

SHIRE OF KOJONUP

# Kojonup



## MINUTES

# Special Council Meeting

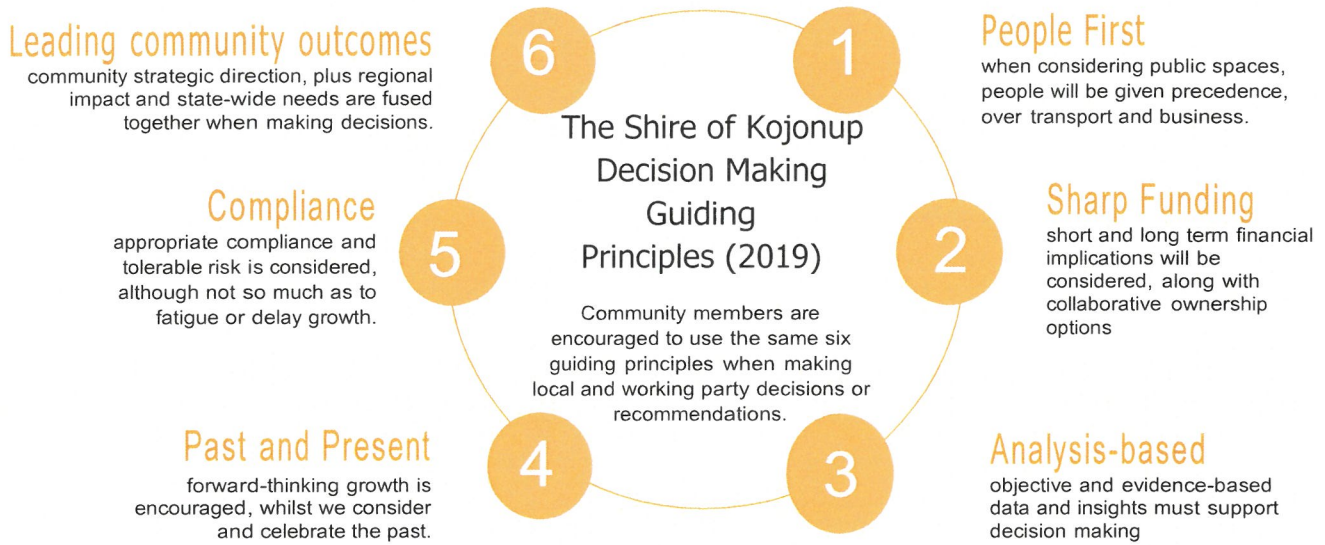
6 June 2023

MINUTES OF A SPECIAL COUNCIL MEETING HELD ON 6 JUNE 2023

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The Shire of Kojonup has a set of six guiding principles it uses when making decisions. These principles are checked and enhanced every two years in line with the Strategic Community Plan review schedule.



## MINUTES

### 1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The Shire President declared the meeting open at 3.04pm and drew the meeting's attention to the disclaimer below:

#### *Disclaimer*

*No person should rely on or act on the basis of any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting.*

*The Shire of Kojonup expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any advice or information provided by a member or officer, or the content of any discussion occurring, during the course of the meeting.*

*Where an application for an approval, a license or the like is discussed or determined during the meeting, the Shire warns that neither the applicant, nor any other person or body, should rely upon that discussion or determination until written notice of either an approval and the conditions which relate to it, or the refusal of the application has been issued by the Shire.*

#### **Acknowledgement of Country**

*The Shire of Kojonup acknowledges the first nations people of Australia as the Traditional custodians of this land and in particular the Keneang people of the Noongar nation upon whose land we meet.*

*We pay our respect to their Elders past, present and emerging.*

#### **Prayer**

*Almighty God, we pray for wisdom for our reigning monarch King Charles.*

*We ask for guidance in our decision making and pray for the welfare of all the people of Kojonup.*

*Grant us grace to listen and work together as a Council to nurture the bonds of one community.*

