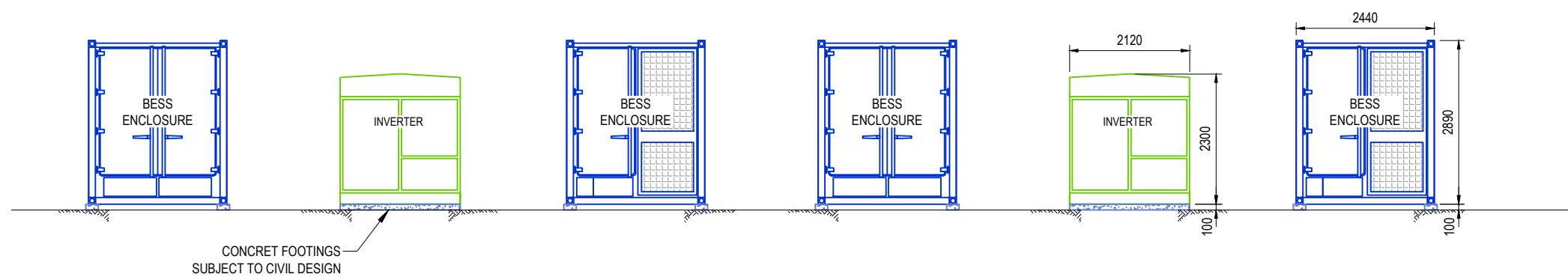
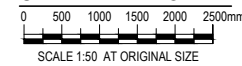


Petro Min Engineers
Consulting Electrical Engineers
Mining & Oil and Gas
Suite 2.4, Level 2 9 Bowman Street
South Perth
Western Australia 6151
Email: admin@petromineng.com.au
Phone: +61 08 9367 5244
ABN: 43 579 882 598

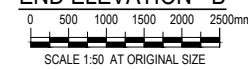
DRAWN	JFC	DATE	AUG 2023	CLIENT	TESLA CORPORATION Pty Ltd
CHECKED	DG	DATE	AUG 2023	PROJECT	PICTON - HARRIS ROAD, DARDANUP
DESIGNED	PME	DATE	AUG 2023	TITLE	BESS UPGRADE
JOB	8582				SITE GENERAL ARRANGEMENT
CAD FILE:	8582-E-800_A.DWG	SHEET	A1	SCALE	N/A
		DRG No.	8582-E-800	REV	A



SIDE ELEVATION - A



END ELEVATION - B



NOTES

1. DIMENSIONS SUBJECT TO FINAL DESIGN.

FILE NAME: 8582-E-801 BESS Version 1.dwg PLOT DATE: 13/02/2024 4:02:20 PM BY: John Care

DRAWING No.	REFERENCE DRAWING	No.	DATE	REVISION	DRN	CHK	APP	No.	DATE	REVISION	DRN	CHK	APP
8582-E-800	SITE GENERAL ARRANGEMENT							A	23.08.23	ISSUED FOR REVIEW	JFC	DG	GM



Petro Min Engineers
 Consulting Electrical Engineers
 Mining & Oil and Gas
 Suite 2.4, Level 2 9 Bowman Street
 South Perth
 Western Australia 6151
 Email: admin@petromineng.com.au
 Phone: +61 08 9367 5244
 ABN: 43 579 882 598

DRAWN	JFC	DATE	AUG 2023	CLIENT	TESLA CORPORATION Pty Ltd
CHECKED	DG	DATE	AUG 2023	PROJECT	PICTON - HARRIS ROAD, DARDANUP
DESIGNED	PME	DATE	AUG 2023	TITLE	BESS UPGRADE ELEVATION VIEWS
JOB	8582			SHEET	A1
CAD FILE:	8582-E-801 BESS VERSION 1.DWG			SCALE	N/A
				DRG No.	8582-E-801
				REV	A

From: Chris Crowson <chris.crowson@atco.com>
Sent: Tuesday, 5 March 2024 10:49 AM
To: Submissions Planning
Subject: ATCO Response - LM01103761 - JDAP Referral - Industrial Development - Lot 504 (5) Hardisty Court, Picton East - ATCO Gas
Attachments: DA Govt Agency Referral - ATCO Gas Australia.pdf; image002.jpg; image001.jpg; image006.jpg; image005.jpg; image004.jpg; image003.jpg
Follow Up Flag: Follow up
Flag Status: Flagged

You don't often get email from chris.crowson@atco.com. [Learn why this is important](#)

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Good morning

Re: JDAP Referral - Industrial Development - Lot 504 (5) Hardisty Court, Picton East - ATCO Gas
ATCO Reference: LM01103761

ATCO Gas Australia (ATCO) has **no objection** to the proposed application, based on the information and plan provided.

Advice notes:

- Anyone proposing to carry out construction or excavation works must contact 'Before You Dig Australia' (www.byda.com.au) to determine the location of buried gas infrastructure. Refer to ATCO document AGA-O&M-PR24-Additional Information for Working Around Gas Infrastructure <https://www.atco.com/en-au/for-home/natural-gas/wa-gas-network/working-around-gas.html>
- Proposed construction and excavation works need to be managed in accordance with the ATCO document *Additional Information for Working Around Gas Infrastructure - AGA-O&M-PR24* <https://www.atco.com/en-au/for-home/natural-gas/wa-gas-network/working-around-gas.html>
- If the disconnection and/or removal of an ATCO gas service is required, a request can be submitted via the online ATCO portal found [here](#).

Please accept this email as ATCO's written response.

Should you have any queries regarding the information above, please contact us on 13 13 56 or eservices@atco.com.

