



Regional Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 26 February 2026; 9.30am
Meeting Number: RDAP/64
Meeting Venue: 140 William Street, Perth

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

[RDAP/64 - 26 February 2026 - City of Kalgoorlie-Boulder - Shire of Kojonup - Shire of Harvey](#)

PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement
2. Apologies
3. Noting of Minutes

PART B – CITY OF KALGOORLIE-BOULDER

- 3.1 Lot 15 Goldfields Highway, Feysville – Proposed Industry (Electrical Substation) – DAP/25/03011

PART C – SHIRE OF KOJONUP

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Various Lots, Jingalup – Windfarm and Transmission Line – DAP/25/03017
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART D – SHIRE OF HARVEY

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 10 Wellesley Road, Binningup - Proposed Renewable Energy Facility (Solar Farm and BESS) – DAP/25/03021
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART E – OTHER BUSINESS

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

Dale Page
Presiding Member, Regional DAP

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DAP Members

Dale Page (Presiding Member)

Eugene Koltasz (Deputy Presiding Member)
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Mike Mouritz

Cr Craig Mitchell (Part C – Shire of Kojonup)

Cr Mick Mathwain (Part C – Shire of Kojonup)
--

Shire President Michelle Campbell (Part D – Shire of Harvey)
--

Cr John Bromham (Part D – Shire of Harvey)
--

DAP Secretariat

Teneille Brownfield

Ashlee Kelly

Dale Page
Presiding Member, Regional DAP



Part C – Shire of Kojonup
Submitters
Stacy Williams Mark Wendel Steve McGuire
Applicant
Dr Sarah Rankin (Moonies Hill New Energy) George Watts (Herring Storer Acoustics) Dylan Wray (Western Environmental) Claire Willey (SLR) Belinda Moharich (Moharich and More)
Officers/Technical Advisors in Attendance
Grant Thompson (CEO) Steve Thompson (Edge Planning)

Part D – Shire of Harvey
Applicant
Luka Martins (TBB Planning)
Officers/Technical Advisors in Attendance
Benjamin Vogel Elizabeth Edwards

Members of the Public / Media

There were 5 members of the public in attendance.

Observers via livestream

There were 31 persons observing the meeting via the livestream.

Dale Page
Presiding Member, Regional DAP



PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.43am on 26 February 2026 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 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

Nil

3. Noting of Minutes

DAP members noted that signed minutes of previous meetings are available on the [DAP website](#).



PART B – CITY OF KALGOORLIE-BOULDER

The Presiding Member notes that the following application was postponed to the meeting on the 26 February 2026, as submitters were not notified by the City of Kalgoorlie-Boulder in accordance with Regulation 39 (1A) of the *Planning and Development (Development Assessment Panels) Regulations 2011*. The application will be heard at the RDAP/65 on 3 March 2026.

3.1 Lot 15 Goldfields Highway, Feysville – Proposed Industry (Electrical Substation) – DAP/25/03011

A handwritten signature in black ink, appearing to read 'Dale Page'.

Dale Page
Presiding Member, Regional DAP



PART C – SHIRE OF KOJONUP

1. Declaration of Due Consideration

The Presiding Member noted an addendum to the responsible authority report was published in Part C of the Related Information in relation to Item 3.1, received on 23 February 2026.

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

DAP Member, Cr Craig Mitchell, declared an impartiality interest in Item 3.1. Cr Mitchell has a friendship with multi landowners for this application and has not been involved with the local government or participated with in the Shire's planning around wind farms. Cr Mitchell is also a friend of Stacy Williams who has made a submission against the wind farm layout.

DAP Member, Cr Mick Mathwin declared an impartiality interest in Item 3.1. Cr Mathwin declared that he knows multi landowners for this application.

In accordance with section 2.4.5 of the DAP Code of Conduct 2025, DAP Member, Cr Mick Mathwin, 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 2025, Cr Mathwin 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 2025, the Presiding Member determined that the members listed above, who had disclosed impartiality interests, were permitted to participate in the discussion and voting on the item.



3. Form 1 DAP Applications

3.1 Various Lots, Jingalup – Windfarm and Transmission Line – DAP/25/03017

Deputations

Stacy Williams addressed the DAP against the application at Item 3.1 and responded to questions from the panel.

Steve McGuire addressed the DAP against the application at Item 3.1 and responded to questions from the panel.

Mark Wendel addressed the DAP against the application at Item 3.1 and responded to questions from the panel.

Dr Sarah Rankin (Moonies Hill New Energy) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

Dylan Wray (Western Environmental) addressed the DAP in support of the application at Item 3.1.

George Watts (Herring Storer Acoustics) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

Claire Willey (SLR) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

Belinda Moharich (Moharich and More) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

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

SUBSTANTIVE MOTION 1

Moved by: Cr Craig Mitchell

Seconded by: Cr Mick Mathwin

That the Regional Development Assessment Panel resolves to:

Defer making a decision on the Development Application for the windfarm, transmission line and ancillary development until:

- A) The Noise Impact Assessment (dated 27 January 2026) is updated by the applicant to the satisfaction of the Department of Water and Environmental Regulation's Environment Noise Branch.

Dale Page
Presiding Member, Regional DAP

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- B) Subject to point 'A', the development plan is updated to reflect separation distances in the *Shire of Kojonup Local Planning Policy No. 10 Wind Farms / Wind Turbines* including separation distances from non-host landholdings for amenity reasons and separation distances from road reserves and other reserves for safety reasons.

The Substantive Motion was put and LOST (2/3).

For: Cr Craig Mitchell
Cr Mick Mathwin

Against: Dale Page
Eugene Koltasz
Mike Mouritz

SUBSTANTIVE MOTION 2

Moved by: Dale Page

Seconded by: Eugene Koltasz

1. **Accept** that the DAP Application reference DAP/25/03017 is appropriate for consideration as a "use not listed" land use and compatible with the objectives of the zoning table in accordance with Clause 3.2 of the *Shire of Kojonup Town Planning Scheme No. 3*.
2. **Approve** DAP Application reference DAP/25/03017 and accompanying plans (as contained in the Development Application Report, as shown in Attachment 1 (Appendix C) of the Responsible Authority 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 Clause 6.3 of the *Shire of Kojonup Town Planning Scheme No. 3*, subject to the following conditions:

DEVELOPMENT APPROVAL SCOPE

1. This decision constitutes planning approval only and is valid for a period of 5 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. The Development Plan is modified to:
 - (i) Ensure that all wind turbine envelopes (radius 100m) are located a minimum of 1500 metres from any dwelling or sensitive land use unless an agreement is entered into with the impacted non-host landowner;
 - (ii) Ensure that all wind turbine envelopes are located a minimum of 1000 metres from any non-host landholding boundary, unless an agreement is entered into with the impacted non-host landowner; and
 - (iii) Mitigate safety risks in the event of a blade drop or throw from a non-host landholding boundary, from the edge of public road reserves or from other public land through wind turbine envelopes being setback 1.5 times the height of the turbine, inclusive of the horizontal blade length to the tip of the blade.

Dale Page
Presiding Member, Regional DAP



3. The approved development shall be undertaken generally in accordance with the plans and undertakings provided by the applicant and forming the Application for Development Approval as attached to this report subject to any modifications required as a consequence of any condition/s of this approval.
4. This approval is for a maximum of 33 wind turbines with a maximum blade tip height of 206 metres above ground level.
5. The wind turbines and rotors are to be constructed in white or light grey colour.
6. Pursuant to Schedule 2, clause 74 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, further detailed plans for the proposed development shall be submitted to the local government for approval.

Further detailed plans may include the micro-siting wind turbines and associated infrastructure up to 100m.

7. The 132 kV transmission line is to be installed underground only.
8. Where the height of the turbine is proposed to be increased, the applicant must reassess the wind turbine envelope(s) to ensure it is compliant with the *Environmental Protection (Noise) Regulations 1997*, *Shire of Kojonup Local Planning Policy No. 10 Wind Farms/Wind Turbines* and Condition 2(iii). In particular, wind turbine envelopes are setback 1.5 times the height of the turbine, inclusive of the horizontal blade length to the tip of the blade.

ADDITIONAL REPORTS

9. Once turbine locations and parameters have been finalised and prior to construction commencing on-site, an updated Aviation Impact Assessment, including any amendments required to the Grid Lowest Safe Altitude (LSALT) height, is to be submitted to the Local Government for approval.
10. Prior to construction commencing on-site, the applicant is to submit for approval either:
 - (i) Updated reports which assess the impact of the final turbine locations; or
 - (ii) A technical note from the author of the report or equivalent expert confirming that the change in location of the turbines does not change the outcome or recommendations in the report.

The reports to which this condition relate are:

- (i) Shadow flicker and blade glint;
- (ii) Electromagnetic Interference;
- (iii) Environmental Assessment and Management Plan;



- (iv) Aviation Impact Assessment; and
 - (v) Noise Impact Assessment.
11. An Independent Engineering Certification Report, prepared by a suitably qualified and independent structural engineer, is required to certify:
- (i) Pre-construction: That the wind turbines and their foundations have been designed in accordance with relevant Australian and international standards.
 - (ii) Post-construction: That the wind turbines and their foundations have been constructed in accordance with relevant Australian and international standards.

CONSTRUCTION

12. Prior to construction, a Construction and Environmental Management Plan shall be submitted to the Local Government for approval. Once approved, the Construction and Environmental Management Plan shall be implemented at all times during the construction phase to the satisfaction of the Local Government upon advice from relevant agencies.
13. Prior to delivery of turbines, a Traffic and Transport Management Plan relating to construction related transport within the Shire of Kojonup shall be submitted to the Local Government for approval.
- Once approved, the Traffic and Transport Management Plan shall be implemented at all times to the satisfaction of the Local Government for works on local roads and Main Roads WA for works on State roads, including Albany Highway if / as required.
14. A Pre-Construction and Post-Construction Road Pavement Survey is prepared prior to commencing works to the satisfaction of the local government. The survey is required before and after construction to assess any damage from works and heavy vehicle use. The applicant is to rectify and restore the road network and other affected infrastructure following construction to the satisfaction of the local government and Main Roads WA.
15. All wind turbine towers to have lighting which is satellite or radio frequency activated when aircraft are in the vicinity.
16. Prior to installing any of the turbines, the applicant is to advise the following entities regarding the construction of the wind turbines, including estimated dates of installation, details of exact locations and heights:
- (i) Civil Aviation Safety Authority (CASA);
 - (ii) Airservices Australia;
 - (iii) Royal Flying Doctor Service;



- (iv) Royal Australian Air Force;
- (v) All known private airstrip owners within 20km of any wind turbine; and
- (vi) All known aerial agriculture operators, including the Aerial Agriculture Association of Australia.