*Amen*

2 **ANNOUNCEMENTS FROM THE PRESIDING MEMBER**

Nil

3 **ATTENDANCE**

**COUNCILLORS**

Cr Radford

Shire President

Cr P Webb

Deputy Shire President

Cr F Webb

Cr Singh

Cr Bilney

Cr Egerton-Warburton

**STAFF**

Grant Thompson

Chief Executive Officer

Judy Stewart

Senior Administration Officer

3.1 **APOLOGIES**

Cr Gale

Cr Wieringa

3.2 **APPROVED LEAVE OF ABSENCE**

4 **DECLARATION OF INTEREST**

Item 9.4.1 – Cr Bilney (Proximity), Cr P Webb (Financial), Cr F Webb (Financial), Cr Egerton-Warburton (Impartiality)

5 **PUBLIC QUESTION TIME**

Questions may be submitted using the special email address for Council Meeting Public Question Time being [cmpqt@kojonup.wa.gov.au](mailto:cmpqt@kojonup.wa.gov.au)

The Chief Executive Officer will table all correspondence received.

5.1 **RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Not applicable

5.2 **PUBLIC QUESTION TIME**

Nil

6 CONFIRMATION OF MINUTES

Nil

7 PRESENTATIONS

7.1 PETITIONS

Nil

7.2 PRESENTATIONS

Nil

7.3 DEPUTATIONS

Nil

7.4 DELEGATES' REPORTS

Nil

8 METHOD OF DEALING WITH AGENDA BUSINESS

There were nil changes to the Order of Business.

9 REPORTS

9.1 KEY PILLAR 1 – 'PLACE' REPORTS

Nil

9.2 KEY PILLAR 2 – 'CONNECTED' REPORTS

Nil

9.3 KEY PILLAR 3 – ‘PERFORMANCE’ REPORTS

9.3.1 CHANGE OF DATE OF JULY 2023 ORDINARY MEETING AND ANNUAL ELECTORS MEETING (2021/2022)

<b>AUTHOR</b>	Grant Thompson – Chief Executive Officer
<b>DATE</b>	Wednesday, 31 May 2023
<b>FILE NO</b>	GO.CNM.6
<b>ATTACHMENT(S)</b>	Nil

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2021 +”
Key Pillar	Community Outcomes	Corporate Actions
KP3 - Performance	3.2 – Be exceptional in two-way communication within our community, and market our brand outside of our community.	3.2.2 - Engage with our residents and industry members through increased use of social media.

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

The purpose of this report is to consider changing and bringing forward Council’s July 2023 Ordinary Meeting and Annual Electors Meeting date from Tuesday 25 July 2023 to Wednesday 19 July 2023.

**BACKGROUND**

At its November 2023 Ordinary Meeting, Council resolved as follows:

*“That:*

1. *Ordinary Meetings of Council be scheduled to be held in the Shire of Kojonup (Shire) Council Chambers, 93 Albany Highway, Kojonup the third Tuesday of each month in 2023 commencing at 3:00pm with the following exceptions:*
  - *No scheduled meeting to be held in January;*
  - *The February meeting to be brought forward to the first Tuesday being 7 February;*
  - *The July meeting be held on the fourth Tuesday (25 July) to make allowance for the Annual Budget adoption; and*
  - *The December meeting be held on the second Tuesday (12 December) given timing to the Christmas break period.*
2. *The following dates be approved for the 2023 calendar year for Ordinary Meetings of Council:*
  - 7 February 2023*
  - 21 March 2023*
  - 18 April 2023*
  - 16 May 2023*
  - 20 June 2023*

*25 July 2023*

*15 August 2023*

*19 September 2023*

*17 October 2023*

*21 November 2023*

*12 December 2023*

3. *That Council's approved Ordinary Meeting schedule for 2023, as above, be published on the Shire website and local public notice given."*

At its May 2023 Ordinary Meeting, Council resolved as follows:

*"That:*

- 1) the 2021/2022 Annual Financial Report be adopted;*
- 2) the Chief Executive Officer forward a copy of this Audit and Risk Committee and the Council agenda items to the Minister for Local Government and places them on the Shire of Kojonup website in accordance with Section 7.12A (Duties of local government with respect to audits) of the Local Government Act 1995; and*
- 3) That Council conducts its Annual Electors Meeting for the 2021/2022 financial year on 25 July 2023 at 6.00pm at the Kojonup Sporting Complex."*

In accordance with Regulation 12 of the *Local Government (Administration) Regulation 1996*, local governments are required to give local public notice of the date, time and place with respect to ordinary council meetings and committee meetings which are proposed to be open to members of the public and shall be held within the proceeding 12 month period.