Regards

Chris Crowson
Land Management Coordinator
ATCO, Gas Division, Australia

A. 81 Prinsep Road, Jandakot, Western Australia, 6164
atco.com.au [LinkedIn](#) [Facebook](#) [X](#)



ATCO acknowledges the Traditional Owners of country throughout Australia and their continuing connection to land, sea and community. We pay respect to their Elders past, present and emerging, and in the spirit of reconciliation, we commit to working together for our shared future.



Our Ref: D33774
Your Ref: DAP-F0361009

Mikaela Kerwin
Shire of Dardanup
submissions@dardanup.wa.gov.au

Dear Ms Kerwin

RE: HIGH RISK LAND USE - USE NOT LISTED (POWER STATION) - LOT 504 (5) HARDISTY COURT, PICTON EAST - DEVELOPMENT APPLICATION

I refer to your email dated 29 February 2024 regarding the submission of a Bushfire Management Plan (BMP) (Version 1.0), prepared by Bushfire Prone Planning dated 24 January 2024, for the abovementioned development application. The BMP is accompanied by a Bushfire Risk Report (Version 1.0) prepared by Bushfire Prone Planning and a Development Application prepared by Taylor Burrell Barnett dated February 2024.

This advice relates only to *State Planning Policy 3.7: Planning in Bushfire Prone Areas* (SPP 3.7) and the *Guidelines for Planning in Bushfire Prone Areas* (Guidelines). Commentary is also provided regarding provisions set out in the Victorian Country Fire Association (CFA) *Renewable Energy Facilities Design Guidelines and Model Requirements*, Version 4, August 2023, which currently provides best practice guidance in relation to such facilities. It is the responsibility of the proponent to ensure the proposal complies with relevant planning policies and building regulations where necessary. This advice does not exempt the applicant/proponent from obtaining approvals that apply to the proposal including planning, building, health or any other approvals required by a relevant authority under written laws.

Assessment

- It is noted that the proposed development has been referred as a high-risk land use.
- An Emergency Evacuation Plan has not been submitted for the proposal in accordance with SPP 3.7 clause 6.6.1.
- BMP Table 6.1 describes developer responsibilities 'prior to issue of a certificate of title for new lots'. Table 6.1 should be amended to refer to works 'prior to commencement of the use'.
- References to residential dwellings in Table 6.3 should be removed.
- Further clarification is required within the BMP of the requirements of SPP 3.7, and the supporting Guidelines as outlined in our assessment below.

(Appendix ORD: 12.2.2D)

1. Policy Measure 6.5 a) Preparation of a BAL contour map

Issue	Assessment	Action
Vegetation Exclusion	<p>Evidence to support the exclusion of Harris Road and Hardisty Road reserves as managed to low threat in perpetuity in accordance with AS3959 is required.</p> <p>Alternatively, the vegetation should be classified as per AS3959, or the resultant BAL ratings may be inaccurate.</p>	<p>Clarification required.</p> <p>The decision maker to be satisfied with the vegetation exclusions and vegetation management proposed.</p>
Method 2	<p>A Method 2 calculation has been provided to support the area identified as being exposed to a radiant heat level of 10kW/m². While the calculations have been validated on the inputs provided, DFES highlights the concerns raised with vegetation above, which may result in the actual heat flux experienced at site being higher than suggested in the BMP.</p> <p>As per the Guidelines, areas of 10kw/m² and 2kW/m² are usually applied in discussions relating to life safety and the vulnerability of the land use and are calculated using a flame temperature of 1200K to reflect this. Sufficient information should be provided to demonstrate that a flame temperature of 1090K is appropriate in this situation as opposed to 1200K (noting table B1 and comment CB10.2 in AS3959).</p>	<p>Modification to the BMP is required.</p>

2. Policy Measure 6.5 c) Compliance with the Bushfire Protection Criteria

Element	Assessment	Action
Location and Siting and Design	A1.1 & A2.1 – insufficient information The BAL ratings cannot be validated, as the vegetation classification inputs require clarification as per the above table. The decision maker needs to be satisfied with vegetation management on adjacent road reserves to meet the Low Threat standard in accordance with AS3959.	The decision maker to be satisfied that compliance with Element 1 and Element 2 can be achieved.

3. Policy Measure 6.6.1 High-Risk land uses

Issue	Assessment	Action
Risk Assessment and Management Report (RAMP)	DFES support the inclusion of the RAMP as a tool to identify hazards and detail the proposed responses. However, DFES views this document as supporting information to the Bushfire Management Plan and has not included a formal assessment of the RAMP in the decision-making process at this point in time.	

Regional Operational Comments:

The application has been referred to the Regional Office for operational advice and specific comments regarding the proposal have not been provided in this case.

Built Environment Branch Comments:

Firefighters need safe and easy access to a building's suitable water supply and it must provide adequate quantity, flows and pressure. Firefighters cannot carry out firefighting operations without water.

1.1 A flow and pressure test report for the street hydrant which confirms that a firefighting water supply of at least 20L/s is available to the site should be provided.

2.2 A fire hydrant hose coverage plan demonstrating that coverage throughout the BESS is achieved via two lengths of fire hose (from a fire appliance sited on a hardstand) should be provided.

CFA Renewable Energy Facilities Design Guidelines and Model Requirements

While not a requirement, DFES recommends the decision maker considers application of the recommendations in the *CFA Renewable Energy Facilities Design Guidelines and Model Requirements* (CFA Guideline) to the proposal.

Section 4.2.1 of the CFA Guideline, recommends at least two access points to each part of the facility. The lot is serviced by a single crossover. An additional crossover is recommended for consideration in addition to provision of 'no parking signage' in turn around areas.