NOISE

17. Prior to construction, an updated Noise Impact Assessment is to be provided. Amongst matters, the assessment is to confirm the development complies with the *Environmental Protection (Noise) Regulations 1997 (as amended)* and *South Australian EPA Wind Farms Environmental Noise Guidelines (2021)*, to the satisfaction of the local government upon advice from the Department of Water and Environmental Regulation and/or the Department of Health.
18. This approval is for Vestas V162-6.2MW wind turbine. Where the use of an alternative wind turbine is proposed, the applicant must prepare and lodge with the local government a revised Noise Impact Assessment based upon the proposed alternative turbine, which demonstrates that that the alternative turbine complies with Condition 17. Any revised Noise Impact Assessment is to be to the satisfaction of the local government.
19. The applicant is to undertake post-commissioning noise testing based upon the testing procedures and analysis to address the *Environmental Protection (Noise) Regulations 1997 (as amended)* to the satisfaction of the local government upon advice from the Department of Water and Environmental Regulation and/or the Department of Health. The noise testing should:
 - (i) Monitor noise levels at least once per annum to verify compliance of all turbines;
 - (ii) Identify any additional measures required to mitigate identified deficiencies;
 - (iii) Identify any required updates to the wind farm's noise impact area; and
 - (iv) Be made publicly available on the wind farm operator's website for the life of the wind farm.
20. The applicant shall ensure at all times that the operation of the wind farm complies with the following noise levels within a 30 metre curtilage of a dwelling:
 - a) Will not exceed 35dB(A) (LA90, 10 minutes); or
 - b) Will not exceed the background noise (LA90, 10 Minutes) by more than 5dB(A), whichever is the greater.

OPERATIONAL MATTERS

21. Post-construction, the applicant must provide the local government with:
 - (i) GPS co-ordinates for each constructed wind turbine; and



- (ii) A plan showing the location of all constructed access tracks.
22. Prior to wind turbine commissioning, a Bird and Bat Adaptive Management Plan is to be prepared to the satisfaction of the Local Government, on advice from the Department of Water and Environmental Regulation and other relevant stakeholders.
23. Prior to wind farm operations commencing, an Operational Management Plan shall be submitted to the Local Government for approval. Once approved, the Operational Management Plan shall be implemented at all times during the operational phase to the satisfaction of the Local Government.

The Operational Management Plan will also include:

- (i) Information and contact details of the Operator of the Wind Farm;
 - (ii) A complaints procedure for managing all complaints received, including noise complaints;
 - (iii) The requirement to maintain a complaints register;
 - (iv) Arrangements with adjoining landowners regarding the construction of future dwellings on adjoining lots; and
 - (v) Arrangements with adjoining and nearby landowners undertaking agricultural aerial spraying and or aerial water bombing for fire management.
24. Prior to construction, a Fire Management Plan shall be submitted to the local government for approval upon advice from the Department of Fire and Emergency Services. Once approved, the Fire Management Plan shall be implemented to the satisfaction of the local government. The Fire Management Plan shall address the construction and operational phases of the development, including the following:
- (i) Identification and clear mapping of firebreaks, emergency ingress and egress points, water points, turnaround areas for fire trucks, water sources, on site fire fighting equipment;
 - (ii) Identification of on-site tracks for access by emergency fire vehicles, and the requirement for these tracks to be maintained to a trafficable standard at all times;
 - (iii) Emergency procedures and personnel contacts;
 - (iv) Consideration of activities on fire ban days;
 - (v) Notification for other agencies; and



- (vi) Informed by and consultation with the local Bushfire Brigades and the Chief Bushfire Control Officer to formulate a Fire Management Plan that is practical for the context and for the local government.
25. Prior to construction, an Emergency Response Plan shall be developed in consultation with the Local Government. The Emergency Response Plan shall be implemented at all times during the operational phase to the satisfaction of the Local Government.
26. A Signal Strength (Television, Radio and Mobile Phone) Testing Report is prepared prior to commencing any works to the satisfaction of the local government. The report to record pre-and post-operation signal strength and quality. The report must demonstrate either:
- (i) No Electromagnetic Interference Assessment impacts on television, radio or mobile coverage, or
 - (ii) Where impacts occur, that they are consistent with the Electromagnetic Interference Assessment and addressed through mitigation.

Where unacceptable impacts are identified that were not anticipated in the Electromagnetic Interference Assessment, the wind farm operator may be required to:

- (i) Prepare an addendum to the Electromagnetic Interference Assessment identifying the cause and extent of the impact; and
 - (ii) Update the Operational Management Plan to include additional or revised mitigation measures and implementation programs.
27. Prior to commencing any works, the applicant is to lodge a Landscaping Plan for approval by the local government, in relation to the permanent buildings and car parking areas. The Landscaping Plan is to be prepared by a suitably qualified landscape architect, and address the following matters:
- (i) Identify, by numerical code, the species, quantity and anticipated mature dimensions of all plant types;
 - (ii) Identify a schedule of maintenance required to ensure that the landscaping grows to its mature dimensions and can be maintained at that level.
28. The applicant is to ensure suitable potable water supply and effluent disposal facilities / infrastructure are designed, installed and maintained for the life of the development in accordance with the Local Government's requirements, upon advice of the Department of Health as necessary.



DECOMMISSIONING

29. At least 12 months prior to discontinuation of the relevant approved stage of the development, an updated Decommissioning and Rehabilitation Management Plan is to be prepared and approved to the satisfaction of the local government. The Plan must describe the scope and staging of decommissioning and rehabilitation works, and address the following matters including:
- (i) Safety and emergency management;
 - (ii) Environmental management;
 - (iii) Waste management;
 - (iv) A detailed decommissioning schedule or works with timeframes for each stage;
 - (v) A Traffic Management Plan;
 - (vi) A Fire Management Plan;
 - (vii) Sufficient information that clearly outlines any below ground infrastructure to be retained on site and its treatment to allow for continued agricultural use;
 - (viii) Implementation of suitable mechanisms to alert prospective purchasers of retention of any below ground infrastructure which may affect future building locations or development;

Decommissioning and rehabilitation works are required to be completed within 18 months of the turbines or a single turbine operation, through the life of the project, ceasing operation to the satisfaction of the local government.

The applicant shall rehabilitate any and all sites as required to the satisfaction of the local government to enable broadacre farming or other approved farming activity to resume / continue, with the exception that underground infrastructure (such as footings and cables) may be retained below normal ploughing levels where retention allows for continued agricultural use.

30. If any below ground infrastructure is retained on site following decommissioning, notifications are to be placed on the affected Certificates of Title to alert prospective purchasers that there are underground cables and or infrastructure on the land which may impact on future development or building locations, within 3 months of the wind farm being decommissioned. The Notifications are to be prepared and lodged at the cost of the applicant or operator.

ADVICE NOTES:

1. This is a development approval only. The applicant is advised that it is their responsibility to ensure the proposed development complies with all other applicable legislation, local laws and/or licence/permit requirements that may relate to the development. This includes the *Biodiversity Conservation Act 2016*, *Environmental Protection (Noise) Regulations 1997*, *Environmental Protection Act 1986*, *Rights in Water and Irrigation Act 1914*, *Aboriginal Heritage Act 1972*, *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* and *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007*, amongst others.



2. For any condition that requires a plan(s) to be submitted to the Local Government, a new and updated plan(s) shall be submitted for each stage of the development unless otherwise advised by the Local Government.
3. The further detailed plans required by Condition 10 must include:
 - (i) Temporary works required during construction including:
 - (a) Construction compounds;
 - (b) Concrete batching plant;
 - (c) Materials storage / laydown areas.
 - (ii) Permanent structures and detail, including:
 - (a) Micro siting of wind turbines subject to addressing Condition 6 and avoiding native vegetation;
 - (b) Substation;
 - (c) Operation and maintenance building;
 - (d) Battery Energy Storage System (BESS);
 - (e) Underground cabling and underground cable road crossings;
 - (f) Service roads and parking.
4. In relation to Conditions 10 and 15, the updated Aviation Impact Assessment is to be submitted to the local government for approval upon advice from Civil and Safety Authority (CASA). If required by CASA, all wind turbine towers to have lighting which is satellite or radio frequency activated when aircraft are in the vicinity.
5. In relation to the Construction and Environmental Management Plan, the following information should also be included:

Construction

- (i) A program of works;
- (ii) The location of:
 - (a) the crane hardstand areas;
 - (b) the concrete batching plant, water tanks and any construction compounds and materials storage / laydown areas
 - (c) temporary buildings;



- (d) temporary access / egress points;
- (e) temporary car parking areas;
- (f) the location and extent of excavation required for the purpose of laying cabling;
- (iii) A timetable for the removal of temporary development after completion of the construction phase;
- (iv) Detail how disturbed land will be rehabilitated;
- (v) An accommodation strategy which identifies how workers will be housed during the construction phase;
- (vi) Stakeholder and community engagement (including complaints handling processes);
- (vii) Address the matters outlined below:
 - (a) Safety and emergency management;
 - (b) Safety and site hygiene management, including the provision of water and waste water services to buildings with amenities;
 - (c) Natural hazard management, including fire and emergency management;
 - (d) Fuel and chemical storage and handling;
 - (e) Aviation impacts and management;
 - (f) Waste management including construction waste;
- (viii) The management of potential construction impacts, including:
 - (a) The management of weed infestations;
 - (b) Erosion and sediment control;
 - (c) Stormwater management;
 - (d) Dust management;
 - (e) Water management;
 - (f) Waterways protection;