Given that Ordinary Meetings and Annual Electors Meetings are made by decisions of Council, only Council can approve any changes or amendments.

#### **COMMENT**

Due to unplanned circumstances, the Author is requesting that Council's July 2023 Ordinary Meeting and the Annual Electors Meeting be changed to be held on Wednesday, 19 July 2023.

#### **CONSULTATION**

Senior Administration Officer

#### **STATUTORY REQUIREMENTS**

*Local Government Act 1995* - Section 5.25(1)(g) - regulations about council and committee meetings and committees.

*Local Government (Administration) Regulations 1996* - Section 12 - meetings, public notice of.

#### **POLICY IMPLICATIONS**

There are no policy implications for this report.

#### **FINANCIAL IMPLICATIONS**

Nil

**RISK MANAGEMENT IMPLICATIONS**

There are nil risk management implications for this report.

**ASSET MANAGEMENT IMPLICATIONS**

There are nil asset management implications for this report.

**SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER RECOMMENDATION/COUNCIL DECISION**

62/23 Moved Cr Singh

Seconded Cr F Webb

That Council:

1. conducts its Annual Electors Meeting for the 2021/2022 financial year on Wednesday, 19 July 2023 at 6.00pm at the Kojonup Sporting Complex; and
2. changes its July 2023 Ordinary Meeting from Tuesday, 25 July 2023 to Wednesday, 19 July 2023.

CARRIED 6/0

9.3.2 REVOCATION OF PREVIOUS COUNCIL MOTION 16/23 AND RE-ALLOCATION OF LOAN FUNDS TO THE RENOVATION OF 30 KATANNING ROAD, KOJONUP

<b>AUTHOR</b>	Grant Thompson – Chief Executive Officer
<b>DATE</b>	Friday, 2 June 2023
<b>FILE NO</b>	GO.CNM.2
<b>ATTACHMENT(S)</b>	9.3.2.1 - Notice of Motion – Revocation of Council Motion 16 of 23 – Re-allocation of WATC funds

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2018-2022”
<b>Key Pillar</b>	<b>Community Outcomes</b>	<b>Corporate Actions</b>
KP – 3 - Performance	3.4 – Be organised and transparent with our financial management.	3.4.2 – Act with sound long-term and transparent financial management and deliver residents considered value for money.

**DECLARATION OF INTEREST**

Nil

**SUMMARY**

Council, following a Notice of Motion pursuant to the *Local Government (Administration) Regulations 1996*, to consider the revocation of Council Motion 16/23 (Special Council Meeting 28 February 2023) as follows:

*“That Council approves the Loan for 39 Vanzuilecom Street, Kojonup be re-allocated to fund the new Kojonup Bowling Club Green upgrade (contribution of \$114,500) and the new Chemical Shed (\$35,500)”;*

and

to consider the re-allocation of funds from 39 Vanzuilecom Street, Kojonup to fund the renovation of 30 Katanning Road, Kojonup.”

**BACKGROUND**

At its 18 October 2022 Ordinary Meeting the Council resolved as follows:

*“That Council:*

- 1. Seeks a sworn rental valuation for 39 Vanzuilecom Street, Kojonup.*
- 2. Advertises, under Section 3.58 of the Local Government Act 1995 - Disposing of property:*
  - a) its intent to lease 39 Vanzuilecom Street, Kojonup, to The George Church Community Medical Centre Inc. (GCCMC) on a 10 year lease with an extension of a further 10 (ten) years, on the provision that the GCCMC renovates the house to an agreed suitable standard using the GROH (Government Regional Officers Housing) functional specifications as its renovation guide; and*
  - b) that the lease amount will be negotiated on the basis that renovation costs, up to \$200,000, are wholly provided by the GCCMC, as well as a minimal rent amount*

*covering the Shire of Kojonup's (Shire) costs associated with water and other utility costs.*

*3. Delegates authority to the Chief Executive Officer and Shire President to negotiate the lease and renovation specifications with the GCCMC if no public submissions are received.*