Section 4.2.6.2 of the CFA Guideline recommends a firebreak, of a minimum 10m width, around the battery energy storage system and related infrastructure. Existing accessways around the system and within the perimeter walls are approximately 5-6m in width. An external accessway exists that is more than 10m in width however this is not around the entire system. Neither the

(Appendix ORD: 12.2.2D)

BMP nor the Risk Management Plan address this separation standard. Modification to the existing access ways is recommended for consideration in accordance with the CFA Guideline.

Recommendation – compliance with acceptable solutions not fully demonstrated – minor modifications required

The development application and the BMP have adequately identified issues arising from the bushfire risk assessment and considered how compliance with the bushfire protection criteria can be achieved. However, modifications to the BMP are necessary to ensure it accurately identifies the bushfire risk and necessary mitigation measures. As these modifications will not affect the development design, these modifications can be undertaken without further referral to DFES. The required modifications are listed in the table(s) above.

As this planning decision is to be made by a Joint Development Assessment Panel please forward notification of the decision to DFES for our records.

If you require further information, please contact Angela Satre, Principal Planning Policy Officer on telephone number 9395 9546.

Yours sincerely



Naomi Mynott
DIRECTOR LAND USE PLANNING

17 April 2024

CC Gabriella.Hayward@dardanup.wa.gov.au
Mikaela.Kerwin@dardanup.wa.gov.au



Department of Biodiversity,
Conservation and Attractions



(Appendix ORD: 12.2.2D)

Your ref: DAP-F0361009
Our ref: PRS 51940 2018/001603
Enquiries: Tracy Teede
Phone: 9725 4300
Email: swlandusernanning@dfca.wa.gov.au

Chief Executive Officer
Shire of Dardanup
PO Box 7016
DARDANUP WA 6232

ATTENTION: Gabriella Hayward

**USE NOT LISTED (POWER STATION) - BATTERY ENERGY STORAGE SYSTEM –
LOT 504 (5) HARDISTY COURT PICTON EAST**

The Department of Biodiversity Conservation and Attractions Parks and Wildlife Service South West Region has no comments on the above proposal.

It is considered that the proposal and any potential environmental impacts will be appropriately addressed through the existing planning framework.

Thank you for the opportunity to comment on this application. Please contact Tracy Teede at the Parks and Wildlife Service's South West Region office on 9725 4300 if you have any queries regarding this advice.

Yours sincerely

Aminya Ennis
Parks and Wildlife Service

15 April 2024

Regional and Fire Management Services Division
South West Region
PO Box 1693, Bunbury, Western Australia 6230
dfca.wa.gov.au

From: Katya Tripp <katya.tripp@dplh.wa.gov.au>
Sent: Thursday, 7 March 2024 4:25 PM
To: Gabriella Hayward
Subject: RE: JDAP Referral - Industrial Development - Lot 504 (5) Hardisty Court, Picton East - DPLH

Follow Up Flag: Follow up
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OFFICIAL

Hi Gabriella,

Thank you for your referral of JDAP for Lot 504 Hardisty Court, Picton East.

The land is zoned Industrial under the Greater Bunbury Region Scheme (GBRS). The land is not identified as within any of the GBRS policy areas or buffers.

The Department has no further comment on the proposal.

Kind Regards

Katya Tripp

Senior Planner | Land Use Planning

Department of Planning, Lands and Heritage

Lvl 6, 61 Victoria Street, Bunbury WA 6230

wa.gov.au/dplh | 6551 9942 | |



The Department is responsible for planning and managing land and heritage for all Western Australians – now and into the future

The Department acknowledges the Aboriginal people of Western Australia as the traditional custodians of this land, and we pay our respects to their Elders, past and present.

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From: Gabriella Hayward <Gabriella.Hayward@dardanup.wa.gov.au>
Sent: Thursday, 29 February 2024 4:44 PM
To: DPI Referrals <Referrals@dplh.wa.gov.au>
Subject: JDAP Referral - Industrial Development - Lot 504 (5) Hardisty Court, Picton East - DPLH

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From: Daniel Wong <daniel.wong@dwer.wa.gov.au>
Sent: Thursday, 28 March 2024 9:07 AM
To: Submissions Planning; Gabriella Hayward
Subject: Noise advice for Power station at Lot 504 Hardisty Court Picton East at Lot 504 Hardisty Court Picton East (DWER ref: PA 062440 , DWERVT14720~1 ; Shire ref: DAP-F0361009)

Follow Up Flag: Follow up
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OFFICIAL

OFFICIAL

Dear Gabriella,

RE: Noise advice for Power station at Lot 504 Hardisty Court Picton East at Lot 504 Hardisty Court Picton East (DWER ref: PA 062440 , DWERVT14720~1 ; Shire ref: DAP-F0361009)

Thank you for providing the above Development Application (DA) for the Department of Water and Environmental Regulation (Department) to consider.

This proposal is to convert a peaking station (comprising diesel generator sets) to a Battery Energy Storage System (BESS) at the above address.

As noise are matters delegated to the Shire's Environmental Health Officers, can you please confirm that the noise report in Appendix E is not required by DWER?

If an assessment of the noise report is required of DWER, the provision of this information may extend our response to the Shire past it's due date as the turnaround time for noise advice is around 6 weeks depending upon workloads.

Thank you.