- (g) Noise and vibration management;
 - (h) Flora and fauna management;
 - (i) Biosecurity management measures including minimisation of biosecurity risks to the land owners, adjoining properties and along the transport routes;
 - (j) Historic cultural heritage management; and
 - (k) Aboriginal cultural heritage management including ensuring contractors and operators are informed of the obligations relating to site discovery and reporting requirements.
6. Any additional wind monitoring mast(s) is to include the following measures as recommended by the Aviation Impact Assessment and by government agency submissions:
- (i) Three marker balls are to be placed on the outside guy wires at the top of the masts;
 - (ii) Guy wire ground attachment points should be in contrasting colours to the surrounding ground/vegetation;
 - (iii) Paint markings should be applied in alternating contrasting bands of colour on the top one-third of the masts, in line with the National Airports Safeguarding Framework Guideline D;
 - (iv) Masts are to be reported to the Airservices Australia via the Vertical Obstacle Data Form once mast parameters and locations have been finalised and at least two (2) weeks before construction commencing, to be included on aeronautical maps and charts;
 - (v) Adjacent landowners are to be notified of obstacles relating to aerial recreation or agricultural activities; and
 - (vi) Suitable ground signage or other warning devices are to be erected at road entrances and key access points around agricultural machinery of the presence of guy wires and other infrastructure associated with the masts.
7. With regard to the Traffic and Transport Management Plan required by Condition 13, the following information should be included:
- (i) Traffic impact assessment;
 - (ii) Details of Oversize and Overmass loads;
 - (iii) Swept path analysis;



- (iv) Haul movements and routes;
 - (v) Details of any temporary or permanent modifications, works or upgrades required to intersections, roads or site access points; and
 - (vi) Permit /approval requirements, local government or Main Roads WA.
8. With regard to the Traffic and Transport Management Plan, Main Roads WA approval and permit requirements may include:
- (i) Movements of wind farm components require necessary permits from Main Roads WA's Heavy Vehicle Services (HVS) under the *Road Traffic (Vehicles) Act 2012* complying with the HVS route survey requirements, Oversize Overmass Transport Management Plan (OSOM-TMP) requirements, the Movement of High Risk OSOM Vehicles Policy and the Single Trip OSOM Vehicle Standard Operating Conditions;
 - (ii) Proposed works within State road reserves are subject to a separate approval process under the *Main Roads Act 1930*;
 - (iii) All Traffic Control Signal installations, removals, or alterations within Western Australia require approval from Main Roads Network Operations under Regulation 297 of the *Road Traffic Code 2000*;
 - (iv) Main Roads approval for signage and pavement marking modifications is required under the *Road Traffic Code 2000*; and
 - (v) Any road signs are to comply with Main Roads Policy Application Guidelines for Advertising Signs within and beyond State Roads Reserves under the *Main Roads (Control of Advertisements) Regulations 1996*.
9. With regard to the Traffic and Transport Management Plan, local government approval requirements may include:
- (i) Roads to remain open for public use where practicable during road construction/upgrade activities;
 - (ii) Source of and testing results of gravel proposed for use on public roads are to be to the satisfaction of the local government; and
 - (iii) Upgrades of the entry points to the Project Site from adjoining public roads.
10. The Shire of Kojonup is unable to provide guarantee of all-weather access on its unsealed road network, and in the event that the applicant requires all- weather access to the project site, the applicant is required to seal the affected portion of road network to the satisfaction of the local government.
11. All service roads are to be located, designed, constructed and drained to minimise the impact on local drainage systems, landscape and farming activities.



12. With regard to the Fire Management Plan and the Emergency Response Plan, the Department of Fire and Emergency Services (DFES) Regional Office, DFES Aviation Services, District Officer and the local fire and emergency services should be consulted during the final design, construction, and leading up to the commissioning of the wind farm facility and associated infrastructure. The Shire of Kojonup and DFES consider it critical for the local fire and emergency services to understand the hazards present in the facility and the measures required to ensure the safety of firefighting personnel when working in or around the facility. This may impact on how crews respond to a fire within the facility, which may in turn have ramifications regarding the optimal number and location of water supplies. The Emergency Response Plan is also to address other potential emergency types such as medical incident response (i.e. ambulance attendance) and storm events.
13. The concrete batching plant will need to demonstrate compliance with the Environmental *Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998* irrespective of whether the premises is a Prescribed Premises or not.
14. The development shall be designed and constructed to protect Western Power infrastructure and interests from potential land use conflict. Arrangements should be made to the specifications of Western Power for the provision of necessary electricity easements as and where required. No development (including drainage, fill, fencing, storage or parking) will be permitted within Western Power line and cable easements or restriction zones without the prior written approval of Western Power.
15. The applicant shall immediately advise the local government of completion of construction of the development, including completion of any individual stages.
16. The applicant is strongly encouraged to establish and implement a Community Benefits Fund in conjunction with the Shire of Kojonup, consistent with the WA Government endorsed (currently draft) '*Guideline on Community Benefits for Renewable Energy Projects*'.
17. The applicant is advised that:
 - (i) There is potential for vacant lots adjacent to the proposed wind farm to be further developed with dwellings;
 - (ii) Legislation in Western Australia requires that the wind farm comply with the Environmental *Protection (Noise) Regulations 1997*. The controls on noise contained in this approval do not override those contained in the Regulations, nor vice versa, but the wind farm must comply with whichever control is more stringent at any given location at any given time under then-prevailing meteorological etc conditions;
 - (iii) The applicant takes the commercial risk that future wind farm operations may need to be altered or modified to continue to comply with noise limitations;



- (iv) It is recommended that the applicant prepare and submit acoustic compliance reports by a suitably qualified and independent acoustic engineer to demonstrate compliance with Condition 19 at key stages of development. This would provide compliance assurances to both the local government and surrounding landowners;
- (v) These conditions must be read in conjunction with all relevant legislation and regulations and the applicant must comply with all other relevant legislation and regulations specifically the *Environmental Protection Act 1986* and associated regulations;
- (vi) A clearing permit under the *Environmental Protection Act 1986*, for the proposed clearing of any native vegetation may be required;
- (vii) The applicant is advised to investigate whether or not approval is required pursuant to the *Aboriginal Heritage Act 1972* prior to commencement of any activities or works on site;
- (viii) The transformer associated with each wind turbine shall be located beside each tower or enclosed within *the* tower;
- (ix) All fill placed on the land must be free of disease and weeds;
- (x) All wind turbine towers are to be fully enclosed (to prevent birds perching or nesting);
- (xi) There are various Department of Water and Environmental Regulation requirements relating to matters including water licensing, water supply and surface water management –
 - (a) A Bed and Banks permit under the *Rights in Water and Irrigation Act 1914*, will be required for the interference with the bed and bank of any watercourse; and
 - (b) A licence to take water under the *Rights in Water and Irrigation Act 1914*, will be required if it is proposed to take surface water from a watercourse.
- (xii) Once turbine locations and parameters have been finalised and at least two (2) months before installation of any wind turbines commencing, the applicant/operator will submit the details of all wind turbines to Airservices Australia via the Vertical Obstacle Data Form, as required by Conditions 16 and 21.
- (xiii) On commissioning, the Vertical Obstacle Data Form should be resubmitted to Airservices Australia with the surveyed height and location of each installed turbine and wind monitoring mast.



18. 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: Dale Page

Seconded by: Eugene Koltasz

That Condition No. 2 be deleted and the remaining Conditions be renumbered accordingly.

The Amending Motion was put and CARRIED (4/1).

For: Dale Page
Eugene Koltasz
Mike Mouritz
Cr Mick Mathwin

Against: Cr Craig Mitchell

REASON: The changes required by this condition essentially require a redesign of the proposal. This is not appropriate planning decision making. The panel needs to consider the proposal before it and not seek to make a different proposal via the imposition of conditions, which require substantial redesign. Furthermore, the requirements of the condition are based on a LPP that does not align fully with State planning instruments and/or are seeking amendments which are unnecessary or lack a solid planning basis.

AMENDING MOTION 2

Moved by: Dale Page

Seconded by: Eugene Koltasz

That Condition No. 8 (now Condition No. 7) be deleted and the remaining Conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: There is detail contained in the application about the proposed heights of the turbines. If these heights are to change, this would require an amendment to the development approval and would require suitable justification at that time. The condition is therefore unnecessary.

Dale Page
Presiding Member, Regional DAP

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AMENDING MOTION 3

Moved by: Dale Page

Seconded by: Mike Mouritz

That Condition No. 13 (now Condition No. 11) be amended to read as follows:

Prior to delivery of turbines, a Traffic and Transport Management Plan relating to construction related transport within the Shire of Kojonup shall be submitted to the Local Government for approval.

The Traffic and Transport Management Plan shall address the requirement for the applicant to assess the pavement condition pre and post construction and to rectify and restore the road network and other affected infrastructure following construction to the satisfaction of the local government, in consultation with Main Roads WA.

Once approved, the Traffic and Transport Management Plan shall be implemented at all times to the satisfaction of the Local Government for works on local roads and Main Roads WA for works on State roads, including Albany Highway if / as required.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The panel agreed with the applicant that the requirements of proposed Condition 14 should form part of the Traffic and Transport Management Plan but was of the view that some visibility is required about the need for inclusion of the pavement surveys and rectification works in that plan.

AMENDING MOTION 4

Moved by: Dale Page

Seconded by: Mike Mouritz

That Condition No. 14 (now Condition No. 12) be deleted and the remaining Conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: the condition was merged into Condition 13.