*4. Reallocates 39 Vanzuilecom Street, Kojonup, from staff housing to housing for the attraction and retention of a General Practitioner to the Shire and updates Council Policy 2.2.7 accordingly."*

*At its 28 February 2023 Special Council Meeting, Council resolved as follows:*

*"1. That Council approves the Loan for 39 Vanzuilecom Street, Kojonup be reallocated to fund the new Kojonup Bowling Club Green upgrade (contribution of \$114,500) and the new Chemical Shed (\$35,500);*

*2. That Council authorise the Chief Executive Officer (CEO) apply to the Western Australian Treasury Corporation (WATC) to reallocate the borrowed funds to the above expenditure items; and*

*3. If approved by WATC The CEO make the changes accordingly in the financial statements."*

#### **COMMENT**

Due to Council resolving to lease 39 Vanzuilecom Street, Kojonup, to The George Church Community Medical Centre Inc. and no longer requiring funds to put towards the Kojonup Bowling Club green and chemical shed upgrades, the loan of \$150,000 may be re-allocated to other capital projects.

Accordingly, the Western Australian Treasury Corporation has been consulted and an absolute majority resolution from Council is required to re-allocate the borrowings to another project.

The Author recommends that Council Motion 16/23, allocating funds to the Kojonup Bowling Club projects, be revoked and re-allocated to the renovation of Council's 30 Katanning Road, Kojonup, property.

#### **CONSULTATION**

Senior Administration Officer  
Western Australian Treasury Corporation  
Senior Finance Officer

#### **STATUTORY REQUIREMENTS**

*Local Government Act 1995 (Act) – s. 5.25 (1) (e) and (f):*

##### ***5.25. Regulations about council and committee meetings and committees***

*(1) Without limiting the generality of section 9.59, regulations may make provision in relation to —*

*(e) the circumstances and manner in which a decision made at a council or a committee meeting may be revoked or changed (which may differ from the manner in which the decision was made); and*

*(f) the content and confirmation of minutes of council or committee meetings and the keeping and preserving of the minutes and any documents relating to meetings;*

*Local Government (Administration ) Regulations 1996 – r.10 provides:*

**10. Revoking or changing decisions (Act s. 5.25(1)(e))**

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —*
- (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or*
  - (b) in any other case, by at least  $\frac{1}{3}$  of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*
- (1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least  $\frac{1}{3}$  of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.*
- (2) If a decision is made at a council or committee meeting, any decision to revoke or change the decision must be made by an absolute majority.*
- (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.*

**11. Minutes, content of (Act s. 5.25(1)(f))**

*The content of minutes of a meeting of a council or a committee is to include —*

- (c) details of each motion moved at the meeting, the mover and the outcome of the motion;*

**POLICY IMPLICATIONS**

Nil

**FINANCIAL IMPLICATIONS**

Nil

#### RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
8 – Errors, Omissions and Delays	Inaccurate recording, maintenance, testing or reconciliation of data.	Policies and Procedures	
Risk rating – Adequate			
IMPLICATIONS			
Correction of records mitigates compliance risk and ensures accuracy of documentation and record keeping for future reference.			

#### ASSET MANAGEMENT IMPLICATIONS

Nil

#### SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS

Nil

#### VOTING REQUIREMENTS

Absolute Majority

#### OFFICER RECOMMENDATION/COUNCIL DECISION

63/23 Moved Cr Radford      Seconded Cr P Webb      Third Cr Wieringa

That Council:

1. following a Notice of Motion pursuant to r.10 of the *Local Government (Administration) Regulations 1996*, revokes Council Motion 16/23;
2. approves that the loan previously allocated for Kojonup Bowling Club upgrades be re-allocated to fund the renovation of 30 Katanning Road, Kojonup; and
2. authorises the Chief Executive Officer (CEO) to request the Western Australian Treasury Corporation (WATC) re-allocate the borrowed funds to 30 Katanning Road, Kojonup and, if approved by WATC, the CEO make the changes accordingly in the financial statements.