Kind regards

Daniel Wong

Environmental Officer
Department of Water and Environmental Regulation
Planning Advice South West Region

Email: daniel.wong@dwer.wa.gov.au

Phone: 08 9726 4113


Fax: 08 9726 4100

(Appendix ORD: 12.2.2D)

From: Daniel Wong <daniel.wong@dwer.wa.gov.au>
Sent: Monday, 8 April 2024 4:58 PM
To: Submissions Planning; Gabriella Hayward
Subject: Proposed Power station at Lot 504 Hardisty Court Picton East at Lot 504 Hardisty Court Picton East - Application for regional joint development assessment panel approval - Use not listed (DWER ref: PA 062440 , DWERVT14720~1 ; Shire ref: DAP-F0361009)

Follow Up Flag: Follow up
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OFFICIAL

OFFICIAL

8th April 2024

Our Reference: PA 062440 , DWERVT14720~1

Your Reference: DAP-F0361009

To: Shire of Dardanup

From: Department of Water and Environmental Regulation

Attention: Gabriella Hayward

RE: Proposed Power Station at Lot 504 Hardisty Court Picton East at Lot 504 Hardisty Court Picton East (Battery Energy Storage System – BESS) – Application for regional joint development assessment panel approval - Use not listed

Dear Gabriella,

Thank you for providing the above Development Application (DA) for the Department of Water and Environmental Regulation (Department) to consider.

This proposal is to convert a peaking station (comprising diesel generator sets) to a Battery Energy Storage System (BESS) at the above address.

The Department has identified that the proposal has the potential for impact on the environment and water resource values. Key issues and recommendations are provided below, and these matters should be addressed:

- **Issue 1:** Prescribed Premises and the *Environmental Protection Regulations 1987*

(Appendix ORD: 12.2.2D)

- **Advice 1:** The following is advised:
 - a) As the BESS on its own **does not** meet the description of any of the prescribed premises categories in Schedule 1 of the *Environmental Protection Regulations 1987* it would not be subject to the requirement to obtain a works approval prior to construction or to hold a licence to cause emissions or discharges **provided** it is established following the **surrender** of the existing licence.
 - b) As such, the licence holder is advised to apply to surrender their licence following the removal of the generators on the premises – and once surrendered the premises would no longer be considered prescribed.
 - c) However, if the existing power generation infrastructure is **not** removed and the licence surrendered **prior** to commencing works to establish the BESS, the provisions of section 53 of the *Environmental Protection Act 1986* (EP Act) apply, which may include a works approval or licence amendment.
 - d) Further guidance on changes to prescribed premises can be found in DWER's Industry Regulation Guide to Licensing which can be accessed at: <https://www.wa.gov.au/system/files/2023-02/Guideline-Industry-regulation-guide-to-licensing.pdf>

- **Issue 2:** Acid sulfate soils

- **Advice 2:** Advice: Acid sulfate soils (ASS) risk mapping indicates that the site is located within an area identified as representing a moderate to low risk of ASS occurring within 3 metres of the natural soil surface. Please refer to Department of Water and Environmental Regulation's (DWER) acid sulfate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works: <https://www.der.wa.gov.au/your-environment/acid-sulfate-soils/69-acidsulfatesoils-guidelines>."

Where the Department has a statutory role, planning applications should be considered prior to the Department issuing any relevant permits, licenses and/or approvals.

In the event that the applicant determines that a works approval or licence application is required under Part V of the *Environmental Protection Act 1986* (EP Act), the advice provided in this communication does not prejudice and must not be considered to infer the outcome of the EP Act licence and works approval process.

More detail pertaining to the above issues are provided in Table 1 below.

In the event there are modifications to the proposal that may have implications on aspects of environment and/or water management, the Department should be notified to enable the implications to be assessed.

Should you require any further information on the comments please contact the undersigned.

Thank you.

Yours sincerely,

Daniel Wong

Environmental Officer
Department of Water and Environmental Regulation
Planning Advice South West Region