Dale Page
Presiding Member, Regional DAP

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AMENDING MOTION 5

Moved by: Dale Page

Seconded by: Eugene Koltasz

That Condition No. 19 (now Condition No. 16) be amended to read as follows:

*The applicant is to undertake post-commissioning noise testing based upon the testing procedures and analysis **contained in the South Australian EPA Wind Farms Environmental Noise Guidelines (2021)** to address the Environmental Protection (Noise) Regulations 1997 (as amended) to the satisfaction of the local government upon advice from the Department of Water and Environmental Regulation and/or the Department of Health. The noise testing should:*

- ~~(i) Monitor noise levels at least once per annum to verify compliance of all turbines;~~
- ~~(ii) Identify any additional measures required to mitigate identified deficiencies;~~
- ~~(iii) Identify any required updates to the wind farm's noise impact area; and~~
- ~~(iv) Be made publicly available on the wind farm operator's website for the life of the wind farm.~~

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: It appears the wording relating to the South Australia guidelines was inadvertently omitted from the Shire's condition and the panel agrees with the applicant that if the post-commissioning noise testing demonstrates compliance with assigned noise levels and nothing changes operationally, then annual noise monitoring is not required. Publishing of the post-commissioning testing results on the operator's website for information was supported

AMENDING MOTION 6

Moved by: Dale Page

Seconded by: Eugene Koltasz

That Condition No. 20 (now Condition No. 17) be amended to read as follows:

The applicant shall ensure at all times that the operation of the wind farm complies with the following noise levels within a 30 metre curtilage of a dwelling:

- a) *Will not exceed 35dB(A) (LA90, 10 minutes); or*
- b) *Will not exceed the background noise (LA90, 10 Minutes) by more than 5dB(A), whichever is the greater up to 45dB(A). **Assessment of noise impact is to be performed in accordance with South Australian EPA Wind Farms Environmental Noise Guidelines (2021) at the end of the condition as suggested by the applicant.***

Dale Page
Presiding Member, Regional DAP

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PROCEDURAL MOTION 1

Moved by: Dale Page

Seconded by: Eugene Koltasz

That the Standing Orders be suspended in accordance with section 5.9.2g of the DAP Standing Orders to allow members to speak more than once on the same item and continue further debate on Item 3.1.

The Procedural Motion was put and CARRIED.

REASON: to allow members to speak to the item more than once.

The Standing Orders were suspended at 12.00pm.

PROCEDURAL MOTION 2

Moved by: Dale Page

Seconded by: Eugene Koltasz

That the Standing Orders be instated in accordance with section 5.9.2g of the DAP Standing Orders to allow members to speak more than once on the same item and continue further debate on Item 3.1.

The Procedural Motion was put and CARRIED.

REASON: to allow members to speak to the item more than once.

The Standing Orders were reinstated at 12.05pm.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The condition needs to be more specific to outline that the parameters in the condition suggested by the Shire are consistent with the South Australian EPA Wind Farms Environmental Noise Guidelines (2021) and no other legislation or guidelines.

Dale Page
Presiding Member, Regional DAP

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AMENDING MOTION 7

Moved by: Dale Page

Seconded by: Eugene Koltasz

The following amendments were made en bloc:

- (i) That Condition No. 24 (now Condition No. 21) be amended to read as follows:

*Prior to construction, a **Bushfire Management Plan and Risk Management Plan** shall be submitted to the local government for approval **on advice of the Department of Fire and Emergency Services**. ~~upon advice from the Department of Fire and Emergency Services. Once approved, the Fire Management Plan shall be implemented to the satisfaction of the local government. The Fire Management Plan shall address the construction and operational phases of the development, including the following:~~*

- ~~(i) Identification and clear mapping of firebreaks, emergency ingress and egress points, water points, turnaround areas for fire trucks, water sources, on site fire fighting equipment;~~
- ~~(ii) Identification of on-site tracks for access by emergency fire vehicles, and the requirement for these tracks to be maintained to a trafficable standard at all times;~~
- ~~(iii) Emergency procedures and personnel contacts;~~
- ~~(iv) Consideration of activities on fire ban days;~~
- ~~(v) Notification for other agencies; and~~
- ~~(vi) Informed by and consultation with the local Bushfire Brigades and the Chief Bushfire Control Officer to formulate a Fire Management Plan that is practical for the context and for the local government.~~

- (ii) That a new Advice Note No. 19 be added to read as follows:

In relation to Condition 21, the Bushfire Management Plan shall be prepared to address the requirements under State Planning Policy 3.7 Bushfire and the Planning for Bushfire Guidelines. The Risk Management Plan shall be prepared taking general guidance from the Victorian Country Fire Association's Design Guidelines and Model Requirements – Renewable Energy Facilities.

The Amending Motion was put and **CARRIED UNANIMOUSLY**.

REASON: The current wording refers to a Fire Management Plan and the proposed wording is clearer and more accurate. The sub-points are explanatory and better suited as an Advice Note

Dale Page
Presiding Member, Regional DAP

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AMENDING MOTION 8

Moved by: Dale Page

Seconded by: Mike Mouritz

That Condition No. 25 (now Condition No. 22) be amended to read as follows:

Prior to **commencement of operations** ~~construction~~, an Emergency Response Plan shall be developed in consultation with the Local Government. The Emergency Response Plan shall be implemented at all times during the operational phase to the satisfaction of the Local Government.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: It is more reasonable and appropriate to require such plans before occupation or commencement of use, rather than prior to construction. Emergency response actions required during construction will be covered by the Construction Management Plan.

AMENDING MOTION 9

Moved by: Dale Page

Seconded by: Eugene Koltasz

That Condition No. 26 (now Condition No. 23) be deleted and the remaining Conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The condition duplicates the requirements of a separate condition and is therefore not needed.

AMENDING MOTION 10

Moved by: Dale Page

Seconded by: Eugene Koltasz

That Condition No. 27 (now Condition No. 23) be deleted and the remaining Conditions be renumbered accordingly.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: There is tension between the desire to landscape areas around the buildings and the need to maintain an Asset Protection Zone around these facilities. The facilities are to be placed in existing paddocks and will largely be screened from adjoining roads and nearby neighbours.

Dale Page
Presiding Member, Regional DAP



AMENDING MOTION 11

Moved by: Dale Page

Seconded by: Eugene Koltasz

The following amendments were made en bloc:

- (i) That Condition No. 29 (now Condition No. 24) be amended to read as follows:

At least 12 months prior to discontinuation of the relevant approved stage of the development, an updated Decommissioning and Rehabilitation Management Plan is to be prepared and approved to the satisfaction of the local government. The Plan must describe the scope and staging of decommissioning and rehabilitation works, and address the following matters including:

- ~~(i) Safety and emergency management;~~
- ~~(ii) Environmental management;~~
- ~~(iii) (iii) Waste management;~~
- ~~(iv) (iv) A detailed decommissioning schedule or works with timeframes for each stage;~~
- ~~(v) A Traffic Management Plan;~~
- ~~(vi) A Fire Management Plan;~~
- ~~(vii) Sufficient information that clearly outlines any below ground infrastructure to be retained on site and its treatment to allow for continued agricultural use;~~
- ~~(viii) Implementation of suitable mechanisms to alert prospective purchasers of retention of any below ground infrastructure which may affect future building locations or development;~~

~~Decommissioning and rehabilitation works are required to be completed within 18 months of the turbines or a single turbine operation, through the life of the project, ceasing operation to the satisfaction of the local government.~~

~~The applicant shall rehabilitate any and all sites as required to the satisfaction of the local government to enable broadacre farming or other approved farming activity to resume / continue, with the exception that underground infrastructure (such as footings and cables) may be retained below normal ploughing levels where retention allows for continued agricultural use.~~

- (iii) That a new Advice Note No. 20 be added to read as follows:

The Decommissioning and Rehabilitation Management Plan must describe the scope and staging of decommissioning and rehabilitation works, and address the following matters including:

- (i) Safety and emergency management;**
- (ii) Environmental management;**
- (iii) (iii) Waste management;**
- (iv) A detailed decommissioning schedule or works with timeframes for each stage;**
- (v) A Traffic Management Plan;**
- (vi) A Fire Management Plan;**

Dale Page
Presiding Member, Regional DAP

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- (vii) Sufficient information that clearly outlines any below ground infrastructure to be retained on site and its treatment to allow for continued agricultural use;*
- (viii) Implementation of suitable mechanisms to alert prospective purchasers of retention of any below ground infrastructure which may affect future building locations or development;*

Decommissioning and rehabilitation works are required to be completed within 18 months of the turbines or a single turbine operation, through the life of the project, ceasing operation to the satisfaction of the local government.

The applicant shall rehabilitate any and all sites as required to the satisfaction of the local government to enable broadacre farming or other approved farming activity to resume / continue, with the exception that underground infrastructure (such as footings and cables) may be retained below normal ploughing levels where retention allows for continued agricultural use.

The Amending Motion was put and **CARRIED UNANIMOUSLY**.

REASON: to be consistent with the wording of conditions on other similar applications. It is more appropriate for explanatory information to be contained as Advice Notes.

AMENDING MOTION 12

Moved by: Dale Page

Seconded by: Eugene Koltasz

The following amendments were made en bloc:

- (i) That Condition No. 30 (now Condition No. 25) be amended to read as follows:

~~If any below ground infrastructure is retained on site following decommissioning, notifications are to be placed on the affected Certificates of Title to alert prospective purchasers that there are underground cables and or infrastructure on the land which may impact on future development or building locations, within 3 months of the wind farm being decommissioned. The Notifications are to be prepared and lodged at the cost of the applicant or operator.~~

If notifications are to be placed on the affected Certificates of Title to alert prospective purchasers that there are underground cables and or infrastructure on the land which may impact on future development, these notifications are to be prepared and lodged at the cost of the Shire and with the consent of the applicant or owner.

- (ii) That a New Advice 21 be added to read as follows:

Condition No.25 is not imposing an obligation on the Local Government. If the Local Government chooses to lodge a Notification under Section 70A, the proponents' obligation is to give their consent to the Local Governments application and nothing more.

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Presiding Member, Regional DAP

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The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The obligation to lodge a Section 70A Notice on the title under the Transfer of Lands Act 1893 rests with the local government and not the applicant. This can only be executed by the local government if the landowner has given consent for the notice to be lodged. Further, there is no obligation for the local government to lodge the notice even if the consent is given, however, should the local government proceed the associated costs rest with the local government.