CARRIED BY ABSOLUTE MAJORITY 6/0

*Councillor Bilney declared a Proximity Interest and left the meeting.*

*Councillors P Webb and F Webb declared a Financial Interest and left the meeting at 3.10pm.*

*Councillor Egerton-Warburton declared an Impartiality Interest but was not requested to leave the meeting.*

## 9.4 KEY PILLAR 5 – ‘PROSPERITY’ REPORTS

### 9.4.1 RENEWABLE ENERGY FACILITY (FLAT ROCKS WIND FARM STAGE 1) – DEVELOPMENT APPLICATION TO BE DETERMINED BY THE WESTERN AUSTRALIAN PLANNING COMMISSION (WAPC)

<b>AUTHOR</b>	Steve Thompson - Consultant Planner, Edge Planning & Property
<b>DATE</b>	Thursday, 1 June 2023
<b>FILE NO</b>	BD.BDA.8
<b>ATTACHMENT(S)</b>	9.4.1.1 - Letter from WAPC 9.4.1.2 - Planning Report excluding appendices 9.4.1.3 - Development Plans - extract from Appendix C

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2020-2024”
<b>Key Pillar</b>	<b>Community Outcomes</b>	<b>Corporate Actions</b>
KP 4 - Prosperity	4.1 – Be providing business assistance for growth in small local industry	4.1.1 – Amend Town Planning Scheme to encourage economic development and private investment

### DECLARATION OF INTEREST

Edge Planning & Property receive payment for planning advice to the Shire and declare a Financial Interest (section 5.70 of the *Local Government Act 1995*).

### SUMMARY

The applicant has lodged a Development Application for a renewable energy facility, located in both the Shire of Kojonup and the Shire of Broomehill-Tambellup, with the Western Australian Planning Commission (WAPC). The WAPC seeks comments from the Shire by 23 June 2023.

### BACKGROUND

The Council has considered matters relating to the Flat Rocks Wind Farm on various occasions extending back to 2011 and more recently on 1 November 2022.

The applicant advises the project commenced in 2010 by Moonies Hill Energy which proposed 74 turbines spanning a number of land parcels in the Shires of Kojonup and Broomehill-Tambellup. With the advancement of wind turbine technology, the original development approvals have been amended with the total number of turbines reducing down to 44 turbines as a result of improved turbine efficiency.

Stage 1 construction has commenced.

Part 17, Division 2 of the *Planning and Development Act 2005 (Special provisions for COVID-19 pandemic relating to development applications)* provides for the WAPC to determine Development Applications of 'significant development'. The insertion of Part 17, at the start of the global COVID-19 pandemic, was to provide relief measures and to stimulate projects that would benefit the economic recovery of the State.

As a Part 17 application, the WAPC is responsible for the assessment of the Development Application and ensuring development conditions are suitably implemented. Local government is accordingly not a decision-maker; however, the WAPC seeks comments from local government, other stakeholders and the community.

The applicant has lodged a Part 17 Development Application in part given the development is located in two Shires with different planning frameworks. The Flat Rocks Wind Farm is a 'significant development' given it is regionally located and has an estimated development value of \$200 million.

This Part 17 Development Application proposes 18 wind turbines located on various lots within the Shire of Kojonup and Shire of Broomehill-Tambellup. This Development Application is Stage 1 of the project. Stage 1 will be developed by Enel Green Power Australia Pty Ltd.

In particular, this Development Application proposes 18 turbines, a permanent substation, operations and maintenance building and incidental infrastructure. The wind turbines have the following features:

- Wind Turbine Model: Vestas V150 4.2MW Tower: 125 m high tubular tower
- Blades: three blades 73.7 m in length
- Rotor diameter: 150 m
- Tip height: 200 m
- Nacelle: located on top of the tower and houses the gearbox and generator
- Foundation: reinforced concrete base foundation
- Hardstand: crane hardstand area located directly adjacent to foundation

The WAPC seeks comments from the Shire on the Development Application by 23 June 2023.

Stage 2 does not form part of this current Development Application. Stage 2 is proposed to be delivered by the original proponent Moonies Hill Energy.

## COMMENT

The current Development Application reflects previous planning approvals issued by the Council. Accordingly, the Development Application (Stage 1) is conditionally supported.