Email: daniel.wong@dwer.wa.gov.au

Phone: 08 9726 4113

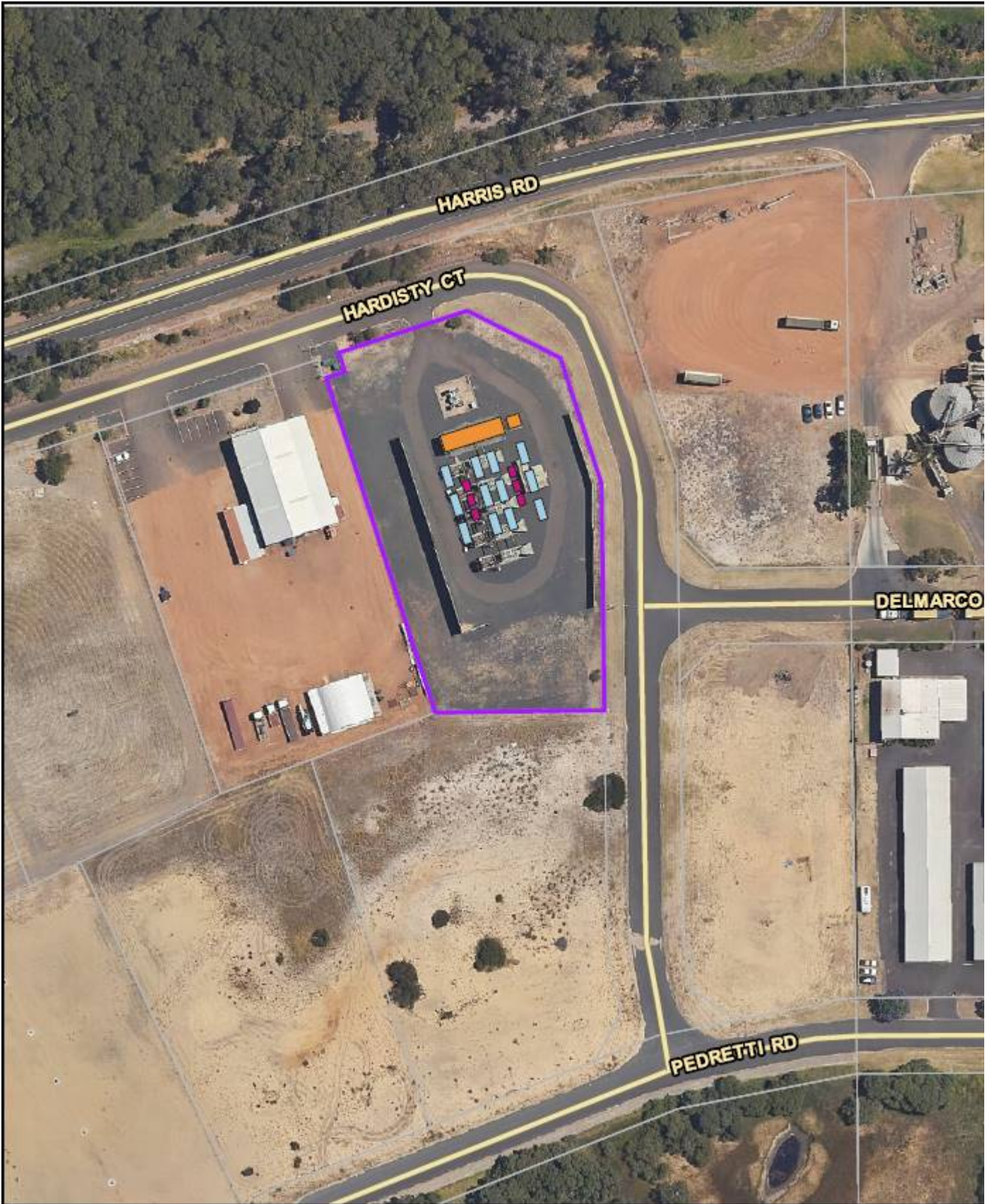
Fax: 08 9726 4100

Table 1 - Department of Water and Environmental Regulation detailed comments on DAP-F0361009

Item No.	Ref	Reviewer comment/advice
1	N/A	<p>Issue 1: Prescribed Premises and the <i>Environmental Protection Regulations 1987</i></p> <p>Advice 1: The following is advised:</p> <ul style="list-style-type: none">• a) As the BESS on its own does not meet the description of any of the prescribed premises categories in Schedule 1 of the <i>Environmental Protection Regulations 1987</i> it would not be subject to the requirement to obtain a works approval prior to construction or to hold a licence to cause emissions or discharges provided it is established following the surrender of the existing licence.• b) As such, the licence holder is advised to apply to surrender their licence following the removal of the generators on the premises – and once surrendered the premises would no longer be considered prescribed.• c) However, if the existing power generation infrastructure is not removed and the licence surrendered prior to commencing works to establish the BESS, the provisions of section 53 of the <i>Environmental Protection Act 1986</i> (EP Act) apply, which may include a works approval or licence amendment.• d) Further guidance on changes to prescribed premises can be found in DWER’s Industry Regulation Guide to Licensing which can be accessed at: https://www.wa.gov.au/system/files/2023-02/Guideline-Industry-regulation-guide-to-licensing.pdf <p>Discussion 1: The Department of Water and Environmental Regulation (DWER) regulates emissions and discharges from the construction and operation of prescribed premises through a works approval and licensing process, under Part V, Division 3 of the <i>Environmental Protection Act 1986</i> (EP Act).</p> <p>The categories of prescribed premises are outlined in Schedule 1 of the <i>Environmental Protection Regulations 1987</i>.</p> <p>The EP Act requires a works approval to be obtained before constructing a prescribed premises and makes it an offence to cause an emission or discharge from an existing prescribed premises unless they are the holder of a works approval or licence (or registration) and the emission is in accordance with any conditions to which the licence or works approval is subject.</p> <p>The provided development application was reviewed in relation to works approval and licence requirements under Part V Division 3 of the EP Act.</p> <p>This premises is currently licensed under Part V of the <i>Environmental Protection Act 1986</i> (EP Act) (licence number L8581/2011/3) as a Category 52 Electric power generation facility. The Licence Holder is Tesla Corporation Management Pty Ltd.</p> <p>The premises operates as a peak load power plant which operates on an as required basis dependant on power demand. The licence authorises emissions associated with the operation of five diesel generators. The proposal indicates the power generators will be removed from the premises prior to establishing the BESS. When the power generators are removed from the premises it will no longer meet</p>

(Appendix ORD: 12.2.2D)

		<p>the category description for Category 52: Electric power generation: premises (other than premises within category 53 or an emergency or standby power generating plant) on which electrical power is generated using a fuel. The licence holder is able to apply to surrender their licence following the removal of the generators on the premises and once surrendered the premises would no longer be considered prescribed.</p> <p>If the existing power generation infrastructure is not removed and the licence surrendered prior to commencing works to establish the BESS, then the applicant should make themselves aware of the provisions of section 53 of the <i>Environmental Protection Act 1986</i> (EP Act) which outlines obligations for certain types of changes to an existing prescribed premises to be approved. Under the Department’s Regulatory Framework, the appropriate mechanism for obtaining approval (if required) is through the grant or amendment of a works approval or licence. The Department will retain discretion on whether a works approval or licence amendment application is appropriate – further guidance on changes to prescribed premises can be found in DWER’s Industry Regulation Guide to Licensing which can be accessed at: https://www.wa.gov.au/system/files/2023-02/Guideline-Industry-regulation-guide-to-licensing.pdf.</p> <p>As the BESS on its own does not meet the description of any of the prescribed premises categories in Schedule 1 of the <i>Environmental Protection Regulations 1987</i> it would not be subject to the requirement to obtain a works approval prior to construction or to hold a licence to cause emissions or discharges provided it is established following the surrender of the existing licence.</p>
2	N/A	<p>Issue 2: Acid sulfate soils (ASS)</p> <p>Advice 2: Advice: Acid sulfate soils (ASS) risk mapping indicates that the site is located within an area identified as representing a moderate to low risk of ASS occurring within 3 metres of the natural soil surface. Please refer to Department of Water and Environmental Regulation’s (DWER) acid sulfate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works: https://www.der.wa.gov.au/your-environment/acid-sulfate-soils/69-acidsulfatesoils-guidelines.”</p> <p>Discussion 2: If ground disturbing works are proposed, the following is advised below:</p> <p>Acid sulfate soils (ASS) risk mapping indicates that the site is located within an area identified as representing a moderate to low risk of ASS occurring within 3 metres of the natural soil surface. DWER advises that a model ASS related condition is not considered necessary in this instance. However, the above advice note is recommended to be applied to the relevant approval.</p>