SUBSTANTIVE MOTION (AS AMENDED)

1. **Accept** that the DAP Application reference DAP/25/03017 is appropriate for consideration as a “use not listed” land use and compatible with the objectives of the zoning table in accordance with Clause 3.2 of the *Shire of Kojonup Town Planning Scheme No. 3*.
2. **Approve** DAP Application reference DAP/25/03017 and accompanying plans (as contained in the Development Application Report, as shown in Attachment 1 (Appendix C) of the Responsible Authority 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 Clause 6.3 of the *Shire of Kojonup Town Planning Scheme No. 3*, subject to the following conditions:

DEVELOPMENT APPROVAL SCOPE

1. This decision constitutes planning approval only and is valid for a period of 5 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. The approved development shall be undertaken generally in accordance with the plans and undertakings provided by the applicant and forming the Application for Development Approval as attached to this report subject to any modifications required as a consequence of any condition/s of this approval.
3. This approval is for a maximum of 33 wind turbines with a maximum blade tip height of 206 metres above ground level.
4. The wind turbines and rotors are to be constructed in white or light grey colour.
5. Pursuant to Schedule 2, clause 74 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, further detailed plans for the proposed development shall be submitted to the local government for approval.

Further detailed plans may include the micro-siting wind turbines and associated infrastructure up to 100m.

6. The 132 kV transmission line is to be installed underground only.



ADDITIONAL REPORTS

7. Once turbine locations and parameters have been finalised and prior to construction commencing on-site, an updated Aviation Impact Assessment, including any amendments required to the Grid Lowest Safe Altitude (LSALT) height, is to be submitted to the Local Government for approval.
8. Prior to construction commencing on-site, the applicant is to submit for approval either:
 - (i) Updated reports which assess the impact of the final turbine locations; or
 - (ii) A technical note from the author of the report or equivalent expert confirming that the change in location of the turbines does not change the outcome or recommendations in the report.

The reports to which this condition relate are:

- (i) Shadow flicker and blade glint;
 - (ii) Electromagnetic Interference;
 - (iii) Environmental Assessment and Management Plan;
 - (iv) Aviation Impact Assessment; and
 - (v) Noise Impact Assessment.
9. An Independent Engineering Certification Report, prepared by a suitably qualified and independent structural engineer, is required to certify:
 - (i) Pre-construction: That the wind turbines and their foundations have been designed in accordance with relevant Australian and international standards.
 - (ii) Post-construction: That the wind turbines and their foundations have been constructed in accordance with relevant Australian and international standards.

CONSTRUCTION

10. Prior to construction, a Construction and Environmental Management Plan shall be submitted to the Local Government for approval. Once approved, the Construction and Environmental Management Plan shall be implemented at all times during the construction phase to the satisfaction of the Local Government upon advice from relevant agencies.



11. Prior to delivery of turbines, a Traffic and Transport Management Plan relating to construction related transport within the Shire of Kojonup shall be submitted to the Local Government for approval.

The Traffic and Transport Management Plan shall address the requirement for the applicant to assess the pavement condition pre and post construction and to rectify and restore the road network and other affected infrastructure following construction to the satisfaction of the local government, in consultation with Main Roads WA.

Once approved, the Traffic and Transport Management Plan shall be implemented at all times to the satisfaction of the Local Government for works on local roads and Main Roads WA for works on State roads, including Albany Highway if / as required.

12. All wind turbine towers to have lighting which is satellite or radio frequency activated when aircraft are in the vicinity.
13. Prior to installing any of the turbines, the applicant is to advise the following entities regarding the construction of the wind turbines, including estimated dates of installation, details of exact locations and heights:
 - (i) Civil Aviation Safety Authority (CASA);
 - (ii) Airservices Australia;
 - (iii) Royal Flying Doctor Service;
 - (iv) Royal Australian Air Force;
 - (v) All known private airstrip owners within 20km of any wind turbine; and
 - (vi) All known aerial agriculture operators, including the Aerial Agriculture Association of Australia.

NOISE

14. Prior to construction, an updated Noise Impact Assessment is to be provided. Amongst matters, the assessment is to confirm the development complies with the *Environmental Protection (Noise) Regulations 1997 (as amended)* and *South Australian EPA Wind Farms Environmental Noise Guidelines (2021)*, to the satisfaction of the local government upon advice from the Department of Water and Environmental Regulation and/or the Department of Health.
15. This approval is for Vestas V162-6.2MW wind turbine. Where the use of an alternative wind turbine is proposed, the applicant must prepare and lodge with the local government a revised Noise Impact Assessment based upon the proposed alternative turbine, which demonstrates that that the alternative turbine complies with Condition 17. Any revised Noise Impact Assessment is to be to the satisfaction of the local government.



16. The applicant is to undertake post-commissioning noise testing based upon the testing procedures and analysis contained in the South Australian EPA Wind Farms Environmental Noise Guidelines (2021) to address the *Environmental Protection (Noise) Regulations 1997* (as amended) to the satisfaction of the local government upon advice from the Department of Water and Environmental Regulation and/or the Department of Health. The noise testing should:
 - (i) Be made publicly available on the wind farm operator's website for the life of the wind farm.
17. The applicant shall ensure at all times that the operation of the wind farm complies with the following noise levels within a 30 metre curtilage of a dwelling:
 - a) Will not exceed 35dB(A) (LA90, 10 minutes); or
 - b) Will not exceed the background noise (LA90, 10 Minutes) by more than 5dB(A), whichever is the greater up to 45dB(A). Assessment of noise impact is to be performed in accordance with South Australian EPA Wind Farms Environmental Noise Guidelines (2021) at the end of the condition as suggested by the applicant.

OPERATIONAL MATTERS

18. Post-construction, the applicant must provide the local government with:
 - (i) GPS co-ordinates for each constructed wind turbine; and
 - (ii) A plan showing the location of all constructed access tracks.
19. Prior to wind turbine commissioning, a Bird and Bat Adaptive Management Plan is to be prepared to the satisfaction of the Local Government, on advice from the Department of Water and Environmental Regulation and other relevant stakeholders.
20. Prior to wind farm operations commencing, an Operational Management Plan shall be submitted to the Local Government for approval. Once approved, the Operational Management Plan shall be implemented at all times during the operational phase to the satisfaction of the Local Government.

The Operational Management Plan will also include:

- (i) Information and contact details of the Operator of the Wind Farm;
- (ii) A complaints procedure for managing all complaints received, including noise complaints;
- (iii) The requirement to maintain a complaints register;
- (iv) Arrangements with adjoining landowners regarding the construction of future dwellings on adjoining lots; and



- (v) Arrangements with adjoining and nearby landowners undertaking agricultural aerial spraying and or aerial water bombing for fire management.
- 21. Prior to construction, a Bushfire Management Plan and Risk Management Plan shall be submitted to the local government for approval on advice of the Department of Fire and Emergency Services.
- 22. Prior to commencement of operations, an Emergency Response Plan shall be developed in consultation with the Local Government. The Emergency Response Plan shall be implemented at all times during the operational phase to the satisfaction of the Local Government.
- 23. The applicant is to ensure suitable potable water supply and effluent disposal facilities / infrastructure are designed, installed and maintained for the life of the development in accordance with the Local Government's requirements, upon advice of the Department of Health as necessary.

DECOMMISSIONING

- 24. At least 12 months prior to discontinuation of the relevant approved stage of the development, an updated Decommissioning and Rehabilitation Management Plan is to be prepared and approved to the satisfaction of the local government.
- 25. If notifications are to be placed on the affected Certificates of Title to alert prospective purchasers that there are underground cables and or infrastructure on the land which may impact on future development, these notifications are to be prepared and lodged at the cost of the Shire and with the consent of the applicant or owner.

ADVICE NOTES:

- 1. This is a development approval only. The applicant is advised that it is their responsibility to ensure the proposed development complies with all other applicable legislation, local laws and/or licence/permit requirements that may relate to the development. This includes the *Biodiversity Conservation Act 2016*, *Environmental Protection (Noise) Regulations 1997*, *Environmental Protection Act 1986*, *Rights in Water and Irrigation Act 1914*, *Aboriginal Heritage Act 1972*, *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* and *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007*, amongst others.
- 2. For any condition that requires a plan(s) to be submitted to the Local Government, a new and updated plan(s) shall be submitted for each stage of the development unless otherwise advised by the Local Government.



3. The further detailed plans required by Condition 10 must include:
 - (i) Temporary works required during construction including:
 - (a) Construction compounds;
 - (b) Concrete batching plant;
 - (c) Materials storage / laydown areas.
 - (ii) Permanent structures and detail, including:
 - (a) Micro siting of wind turbines subject to addressing Condition 6 and avoiding native vegetation;
 - (b) Substation;
 - (c) Operation and maintenance building;
 - (d) Battery Energy Storage System (BESS);
 - (e) Underground cabling and underground cable road crossings;
 - (f) Service roads and parking.
4. In relation to Conditions 10 and 15, the updated Aviation Impact Assessment is to be submitted to the local government for approval upon advice from Civil and Safety Authority (CASA). If required by CASA, all wind turbine towers to have lighting which is satellite or radio frequency activated when aircraft are in the vicinity.
5. In relation to the Construction and Environmental Management Plan, the following information should also be included:

Construction

- (i) A program of works;
- (ii) The location of:
 - (a) the crane hardstand areas;
 - (b) the concrete batching plant, water tanks and any construction compounds and materials storage / laydown areas
 - (c) temporary buildings;
 - (d) temporary access / egress points;
 - (e) temporary car parking areas;



- (f) the location and extent of excavation required for the purpose of laying cabling;
- (iii) A timetable for the removal of temporary development after completion of the construction phase;
- (iv) Detail how disturbed land will be rehabilitated;
- (v) An accommodation strategy which identifies how workers will be housed during the construction phase;
- (vi) Stakeholder and community engagement (including complaints handling processes);
- (vii) Address the matters outlined below:
 - (a) Safety and emergency management;
 - (b) Safety and site hygiene management, including the provision of water and waste water services to buildings with amenities;
 - (c) Natural hazard management, including fire and emergency management;
 - (d) Fuel and chemical storage and handling;
 - (e) Aviation impacts and management;
 - (f) Waste management including construction waste;
- (viii) The management of potential construction impacts, including:
 - (a) The management of weed infestations;
 - (b) Erosion and sediment control;
 - (c) Stormwater management;
 - (d) Dust management;
 - (e) Water management;
 - (f) Waterways protection;
 - (g) Noise and vibration management;
 - (h) Flora and fauna management;



