

12.2 Application for Variation to Existing Development Approval – Lot 5 Robartson Rd, Merredin, Battery Energy Storage System (BESS)

<div>Development Services</div> <div>SHIRE OF MERREDIN INNOVATING THE WHEATBELT</div>	
Responsible Officer:	Peter Zenni, EMDS
Author:	As above
Legislation:	<i>Planning and Development Act 2005</i> <i>Shire of Merredin Local Planning Scheme No.6</i>
File Reference:	A9722
Disclosure of Interest:	Nil
Attachments:	Attachment 12.2A – Development Approval (DA) application seeking variation to existing development approval, Supporting Documentation and DA application Form.

Purpose of Report



Executive Decision



Legislative Requirement

For Council to consider approving the application for Development Approval (DA) lodged by Land Insights, Planning consultants, on behalf of Nomad Energy for a variation to an already-approved battery energy storage system (BESS) on a portion of Lot 5 Robartson Road, Merredin.

Background

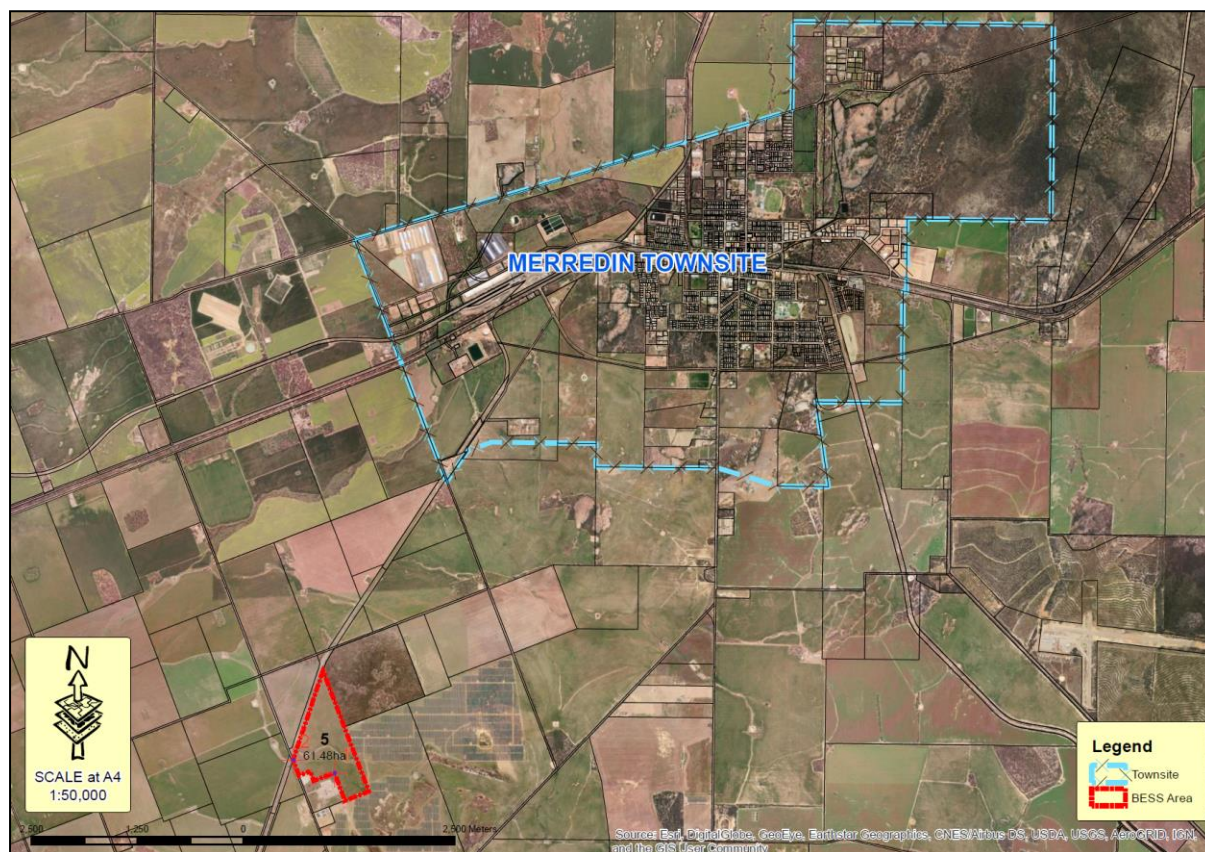
A DA (Development Approval) was granted for the BESS by the Regional Development Assessment Panel (RDAP) on 18 April 2024 (DAP Ref: 24/02631) subject to conditions. The applicant states that further design refinements of the project have been undertaken since the approval resulting in minor changes to the layout of the project to achieve optimal design and operation of the facility. In addition, some changes are resulting from compliance with third party assessment (eg. Bushfire Management Plan). It should also be noted that these minor changes are improvements in the layout and design and are contained wholly within the proposed Lot in which the existing approved development footprint occurs.