Screenshot 1



Screenshot 2

L8581/2011/3

I want to... 15

Details

OBJECTID
751

Instrument_Number
L8581/2011/3

Type
Licence

licenceHolder
Tesla Corporation Management Pty Ltd

Locality
PICTON EAST, WA 6229

Status
issued

Expiry
Sep 30, 2035 12:00 AM

CaptureMethod
Not Recorded

Quality
N/A

Officer
N/A

Date_Verified
N/A

Hyperlink
<https://www.der.wa.gov.au/our-work/licences-and-works-approvals/current-licences>

Layers L8581/2011/3

World_To... GDA 2020 Zone 50 X 381024.84031 Y 6308356.55882

Screenshot 3

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Development
Services

629 Newcastle Street
Leederville WA 6007

PO Box 100
Leederville WA 6902

T (08) 9420 2099
F (08) 9420 3193



Your Ref: DAP-F0361009
Our Ref: 168723767 – DAP407684
Enquiries: Julie Doessel
Direct Tel: 9420 2099
Email: land.planning@watercorporation.com.au

11 March 2024

Shire of Dardanup
PO BOX 7016
EATON WA 6232

Attn: Gabriella Hayward

Re: Development Application – Power Station – Lot 504 (5) Hardisty Court, Picton East

Thank you for your email dated 29th February. Water Corporation has no objection to the proposal as Water Corporation's infrastructure does not service the subject lot. The proposal reported stated that wastewater was not being sought to connect.

The information provided above is subject to review and may change. If the proposal has not proceeded within the next 6 months, please contact us to confirm that this information is still valid. Please provide the above comments to the landowner, developer and/or their representative.

Should you have any queries or require further clarification on any of the above issues, please do not hesitate to contact the Enquiries Officer.

Kind Regards

Julie Doessel

Julie Doessel
Advisor - Land Use Planning
Development Services

Schedule of Submissions - Lot 504 (No. 5) Hardisty Court, Picton East

	Submitter	Submitter Comment	Officer Comment
1	Aqwest		No Submission Received
2	ATCO Gas Australia	<ul style="list-style-type: none">• No objection, subject to the below advice notes:<ul style="list-style-type: none">o Anyone proposing to carry out construction or excavation works must contact 'Before You Dig Australia' (www.byda.com.au) to determine the location of buried gas infrastructure. Refer to ATCO document AGA-O&M-PR24- Additional Information for Working Around Gas Infrastructure https://www.atco.com/en-au/for-home/natural-gas/wa-gas-network/working-around-gas.htmlo Proposed construction and excavation works need to be managed in accordance with the ATCO document Additional Information for Working Around Gas Infrastructure - AGA-O&M-PR24 https://www.atco.com/en-au/for-home/natural-gas/wa-gas-network/working-around-gas.htmlo If the disconnection and/or removal of an ATCO gas service is required, a request can be submitted via the online ATCO portal found.	Noted.
3	Department of Fire and Emergency Services	<p>I refer to your email dated 29 February 2024 regarding the submission of a Bushfire Management Plan (BMP) (Version 1.0), prepared by Bushfire Prone Planning dated 24 January 2024, for the abovementioned development application. The BMP is accompanied by a Bushfire Risk Report (Version 1.0) prepared by Bushfire Prone Planning and a Development Application prepared by Taylor Burrell Barnett dated February 2024.</p> <p>This advice relates only to <i>State Planning Policy 3.7: Planning in Bushfire Prone Areas</i> (SPP 3.7) and the <i>Guidelines for Planning in Bushfire Prone Areas</i> (Guidelines). Commentary is also provided regarding provisions set out in the Victorian Country Fire Association (CFA) <i>Renewable Energy Facilities Design Guidelines and Model Requirements</i>, Version 4, August 2023, which currently provides best practice guidance in relation to such facilities. It is the responsibility of the proponent to ensure the proposal complies with relevant planning policies and building regulations where necessary. This advice does not exempt the applicant/proponent from obtaining approvals that apply to the proposal including planning, building, health or any other approvals required by a relevant authority under written laws.</p>	Noted.