- (i) Biosecurity management measures including minimisation of biosecurity risks to the land owners, adjoining properties and along the transport routes;
 - (j) Historic cultural heritage management; and
 - (k) Aboriginal cultural heritage management including ensuring contractors and operators are informed of the obligations relating to site discovery and reporting requirements.
6. Any additional wind monitoring mast(s) is to include the following measures as recommended by the Aviation Impact Assessment and by government agency submissions:
- (i) Three marker balls are to be placed on the outside guy wires at the top of the masts;
 - (ii) Guy wire ground attachment points should be in contrasting colours to the surrounding ground/vegetation;
 - (iii) Paint markings should be applied in alternating contrasting bands of colour on the top one-third of the masts, in line with the National Airports Safeguarding Framework Guideline D;
 - (iv) Masts are to be reported to the Airservices Australia via the Vertical Obstacle Data Form once mast parameters and locations have been finalised and at least two (2) weeks before construction commencing, to be included on aeronautical maps and charts;
 - (v) Adjacent landowners are to be notified of obstacles relating to aerial recreation or agricultural activities; and
 - (vi) Suitable ground signage or other warning devices are to be erected at road entrances and key access points around agricultural machinery of the presence of guy wires and other infrastructure associated with the masts.
7. With regard to the Traffic and Transport Management Plan required by Condition 13, the following information should be included:
- (i) Traffic impact assessment;
 - (ii) Details of Oversize and Overmass loads;
 - (iii) Swept path analysis;
 - (iv) Haul movements and routes;
 - (v) Details of any temporary or permanent modifications, works or upgrades required to intersections, roads or site access points; and



- (vi) Permit /approval requirements, local government or Main Roads WA.
8. With regard to the Traffic and Transport Management Plan, Main Roads WA approval and permit requirements may include:
- (i) Movements of wind farm components require necessary permits from Main Roads WA's Heavy Vehicle Services (HVS) under the *Road Traffic (Vehicles) Act 2012* complying with the HVS route survey requirements, Oversize Overmass Transport Management Plan (OSOM-TMP) requirements, the Movement of High Risk OSOM Vehicles Policy and the Single Trip OSOM Vehicle Standard Operating Conditions;
 - (ii) Proposed works within State road reserves are subject to a separate approval process under the *Main Roads Act 1930*;
 - (iii) All Traffic Control Signal installations, removals, or alterations within Western Australia require approval from Main Roads Network Operations under Regulation 297 of the *Road Traffic Code 2000*;
 - (iv) Main Roads approval for signage and pavement marking modifications is required under the *Road Traffic Code 2000*; and
 - (v) Any road signs are to comply with Main Roads Policy Application Guidelines for Advertising Signs within and beyond State Roads Reserves under the *Main Roads (Control of Advertisements) Regulations 1996*.
9. With regard to the Traffic and Transport Management Plan, local government approval requirements may include:
- (i) Roads to remain open for public use where practicable during road construction/upgrade activities;
 - (ii) Source of and testing results of gravel proposed for use on public roads are to be to the satisfaction of the local government; and
 - (iii) Upgrades of the entry points to the Project Site from adjoining public roads.
10. The Shire of Kojonup is unable to provide guarantee of all-weather access on its unsealed road network, and in the event that the applicant requires all- weather access to the project site, the applicant is required to seal the affected portion of road network to the satisfaction of the local government.
11. All service roads are to be located, designed, constructed and drained to minimise the impact on local drainage systems, landscape and farming activities.



12. With regard to the Fire Management Plan and the Emergency Response Plan, the Department of Fire and Emergency Services (DFES) Regional Office, DFES Aviation Services, District Officer and the local fire and emergency services should be consulted during the final design, construction, and leading up to the commissioning of the wind farm facility and associated infrastructure. The Shire of Kojonup and DFES consider it critical for the local fire and emergency services to understand the hazards present in the facility and the measures required to ensure the safety of firefighting personnel when working in or around the facility. This may impact on how crews respond to a fire within the facility, which may in turn have ramifications regarding the optimal number and location of water supplies. The Emergency Response Plan is also to address other potential emergency types such as medical incident response (i.e. ambulance attendance) and storm events.
13. The concrete batching plant will need to demonstrate compliance with the Environmental *Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998* irrespective of whether the premises is a Prescribed Premises or not.
14. The development shall be designed and constructed to protect Western Power infrastructure and interests from potential land use conflict. Arrangements should be made to the specifications of Western Power for the provision of necessary electricity easements as and where required. No development (including drainage, fill, fencing, storage or parking) will be permitted within Western Power line and cable easements or restriction zones without the prior written approval of Western Power.
15. The applicant shall immediately advise the local government of completion of construction of the development, including completion of any individual stages.
16. The applicant is strongly encouraged to establish and implement a Community Benefits Fund in conjunction with the Shire of Kojonup, consistent with the WA Government endorsed (currently draft) '*Guideline on Community Benefits for Renewable Energy Projects*'.
17. The applicant is advised that:
 - (i) There is potential for vacant lots adjacent to the proposed wind farm to be further developed with dwellings;
 - (ii) Legislation in Western Australia requires that the wind farm comply with the Environmental *Protection (Noise) Regulations 1997*. The controls on noise contained in this approval do not override those contained in the Regulations, nor vice versa, but the wind farm must comply with whichever control is more stringent at any given location at any given time under then-prevailing meteorological etc conditions;
 - (iii) The applicant takes the commercial risk that future wind farm operations may need to be altered or modified to continue to comply with noise limitations;



- (iv) It is recommended that the applicant prepare and submit acoustic compliance reports by a suitably qualified and independent acoustic engineer to demonstrate compliance with Condition 19 at key stages of development. This would provide compliance assurances to both the local government and surrounding landowners;
- (v) These conditions must be read in conjunction with all relevant legislation and regulations and the applicant must comply with all other relevant legislation and regulations specifically the *Environmental Protection Act 1986* and associated regulations;
- (vi) A clearing permit under the *Environmental Protection Act 1986*, for the proposed clearing of any native vegetation may be required;
- (vii) The applicant is advised to investigate whether or not approval is required pursuant to the *Aboriginal Heritage Act 1972* prior to commencement of any activities or works on site;
- (viii) The transformer associated with each wind turbine shall be located beside each tower or enclosed within *the* tower;
- (ix) All fill placed on the land must be free of disease and weeds;
- (x) All wind turbine towers are to be fully enclosed (to prevent birds perching or nesting);
- (xi) There are various Department of Water and Environmental Regulation requirements relating to matters including water licensing, water supply and surface water management –
 - (a) A Bed and Banks permit under the *Rights in Water and Irrigation Act 1914*, will be required for the interference with the bed and bank of any watercourse; and
 - (b) A licence to take water under the *Rights in Water and Irrigation Act 1914*, will be required if it is proposed to take surface water from a watercourse.
- (xii) Once turbine locations and parameters have been finalised and at least two (2) months before installation of any wind turbines commencing, the applicant/operator will submit the details of all wind turbines to Airservices Australia via the Vertical Obstacle Data Form, as required by Conditions 16 and 21.
- (xiii) On commissioning, the Vertical Obstacle Data Form should be resubmitted to Airservices Australia with the surveyed height and location of each installed turbine and wind monitoring mast.



18. 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.
19. In relation to Condition 21, the Bushfire Management Plan shall be prepared to address the requirements under State Planning Policy 3.7 Bushfire and the Planning for Bushfire Guidelines. The Risk Management Plan shall be prepared taking general guidance from the Victorian Country Fire Association's Design Guidelines and Model Requirements – Renewable Energy Facilities.
20. The Decommissioning and Rehabilitation Management Plan must describe the scope and staging of decommissioning and rehabilitation works, and address the following matters including:
 - (i) Safety and emergency management;
 - (ii) Environmental management;
 - (iii) (iii) Waste management;
 - (iv) A detailed decommissioning schedule or works with timeframes for each stage;
 - (v) A Traffic Management Plan;
 - (vi) A Fire Management Plan;
 - (vii) Sufficient information that clearly outlines any below ground infrastructure to be retained on site and its treatment to allow for continued agricultural use;
 - (viii) Implementation of suitable mechanisms to alert prospective purchasers of retention of any below ground infrastructure which may affect future building locations or development;

Decommissioning and rehabilitation works are required to be completed within 18 months of the turbines or a single turbine operation, through the life of the project, ceasing operation to the satisfaction of the local government.

The applicant shall rehabilitate any and all sites as required to the satisfaction of the local government to enable broadacre farming or other approved farming activity to resume / continue, with the exception that underground infrastructure (such as footings and cables) may be retained below normal ploughing levels where retention allows for continued agricultural use.

21. Condition No.25 is not imposing an obligation on the Local Government. If the Local Government chooses to lodge a Notification under Section 70A, the proponents' obligation is to give their consent to the Local Governments application and nothing more.



The Substantive Motion (as amended) was put and CARRIED (3/2).

For: Dale Page
Eugene Koltasz
Mike Mouritz

Against: Cr Craig Mitchell
Cr Mick Mathwin

REASON: This is much-needed infrastructure in an ideal location to connect into the SWIS. It meets one of the key objectives of the State Planning Strategy; complements and meets the objectives of the underlying Rural zoning and will continue to accommodate the current agricultural uses of the subject lots; and requires very little clearing. On the issue of bushfire, most panel members accepted that most of the development is exempt from assessment against SPP 3.7 and the Guidelines; and note that the applicants will prepare a Bushfire Management Plan once detailed design has been done to address risk to the components that are not exempt from assessment and to address risk from operation of the development itself. The panel noted there are no identified site constraints that would prevent alignment with SPP3.7 and the Guidelines. On the issue of non-adherence to the LPP, most panel members agreed that non-adherence to a LPP is not in itself a solid planning reason not to support a proposal. The Shire's policy is useful to guide the exercise of discretion on this proposal, and it clearly communicates the Shire and the community's expectations and concerns about this type of development. However, most panel members agreed the LPP is a due regard document that does not have the weight the Shire and community expect it to have, particularly given it is not clear where some of the provisions in the policy were taken from and the policy doesn't strictly align with relevant State Planning instruments. In relation to noise, most panel members accepted the argument that that the current Noise Regulations do not reasonably deal with noise emitted by the wind turbines themselves and that is why there is a reliance on the South Australian guidelines which are tailored for a use like this. The panel acknowledged that the assigned levels in the Noise Regulations can be met at all locations, based on the SA Guidelines. The onus is on the proponent to meet the assigned noise levels and the risk to operations if levels are exceeded will be borne by the proponent.