Lot 5 Robartson Road is located approximately 7.5km south-west of the centre of Merredin and comprises a land area of approximately 61.51ha. Only a small portion (approximately 4ha) of this Lot, immediately adjacent to the Merredin Terminal sub-station, will be used for the development.

The subject site is an agricultural property, does not contain any areas of remnant vegetation and is currently used for cropping and sheep grazing purposes.

Figure 1 provides a location plan of the site in relation to Merredin townsite.

FIGURE 1 – LOCATION PLAN



Source: Planwest, ESRI

The BESS project will be connected to Western Power’s transmission network at the adjacent Merredin Terminal.

The original report stated that the Shire of Merredin (the Shire) has become the renewable energy focus for the wheatbelt and Western Australia. It pioneered wind turbines and solar farms generating green energy to replace greenhouse gas emitting sources, and now the next iteration is in the storage and redistribution of this energy via battery energy storage systems (BESS).

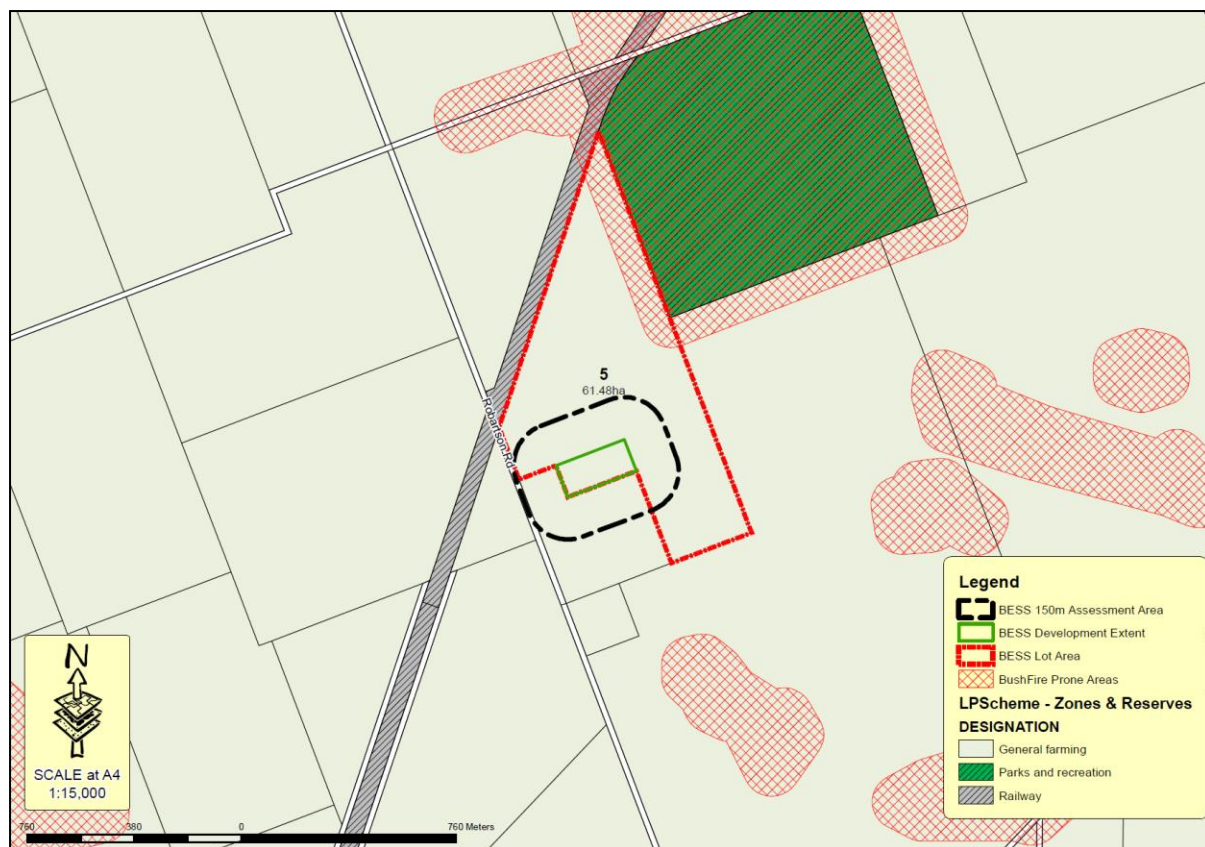
The proximity to Western Power’s Merredin Terminal substation was a key consideration when the site was originally selected and results in relatively minor works being required to connect the proposed facility to the South West Interconnector System (SWIS). The BESS facility will be accessed off Robartson Road and will be securely fenced.