		<p>Assessment</p> <ul style="list-style-type: none">• It is noted that the proposed development has been referred as a high-risk land use.• An Emergency Evacuation Plan has not been submitted for the proposal in accordance with SPP 3.7 clause 6.6.1.• BMP Table 6.1 describes developer responsibilities 'prior to issue of a certificate of title for new lots'. Table 6.1 should be amended to refer to works 'prior to commencement of the use'.• References to residential dwellings in Table 6.3 should be removed.• Further clarification is required within the BMP of the requirements of SPP 3.7, and the supporting Guidelines as outlined in our assessment below <p>1. Policy Measure 6.5 a) Preparation of a BAL contour map</p> <p>Issue: Vegetation Exclusion</p> <p>Evidence to support the exclusion of Harris Road and Hardisty Road reserves as managed to low threat in perpetuity in accordance with AS3959 is required. Alternatively, the vegetation should be classified as per AS3959, or the resultant BAL ratings may be inaccurate.</p> <p>Clarification required. The decision maker to be satisfied with the vegetation exclusions and vegetation management proposed.</p> <p>Issue: Method 2</p> <p>A Method 2 calculation has been provided to support the area identified as being exposed to a radiant heat level of 10kW/m². While the calculations have been validated on the inputs provided, DFES highlights the concerns raised with vegetation above, which may result in the actual heat flux experienced at site being higher than suggested in the BMP. As per the Guidelines, areas of 10kw/m² and 2kW/m² are usually applied in discussions relating to life safety and the vulnerability of the land use and are calculated using a flame temperature of 1200K to reflect this. Sufficient information should be provided to demonstrate that a flame temperature of 1090K is appropriate in this situation as opposed to 1200K (noting table B1 and comment CB10.2 in AS3959).</p>	
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		<p>Modification to the BMP is required.</p> <p>2. Policy Measure 6.5 c) Compliance with the Bushfire Protection Criteria</p> <p>Issue: Location and Siting and Design</p> <p>A1.1 & A2.1 – insufficient information The BAL ratings cannot be validated, as the vegetation classification inputs require clarification as per the above table. The decision maker needs to be satisfied with vegetation management on adjacent road reserves to meet the Low Threat standard in accordance with AS3959</p> <p>The decision maker to be satisfied that compliance with Element 1 and Element 2 can be achieved.</p> <p>3. Policy Measure 6.6.1 High-Risk land uses</p> <p>Issue: Risk Assessment and Management Report (RAMP)</p> <p>DFES support the inclusion of the RAMP as a tool to identify hazards and detail the proposed responses. However, DFES views this document as supporting information to the Bushfire Management Plan and has not included a formal assessment of the RAMP in the decision-making process at this point in time.</p> <p>Regional Operational Comments: The application has been referred to the Regional Office for operational advice and specific comments regarding the proposal have not been provided in this case.</p> <p>Built Environment Branch Comments: Firefighters need safe and easy access to a building's suitable water supply and it must provide adequate quantity, flows and pressure. Firefighters cannot carry out firefighting operations without water.</p> <p>1.1 A flow and pressure test report for the street hydrant which confirms that a firefighting water supply of at least 20L/s is available to the site should be provided.</p>	
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		<p>2.2 A fire hydrant hose coverage plan demonstrating that coverage throughout the BESS is achieved via two lengths of fire hose (from a fire appliance sited on a hardstand) should be provided.</p> <p>CFA Renewable Energy Facilities Design Guidelines and Model Requirements While not a requirement, DFES recommends the decision maker considers application of the recommendations in the <i>CFA Renewable Energy Facilities Design Guidelines and Model Requirements</i> (CFA Guideline) to the proposal.</p> <p>Section 4.2.1 of the CFA Guideline, recommends at least two access points to each part of the facility. The lot is serviced by a single crossover. An additional crossover is recommended for consideration in addition to provision of 'no parking signage' in turn around areas.</p> <p>Section 4.2.6.2 of the CFA Guideline recommends a firebreak, of a minimum 10m width, around the battery energy storage system and related infrastructure. Existing accessways around the system and within the perimeter walls are approximately 5-6m in width. An external accessway exists that is more than 10m in width however this is not around the entire system. Neither the BMP nor the Risk Management Plan address this separation standard. Modification to the existing access ways is recommended for consideration in accordance with the CFA Guideline.</p> <p>Recommendation – compliance with acceptable solutions not fully demonstrated – minor modifications required The development application and the BMP have adequately identified issues arising from the bushfire risk assessment and considered how compliance with the bushfire protection criteria can be achieved. However, modifications to the BMP are necessary to ensure it accurately identifies the bushfire risk and necessary mitigation measures. As these modifications will not affect the development design, these modifications can be undertaken without further referral to DFES. The required modifications are listed in the table(s) above.</p> <p>As this planning decision is to be made by a Joint Development Assessment Panel please forward notification of the decision to DFES for our records</p>	
4	Department of Biodiversity, Conservation and Attractions	<p>The Department of Biodiversity Conservation and \ Attractions Parks and Wildlife Service Southwest Region has no comments on the above proposal.</p> <p>It is considered that the proposal and any potential environmental impacts will be appropriately addressed through the existing planning framework.</p>	Noted.

(Appendix ORD: 12.2.2E)

5	Department of Jobs, Tourism, Science and Innovation		No Submission Received
6	Department of Planning, Lands and Heritage	<ul style="list-style-type: none">• Land is zoned Industrial under the GBRS.• The subject site is not identified as within any of the GBRS policy areas or buffers.• DPLH has no further comment on the proposal	Noted.
7	Department of Water and Environment Regulation	<p><u>Submission 1:</u> As noise are matters delegated to the Shire’s Environmental Health Officers, can you please confirm that the noise report in Appendix E is not required by DWER?</p> <p>If an assessment of the noise report is required of DWER, the provision of this information may extend our response to the Shire past it’s due date as the turnaround time for noise advice is around 6 weeks depending upon workloads.</p> <p><u>Submission 2:</u> Issue 1: Prescribed Premises and the <i>Environmental Protection Regulations 1987</i></p> <p>Advice 1: The following is advised:</p> <ul style="list-style-type: none">• a) As the BESS on its own does not meet the description of any of the prescribed premises categories in Schedule 1 of the <i>Environmental Protection Regulations 1987</i> it would not be subject to the requirement to obtain a works approval prior to construction or to hold a licence to cause emissions or discharges provided it is established following the surrender of the existing licence.• b) As such, the licence holder is advised to apply to surrender their licence following the removal of the generators on the premises – and once surrendered the premises would no longer be considered prescribed.• c) However, if the existing power generation infrastructure is not removed and the licence surrendered prior to commencing works to establish the BESS, the provisions of section 53 of the <i>Environmental Protection Act 1986</i> (EP Act) apply, which may include a works approval or licence amendment.• d) Further guidance on changes to prescribed premises can be found in DWER’s Industry Regulation Guide to Licensing which can be accessed at: https://www.wa.gov.au/system/files/2023-02/Guideline-Industry-regulation-guide-to-licensing.pdf	Noted.