4. Form 2 DAP Applications

Nil

5. Section 31 SAT Reconsiderations

Nil

Dale Page
Presiding Member, Regional DAP



PROCEDURAL MOTION 3

Moved by: Dale Page

Seconded by: Eugene Koltasz

That the meeting be adjourned for a period of 5 minutes.

The Procedural Motion was put and CARRIED UNANIMOUSLY.

REASON: to allow members a comfort break and for panel members to be swapped.

The meeting was adjourned at 12.26am.

The meeting was reconvened at 12.31am.

Cr Craig Mitchell and Cr Mick Mathwain (Local Government DAP Members, Shire of Kojonup) left the panel at 12.26am.

A handwritten signature in black ink, appearing to read 'Dale Page'.

Dale Page
Presiding Member, Regional DAP

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PART D – SHIRE OF HARVEY

Shire President Michelle Campbell and Cr John Bromham (Local Government Members, Shire of Harvey) joined the panel at 12.31am.

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

Nil

3. Form 1 DAP Applications

3.1 Lot 10 Wellesley Road, Binningup - Proposed Renewable Energy Facility (Solar Farm and BESS) – DAP/25/03021

Deputations

Luka Martins (TBB Planning) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

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

SUBSTANTIVE MOTION

Moved by: Mike Mouritz

Seconded by: Shire President Michelle Campbell

That the Regional DAP resolves to:

1. **Accept** that the DAP Application reference DAP/25/03021 is appropriate for consideration as a “Renewable Energy Facility” land use and compatible with the objectives of the zoning table in accordance with Clause 16 of the Shire of Harvey Local Planning Scheme No. 2;
2. **Approve** DAP Application reference DAP/25/03021 and accompanying plans (contained within Plans Schedule at **Attachment 1**) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause 16 of the Shire of Harvey Local Planning Scheme No. 2, subject to the following conditions:

Dale Page
Presiding Member, Regional DAP

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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 approved development shall be in accordance with the approved development plans and documentation which form part of this development approval, subject to modifications required as a consequence of any condition(s) of this approval.
3. Prior to commencement of any works associated with the approved development, amended detailed plans shall be submitted to, and approved by the Shire of Harvey. The detailed plans shall address the following:
 - a. Retention of native vegetation identified in the Shire of Harvey's Local Biodiversity Strategy as a Local Natural Area for protection and retention.
 - b. No development within the 30m buffer of the Tuart Woodlands and Forests of the Swan Coastal Plain Threatened Ecological Community.
 - c. No development within the Conservation Category Wetland unless evidence is provided to confirm wetland has been reclassified by the Department of Biodiversity, Conservation and Attractions.
4. Prior to the commencement of any works associated with the approved development, the Landscape and Visual Impact Assessment shall be reviewed and submitted to, and approved by the Shire of Harvey. The reviewed Landscape and Visual Impact Assessment shall include:
 - a. Assessed visual and glint and glare impacts for the nearby sensitive receiver west of the subject site.

Recommended measures to reduce visual impacts.

Any recommended measures to reduce visual, glint and glare impacts identified in the approved reviewed Landscape and Visual Impact Assessment shall be implemented to the satisfaction of the Shire of Harvey.
5. Prior to the commencement of any works associated with the approved development, detailed engineering drawings and specifications of the proposed structures and infrastructure shall be submitted to and approved by the Shire of Harvey.
6. Prior to the commencement of any works associated with the approved development, a Traffic Management Plan for the construction phase of the development shall be prepared in accordance with Main Roads Western Australia's Code of Practice, submitted to, and approved by the Shire of Harvey.



7. Prior to the commencement of any works associated with the approved development, a Construction Management Plan shall be submitted to, and approved by, the Shire of Harvey. The Construction Management Plan shall detail how the following matters will be managed during the construction phase of the approved development:
 - a. Storage of materials and other items on the site.
 - b. Provision of parking for contractors, and subcontractors.
 - c. Management of construction waste.
 - d. Dust mitigation measures.
 - e. Weed management measures.
 - f. Demolition details for the heritage listed structures
8. Prior to the commencement of any works associated with demolition and removal of the ruins of the two heritage cottages, an assessment shall be undertaken by a suitably qualified consultant to determine the potential for significant archaeology. If the assessment deems necessary, an Archaeological Management Strategy shall be prepared by a suitable qualified consultant and submitted to, and approved by, the Shire of Harvey, and thereafter implemented.
9. Prior to the commencement of any works associated with the approved development, a Dewatering Management Plan shall be submitted to, and approved by the Shire of Harvey, in consultation with the Department of Water and Environmental Regulation.
10. Prior to the commencement of any works associated with the approved development, a Stormwater and Drainage Management Plan shall be prepared in accordance with the *Decision process for stormwater management in WA* (DWER 2017) and the *Stormwater Management Manual for Western Australia* (DoW 2004-2007), submitted to, and approved by the Shire of Harvey, in consultation with the Department of Water and Environmental Regulation. The plan shall address:
 - a. How storm event and overland flow path for larger events are to be managed;
 - b. Potential effect on groundwater levels and quality:
 - c. Protection of adjacent waterways and wetlands;
 - d. Confirm water of water use requirements (including volume) and how the water will be sourced to support the proposal (e.g. such as for cleaning purposes) and the method of disposal; and
 - e. Conclusions / Recommendations.



11. Prior to the commencement of any works associated with the approved development, a Fencing Plan shall be submitted to, and approved by the Shire of Harvey. The Fencing Plan shall address:
 - a. Fencing details associated with security of the site and development.
 - b. Fencing details associated with the establishment of the 30m buffer of the Tuart Woodlands and Forests of the Swan Coastal Plain Threatened Ecological Community.
12. During the approved clearing of any vegetation, a suitably qualified fauna spotter shall be present on site to identify and relocate any fauna present at the time.
13. Prior to the operation of the approved development, an Emergency Evacuation Plan and Risk Management Plan shall be submitted to, and approved by, the Shire of Harvey, and thereafter implemented.
14. The approved Bushfire Management Plan shall be implemented, to the satisfaction of the Shire of Harvey.
15. At least 6 months prior to the ceasing of the approved use, a Decommissioning and Rehabilitation Plan shall be submitted to, and approved by the Shire of Harvey.

Advice Notes

1. It is recommended that the Emergency Evacuation Plan and Risk Management Plan are prepared in accordance with the Victoria Country Fire Authority Design Guidelines and Model Requirements for Renewable Energy.
2. Acid sulfate soils (ASS) risk mapping indicates that the site is located within an area identified as representing a 'high to moderate' and '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>.
3. The proponent be advised to contact DWER's Bunbury water licensing section on 97264111 for a licence to dewater under the RIWI Act if the proposed activity is to exceed the threshold specified at <https://www.water.wa.gov.au/licensing/water-licensing/exemptions>.
4. The development shall be designed and constructed to protect Western Power infrastructure and interests from potential land use conflict.
5. No development (including drainage, fill, fencing, storage or parking) will be permitted within Western Power line and cable easements or restriction zones without the prior written approval of Western Power.



6. The applicant should formally progress the Western Power network connection and substation arrangements with Western Power.
7. Arrangements being made to the specifications of Western Power for the provision of necessary electricity easements as and where required.
8. The Applicant is reminded of their obligations under the *Aboriginal Heritage Act 1972*.
9. The Applicant is reminded that the Department of Fire and Emergency Services advises that the DFES District Officer responsible for this region and the local fire and emergency services should be consulted during the construction and leading up to the commissioning of the facility.

AMENDING MOTION 1

Moved by: Dale Page

Seconded by: Eugene Koltasz

The following amendments were made en bloc:

- (i) That Condition No. 7 be amended to read as follows:

Prior to the commencement of any works associated with the approved development, a Construction Management Plan shall be submitted to, and approved by, the Shire of Harvey. The Construction Management Plan shall detail how the following matters will be managed during the construction phase of the approved development:

- a. *Storage of materials and other items on the site.*
- b. *Provision of parking for contractors, and subcontractors.*
- c. *Management of construction waste.*
- d. *Dust mitigation measures.*
- e. *Weed management measures.*
- f. *Demolition details for the heritage listed structures*

Once approved, the plan shall be implemented to the satisfaction of the Shire of Harvey.

- (ii) That Condition No. 9 be amended to read as follows:

Prior to the commencement of any works associated with the approved development, a Dewatering Management Plan shall be submitted to, and approved by the Shire of Harvey, in consultation with the Department of Water and Environmental Regulation. ***Once approved, the plan shall be implemented to the satisfaction of the Shire of Harvey.***

Dale Page
Presiding Member, Regional DAP

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(iii) That Condition No. 10 be amended to read as follows:

Prior to the commencement of any works associated with the approved development, a Stormwater and Drainage Management Plan shall be prepared in accordance with the *Decision process for stormwater management in WA* (DWER 2017) and the *Stormwater Management Manual for Western Australia* (DoW 2004-2007), submitted to, and approved by the Shire of Harvey, in consultation with the Department of Water and Environmental Regulation. The plan shall address:

- a. How storm event and overland flow path for larger events are to be managed;
- b. Potential effect on groundwater levels and quality;
- c. Protection of adjacent waterways and wetlands;
- d. Confirm water of water use requirements (including volume) and how the water will be sourced to support the proposal (e.g. such as for cleaning purposes) and the method of disposal; and
- e. Conclusions / Recommendations.

Once approved, the plan shall be implemented to the satisfaction of the Shire of Harvey.

(iv) That Condition No. 11 be amended to read as follows:

During the approved clearing of any vegetation, a suitably qualified fauna spotter shall be present on site to identify and relocate any fauna present at the time. ***Once approved, the plan shall be implemented to the satisfaction of the Shire of Harvey.***

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: although it may be implied through application of the conditions, the current wording of these conditions requires preparation of the plans only. The additional wording ensures the approved plans are then implemented to the satisfaction of the Shire.