The land is surrounded predominantly by other agricultural properties to the north and west, Western Power’s Merredin Terminal to the south and Merredin Solar Farm to the east/southeast. The subject site is in close proximity to other energy infrastructure assets being the Merredin Energy dual-fuel peaking plant and Merredin Solar Farm (the largest operating solar farm in Western Australia).

The closest sensitive receptor is over 2km away from the site. To the south and west of the subject site sits the energy infrastructure assets mentioned previously, to the north east of the subject site at Lot 15490 is a lot reserved for Parks and Recreation under the Shire of Merredin Local Planning Scheme No.6, known as Merredin Nature Reserve. The applicant considers that, given the nature of the facility, it is unlikely that there will be any offsite impacts and the balance of the Lot will be retained for rural / agricultural purposes.

Figure 2 shows the site plan with Bushfire Prone mapping data (DFES), a 150m assessment area and the battery development extent area.

FIGURE 2 – BUSHFIRE PRONE MAPPING AND SCHEME EXTRACT



Source: LandInsights, Bushfire Prone Planning, DFES, Planwest

The DA was accompanied by a comprehensive Bushfire Management Plan (BMP) prepared by Bushfire Prone Planning. Although Lot 5 is affected by the Bushfire Prone mapping, the proposed development site, including the modified plan, is about 200m from the nearest mapped area (as per DFES data). Notwithstanding this distance, the BMP was deemed necessary as the proposed use class is considered a high-risk land use.

The proposed development is comprised of

- 110 – 120 Battery containers.
- 6 Ring Main Units (RMU's) and 28 MV Transformers.
- A HV/MW Switchyard.
- A Western Power relay room.
- Substation (with bunding to approved standards).
- Parking for workers for both the construction and post construction phase.
- Operation and Maintenance building.
- Spare parts building.
- Internal roads (built to the required standards of both the Shire and Bushfire Requirements).
- Firefighting Infrastructure (to standards outlined in the Bushfire Management Plan).

- Development to support the construction phase.

	Comment
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The proposed variation rearranges certain facilities within the development site; however, the relocation of these components does not change the impact of the proposed development generally. In addition, some of the redesigned elements result from the need to comply with conditions – like the BMP and Westen Power requirements.

The revised layout remains consistent with the Shire’s ambition to be a centre for renewable energy systems; will have no impact on remnant vegetation, flora or fauna; and will cause minimal loss of agricultural land.

Strategic Considerations

The existing Shire of Merredin Local Planning Strategy (the Strategy) does not provide many details outside the main townsite area of Merredin. The district map of the Strategy designates the subject land as ‘General agriculture zone’. At the time of drafting the Strategy renewables were not a significant land use that required consideration.

Storm Water Management

A condition of development requires that storm water management be addressed via a drainage strategy that is acceptable to the Shire’s engineers. This ensures that any drainage from the site will be managed on the site and will not impact any neighbouring properties or public infrastructure like roadways, road reserves and other reserves.

Statutory Considerations

Figure 2 includes an extract from the Local Planning Scheme No 6 (the Scheme) showing the subject land zoned ‘General Farming’.

The DA was approved by RDAP using the ‘uses not listed’ provision of the Scheme. Under section 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011* (DAP Regulations), the local government is authorised to determine variations to a DA that has already been assessed by a DAP.

In addition, changes to the Planning Framework that have come into effect as of 1 July 2024 allow an applicant to lodge an application for development approval directly with the relevant local government rather than going through the previously mandated DAP process.