		<p>Discussion 1: The Department of Water and Environmental Regulation (DWER) regulates emissions and discharges from the construction and operation of prescribed premises through a works approval and licensing process, under Part V, Division 3 of the <i>Environmental Protection Act 1986</i> (EP Act).</p> <p>The categories of prescribed premises are outlined in Schedule 1 of the <i>Environmental Protection Regulations 1987</i>.</p> <p>The EP Act requires a works approval to be obtained before constructing a prescribed premises and makes it an offence to cause an emission or discharge from an existing prescribed premises unless they are the holder of a works approval or licence (or registration) and the emission is in accordance with any conditions to which the licence or works approval is subject.</p> <p>The provided development application was reviewed in relation to works approval and licence requirements under Part V Division 3 of the EP Act.</p> <p>This premises is currently licensed under Part V of the <i>Environmental Protection Act 1986</i> (EP Act) (licence number L8581/2011/3) as a Category 52 Electric power generation facility. The Licence Holder is Tesla Corporation Management Pty Ltd.</p> <p>The premises operates as a peak load power plant which operates on an as required basis dependant on power demand. The licence authorises emissions associated with the operation of five diesel generators. The proposal indicates the power generators will be removed from the premises prior to establishing the BESS. When the power generators are removed from the premises it will no longer meet the category description for Category 52: Electric power generation: premises (other than premises within category 53 or an emergency or standby power generating plant) on which electrical power is generated using a fuel. The licence holder is able to apply to surrender their licence following the removal of the generators on the premises and once surrendered the premises would no longer be considered prescribed.</p> <p>If the existing power generation infrastructure is not removed and the licence surrendered prior to commencing works to establish the BESS, then the applicant should make themselves aware of the provisions of section 53 of the <i>Environmental Protection Act 1986</i> (EP Act) which outlines obligations for certain types of changes to an existing prescribed premises to be approved. Under the Department's Regulatory Framework, the appropriate mechanism for obtaining approval (if required) is through the grant or amendment of a works approval or licence. The Department will retain discretion on whether a works approval or</p>	
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(Appendix ORD: 12.2.2E)

		<p>licence amendment application is appropriate – further guidance on changes to prescribed premises can be found in DWER’s Industry Regulation Guide to Licensing which can be accessed at: https://www.wa.gov.au/system/files/2023-02/Guideline-Industry-regulation-guide-to-licensing.pdf .</p> <p>As the BESS on its own does not meet the description of any of the prescribed premises categories in Schedule 1 of the <i>Environmental Protection Regulations 1987</i> it would not be subject to the requirement to obtain a works approval prior to construction or to hold a licence to cause emissions or discharges provided it is established following the surrender of the existing licence.</p> <p>Issue 2: Acid sulphate soils (ASS)</p> <p>Advice 2: Advice: Acid sulphate soils (ASS) risk mapping indicates that the site is located within an area identified as representing a moderate to low risk of ASS occurring within 3 metres of the natural soil surface. Please refer to Department of Water and Environmental Regulation’s (DWER) acid sulfate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works: https://www.der.wa.gov.au/your-environment/acid-sulfate-soils/69-acidsulfatesoils-guidelines.”</p> <p>Discussion 2: If ground disturbing works are proposed, the following is advised below:</p> <p>Acid sulfate soils (ASS) risk mapping indicates that the site is located within an area identified as representing a moderate to low risk of ASS occurring within 3 metres of the natural soil surface. DWER advises that a model ASS related condition is not considered necessary in this instance. However, the above advice note is recommended to be applied to the relevant approval.</p>	
8	Water Corporation	<ul style="list-style-type: none">• No objection as wastewater was not being sought to connect.	Noted.
9	Western Power		No Submission Received

RISK ASSESSMENT TOOL

OVERALL RISK EVENT: Lot 504 (No. 5) Hardisty Court, Picton East – Conversion of Diesel Generation Power Station to a Battery Energy Storage System (BESS)

RISK THEME PROFILE:

- 2 - Business and Community Disruption
- 7 - Environment Management

RISK ASSESSMENT CONTEXT: Operational

CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL		
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING
HEALTH	Excessive noise emissions from proposed BESS fans, inverter fans and transformers can affect the amenity of neighbouring properties	Moderate (3)	Possible (3)	Moderate (5 - 11)	An Environmental Noise Assessment Report has been prepared against prescribed standards of the <i>Environmental Protection (Noise) Regulations 1997</i> .	Minor (2)	Unlikely (2)	Low (1 - 4)
FINANCIAL IMPACT	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
SERVICE INTERRUPTION	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
LEGAL AND COMPLIANCE	The Planning and Development (Development Assessment Panels) Regulations 2011 stipulates that the JDAP must determine mandatory applications	Minor (2)	Unlikely (2)	Low (1 - 4)	A Development Application is requested to ensure proposed development is appropriate as a 'Use Not Listed' and special provisions of Clause 7.3 of TPS3.	Minor (2)	Unlikely (2)	Low (1 - 4)
REPUTATIONAL	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
ENVIRONMENT	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
PROPERTY	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.

Appendix ORD: 12.2.2(F)