AMENDING MOTION 2

Moved by: Dale Page

Seconded by: Eugene Koltasz

That Condition No.3a be amended to read as follows:

Prior to commencement of any works associated with the approved development, amended detailed plans shall be submitted to, and approved by the Shire of Harvey. The detailed plans shall address the following:

- ~~a. Retention of native vegetation identified in the Shire of Harvey's Local Biodiversity Strategy as a Local Natural Area for protection and retention.~~
- a. No development within the 30m buffer of the Tuart Woodlands and Forests of the Swan Coastal Plain Threatened Ecological Community.
- b. No development within the Conservation Category Wetland unless evidence is provided to confirm wetland has been reclassified by the Department of Biodiversity, Conservation and Attractions.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: Most of the native vegetation mapped as an LNA within the site will be retained, with only limited clearing required to facilitate the development. The retained vegetation will be protected and improved through management measures. There is limited clearing proposed of significantly degraded vegetation. This clearing has already been assessed and approved through the relevant State pathway and the Commonwealth has determined the action is Not a Controlled Action and has recognised the level of avoidance demonstrated. Retention of Condition 3(a) duplicates and potentially conflicts with the established State clearing approval pathway

AMENDING MOTION 3

Moved by: Dale Page

Seconded by: Shire President Michelle Campbell

That Condition No.8 be amended to read as follows:

~~*Prior to the commencement of any works associated with demolition and removal of the ruins of the two heritage cottages, an assessment shall be undertaken by a suitably qualified consultant to determine the potential for significant archaeology. If the assessment deems necessary, an Archaeological Management Strategy shall be prepared by a suitable qualified consultant and submitted to, and approved by, the Shire of Harvey, and thereafter implemented.*~~

~~*Prior to the commencement of any works associated with the approved development, a Dewatering Management Plan shall be submitted to, and approved by the Shire of Harvey, in consultation with the Department of Water and Environmental Regulation. Once approved, the plan shall be implemented to the satisfaction of the Shire of Harvey*~~

Dale Page
Presiding Member, Regional DAP

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Prior to the commencement of any works associated with demolition and/or removal of the ruins of the two heritage cottages, the proponent shall submit to the Shire of Harvey an Archaeological Due Diligence report prepared by a suitably qualified person. The Archaeological Due Diligence Record shall include, as a minimum:

- a. a site inspection of the ruins and immediate works area,***
- b. photographic documentation of the ruins and the proposed disturbance footprint, and***
- c. a brief written statement of findings that identifies whether there is credible potential for significant archaeological material to be present and impacted by the proposed works.***

Should the Record indicate the potential for significant archaeological material be identified, details shall be provided to demonstrate how the material will be managed or protected

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The amended wording removes unnecessary cost/process and ambiguity. It still achieves the outcome sought by the Shire but ensures the actions required are proportionate and respond appropriately to the level of risk.

SUBSTANTIVE MOTION (AS AMENDED)

That the Regional DAP resolves to:

1. **Accept** that the DAP Application reference DAP/25/03021 is appropriate for consideration as a “Renewable Energy Facility” land use and compatible with the objectives of the zoning table in accordance with Clause 16 of the Shire of Harvey Local Planning Scheme No. 2;
2. **Approve** DAP Application reference DAP/25/03021 and accompanying plans (contained within Plans Schedule at **Attachment 1**) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause 16 of the Shire of Harvey Local Planning Scheme No. 2, subject to the following conditions:

Conditions

1. This decision constitutes planning approval only and is valid for a period of 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 approved development shall be in accordance with the approved development plans and documentation which form part of this development approval, subject to modifications required as a consequence of any condition(s) of this approval.



3. Prior to commencement of any works associated with the approved development, amended detailed plans shall be submitted to, and approved by the Shire of Harvey. The detailed plans shall address the following:
 - a. No development within the 30m buffer of the Tuart Woodlands and Forests of the Swan Coastal Plain Threatened Ecological Community.
 - b. No development within the Conservation Category Wetland unless evidence is provided to confirm wetland has been reclassified by the Department of Biodiversity, Conservation and Attractions.
4. Prior to the commencement of any works associated with the approved development, the Landscape and Visual Impact Assessment shall be reviewed and submitted to, and approved by the Shire of Harvey. The reviewed Landscape and Visual Impact Assessment shall include:
 - a. Assessed visual and glint and glare impacts for the nearby sensitive receiver west of the subject site.

Recommended measures to reduce visual impacts.

Any recommended measures to reduce visual, glint and glare impacts identified in the approved reviewed Landscape and Visual Impact Assessment shall be implemented to the satisfaction of the Shire of Harvey.

5. Prior to the commencement of any works associated with the approved development, detailed engineering drawings and specifications of the proposed structures and infrastructure shall be submitted to and approved by the Shire of Harvey.
6. Prior to the commencement of any works associated with the approved development, a Traffic Management Plan for the construction phase of the development shall be prepared in accordance with Main Roads Western Australia's Code of Practice, submitted to, and approved by the Shire of Harvey.
7. Prior to the commencement of any works associated with the approved development, a Construction Management Plan shall be submitted to, and approved by, the Shire of Harvey. The Construction Management Plan shall detail how the following matters will be managed during the construction phase of the approved development:
 - a. Storage of materials and other items on the site.
 - b. Provision of parking for contractors, and subcontractors.
 - c. Management of construction waste.
 - d. Dust mitigation measures.
 - e. Weed management measures.



- f. Demolition details for the heritage listed structures

Once approved, the plan shall be implemented to the satisfaction of the Shire of Harvey.

8. Prior to the commencement of any works associated with demolition and/or removal of the ruins of the two heritage cottages, the proponent shall submit to the Shire of Harvey an Archaeological Due Diligence report prepared by a suitably qualified person. The Archaeological Due Diligence Record shall include, as a minimum:
- d. a site inspection of the ruins and immediate works area,
 - e. photographic documentation of the ruins and the proposed disturbance footprint, and
 - f. a brief written statement of findings that identifies whether there is credible potential for significant archaeological material to be present and impacted by the proposed works.

Should the Record indicate the potential for significant archaeological material be identified, details shall be provided to demonstrate how the material will be managed or protected

9. Prior to the commencement of any works associated with the approved development, a Stormwater and Drainage Management Plan shall be prepared in accordance with the *Decision process for stormwater management in WA* (DWER 2017) and the *Stormwater Management Manual for Western Australia* (DoW 2004-2007), submitted to, and approved by the Shire of Harvey, in consultation with the Department of Water and Environmental Regulation. The plan shall address:
- a. How storm event and overland flow path for larger events are to be managed;
 - b. Potential effect on groundwater levels and quality;
 - c. Protection of adjacent waterways and wetlands;
 - d. Confirm water of water use requirements (including volume) and how the water will be sourced to support the proposal (e.g. such as for cleaning purposes) and the method of disposal; and
 - e. Conclusions / Recommendations.
10. Prior to the commencement of any works associated with the approved development, a Fencing Plan shall be submitted to, and approved by the Shire of Harvey. The Fencing Plan shall address:
- a. Fencing details associated with security of the site and development.
 - b. Fencing details associated with the establishment of the 30m buffer of the Tuart Woodlands and Forests of the Swan Coastal Plain Threatened Ecological Community.



Once approved, the plan shall be implemented to the satisfaction of the Shire of Harvey.

11. During the approved clearing of any vegetation, a suitably qualified fauna spotter shall be present on site to identify and relocate any fauna present at the time.
12. Prior to the operation of the approved development, an Emergency Evacuation Plan and Risk Management Plan shall be submitted to, and approved by, the Shire of Harvey, and thereafter implemented.
13. The approved Bushfire Management Plan shall be implemented, to the satisfaction of the Shire of Harvey.
14. At least 6 months prior to the ceasing of the approved use, a Decommissioning and Rehabilitation Plan shall be submitted to, and approved by the Shire of Harvey.

Advice Notes

1. It is recommended that the Emergency Evacuation Plan and Risk Management Plan are prepared in accordance with the Victoria Country Fire Authority Design Guidelines and Model Requirements for Renewable Energy.
2. Acid sulfate soils (ASS) risk mapping indicates that the site is located within an area identified as representing a 'high to moderate' and '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>.
3. The proponent be advised to contact DWER's Bunbury water licensing section on 97264111 for a licence to dewater under the RIWI Act if the proposed activity is to exceed the threshold specified at <https://www.water.wa.gov.au/licensing/water-licensing/exemptions>.
4. The development shall be designed and constructed to protect Western Power infrastructure and interests from potential land use conflict.
5. No development (including drainage, fill, fencing, storage or parking) will be permitted within Western Power line and cable easements or restriction zones without the prior written approval of Western Power.
6. The applicant should formally progress the Western Power network connection and substation arrangements with Western Power.
7. Arrangements being made to the specifications of Western Power for the provision of necessary electricity easements as and where required.



8. The Applicant is reminded of their obligations under the *Aboriginal Heritage Act 1972*.
9. The Applicant is reminded that the Department of Fire and Emergency Services advises that the DFES District Officer responsible for this region and the local fire and emergency services should be consulted during the construction and leading up to the commissioning of the facility.

The Substantive Motion (as amended) was put and CARRIED UNANIMOUSLY.

REASON: The proposed development aligns with the objectives of the Restricted Use zone applicable to the site, does not introduce sensitive land uses into the Kemerton buffer area and therefore will not impact the future development of this important strategic industrial area. It meets the provisions of the State's Position Statement on Renewable Energy Facilities and the limited visual impact it will have – specifically on a nearby dwelling – will be addressed via an updated Landscape and Visual Impact Assessment, and vegetation screening that will be required as part of a Landscaping Plan the subject of a condition of approval. The limited number of on-site staff and nature of the maintenance schedule will ensure there is no impact on the amenity of adjoining neighbours or the functionality of the local road network. The site has already largely been cleared, and appropriate State environmental approval processes have been followed for the removal of some additional degraded vegetation to facilitate the development.

4. Form 2 DAP Applications

Nil

5. Section 31 SAT Reconsiderations

Nil



PART E – 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

2. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 12.54am.