Environmental Impact

The proposal affects about 4 hectares of general farming land of the 61-hectare Lot. The area not affected by the proposed development will continue to be used for rural and agricultural purposes. The BMP provides an assessment of the bushfire risk and suggests certain measures that need to be adopted to minimise the potential bushfire risk.

Building Requirements

The Shire has previously sought and obtained clarification from the Building Commission that power storage containers (batteries) are not considered buildings (roofed structures), nor incidental structures (associated with a building) and as such do not require a building permit from the Shire prior to their erection on site. However, buildings that will house staff and are accessible by the public such as site offices etc, will still require building permits from the Shire.

Conditions of Approval

The conditions of the DA imposed by JDAP remain relevant and will apply to the amended DA.

Policy Implications

Nil

Statutory Implications

Compliance with the *Planning and Development Act 2005*.

Compliance with the Shire of Merredin Local Planning Scheme No.6.

Strategic Implications

Ø Strategic Community Plan

Theme:	5. Places and Spaces
Service Area Objective:	5.4 Town Planning & Building Control 5.4.2 The Shire has current local planning scheme and associated strategy which is flexible and able to suitably guide future residential and industrial growth
Priorities and Strategies for Change:	Nil

Ø Corporate Business Plan

Theme:	5. Places and Spaces
Priorities:	Nil
Objectives:	5.4 Town Planning & Building Control The Shire has a current local planning scheme and associated strategy which is flexible and able to suitably guide future residential and industrial growth.

Sustainability Implications

Ø Strategic Resource Plan

Nil

Risk Implications

The proposed changes to the original design are minor in nature as well as improve the overall safety of the proposed development due to the inclusion of additional firefighting infrastructure. The improvements in the layout and design and are contained wholly within the proposed Lot in which the existing approved development footprint occurs. The original application was advertised for public comment as well as being referred to various government agencies. The risk rating is considered to be Low (3), which is determined by a likelihood of Rare (1) and a consequence of Moderate (3) of adverse events associated with the proposed development taking place. This risk will be eliminated by the adoption of the Officer's Recommendation.

Financial Implications

Development application fees have been paid.

Voting Requirements



Simple Majority



Absolute Majority

Resolution

Moved: Cr McKenzie

Seconded:

Cr Billing

That Council

1. **GRANTS** development approval in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, for proposed variation to the Development Assessment Panel (DAP) approval granted on 18 April 2024 (DAP Ref: 24/02631), for the Battery Energy Storage System in Robartson Road, Merredin, as outlined in Attachment 12.2A, subject to the following conditions;
 - a) If the development, the subject of this approval, is not substantially commenced within a period of 4 years from the date of the approval, the approval will lapse and be of no further effect. For the purposes of this condition, the term “substantially commenced” has the meaning given to it in the *Planning and Development (Local Planning Schemes) Regulations 2015* as amended from time to time;
 - b) The submission and approval of a dedicated Construction Management Plan (CMP), including a transport impact assessment, details showing the proposed interim and longer-term facilities including building/structure setbacks, carparking facility, landscaping / screening etc, to the satisfaction of the local government;
 - 83514 c) The removal of all construction infrastructure once the facility has been completed to the satisfaction of the local government;
 - d) The preparation and lodgement of a Drainage Management Plan (DMP) to contain all drainage on site to the satisfaction of the local government;
 - e) The design and location of on-site effluent systems for the construction phase as well as the longer term to be designed and located to the satisfaction of the local government;
 - f) Compliance with the Bushfire Management Plan (BMP) dated 14 December 2023 recommendations (including the Bushfire Risk Assessment & Management Report);
 - g) Any new crossover to Robartson Road shall be located and constructed to the satisfaction of the local government; and
2. **ADVISES** the Development Assessment Panel of Council’s determination on this matter.

Advice Notes

- If an applicant or owner is aggrieved by this determination, there is a right of review by the State Administrative Tribunal in accordance with the

Planning and Development Act 2005 Part 14. An application must be made within 28 days of the determination.

- The applicant is advised that granting of development approval does not constitute a building permit and that an application for relevant building permits must be submitted to the Shire of Merredin and be approved before any work requiring a building permit can commence on site.

CARRIED 8/0

For: Cr Crook, Cr Manning, Cr Anderson, Cr Billing, Cr McKenzie, Cr O'Neill, Cr Simmonds, Cr Van Der Merwe

Against: Nil