Based on previous consultation feedback and assessment, it is suggested:

- Noise impacts are the key planning issue;
- The WAPC should ensure that noise levels, at non-stakeholder dwellings, are compliant with the noise levels to existing dwellings;
- The WAPC should ensure that noise levels comply with the Noise Regulations as well as development conditions. Neither of these sets of controls (Noise Regulations and development conditions) overrides the other - both must be complied with; and
- The WAPC take account of recommended conditions and advice (including Conditions 21 and 29).

Given the current Development Application is consistent with what has already been conditionally approved by Council, it is recommended that Council advise the WAPC that it conditionally supports the Development Application. The conditions and advice outlined in the Officer Recommendation reflect previous Council approvals with minor wording changes to account that the WAPC is now the decision maker. Proposed additions are outlined in bold with proposed deletions in strikethrough.

### Alternate options and their implications

The Council has a number of options available to it, which are summarised below:

- 1 *Not support the Development Application*  
The Council can advise the WAPC that it refuses the application (giving reasons).
- 2 *Support the Development Application*  
The Council can advise the WAPC that it supports the application. The conditions and advice outlined in the Officer Recommendation can be modified, deleted or added to.
- 3 *Defer the Development Application*  
The Council can request that the WAPC defer the application and seek additional information. The WAPC may, however, not accept a deferral request.

### CONSULTATION

The WAPC has recently consulted on the Development Application. Previously, the Shire consulted on earlier Development Applications.

### STATUTORY REQUIREMENTS

*Planning and Development Act 2005*

*Planning and Development (Local Planning Schemes) Regulations 2015*

*Shire of Kojonup Town Planning Scheme No.3*

### POLICY IMPLICATIONS

*Position Statement: Renewable Energy Facilities (March 2020)*

*State Planning Policy 2.5 - Rural Planning*

*State Planning Policy 3.7 - Planning in Bushfire Prone Areas*

### FINANCIAL IMPLICATIONS

Nil

### RISK MANAGEMENT IMPLICATIONS

RISK MANAGEMENT FRAMEWORK			
Risk Profile	Risk Description/Cause	Key Control	Current Action
3 – Compliance	Impulsive decision making	Assessment by WAPC	Nil
	Ineffective monitoring of changes to legislation		

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6 – Engagement	Inadequate documentation or procedures	Consultation by WAPC	Nil
7 – Environment	Inadequate local laws/planning schemes	Environmental management compliance and WAPC to ensure that conditions are met.	Nil
8 – Errors, Omissions and Delays	Complex legislation  Incorrect information	Assessment by WAPC	Nil
<i>Risk rating: Adequate</i>			
IMPLICATIONS			
The Development Application will be determined by the WAPC.			

**ASSET MANAGEMENT IMPLICATIONS**

Nil

**SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) IMPLICATIONS**

Nil

**VOTING REQUIREMENTS**

Simple Majority

## OFFICER RECOMMENDATION

### THE MATTER LAPSED DUE TO LACK OF A QUORUM

That Council advises the Western Australian Planning Commission that it supports the Development Application, for a renewable energy facility (Flat Rocks Wind Farm Stage 1), subject to the following conditions and advice notes. The conditions and advice notes reflect previous Council approvals with minor changes outlined in bold and strikeout:

#### Substantial commencement

- 1) This wind farm shall substantially commence by 30 November 2023.

#### Wind turbine location and micro-siting

- 2) This approval is for a maximum of 9 wind turbines **(within the Shire of Kojonup)**.
- 3) The location of the wind turbines shall be generally in accordance with the ~~attached development plans, and the application as submitted which includes the 'Flat Rocks Wind Farm Environmental Report' and Appendices~~ **provided in Appendix C of the Development Application.**
- 4) The wind turbines are to be micro-sited in accordance with the following restrictions –
  - a) All wind turbines shall be located a minimum distance of 1 kilometre from any dwelling existing at the time of the issue of this planning approval unless approval in writing is first granted from the owner of that dwelling to a closer location;
  - b) The wind turbines shall be located in accordance with the 'Flat Rocks Wind Farm

Turbine specifications

- 5) This approval is for Vestas V150 4.2MW wind turbine. Where the use of an alternative wind turbine is proposed, the Applicant must prepare and lodge with the ~~WAPC local government~~ a revised Noise Impact Assessment based upon the proposed alternative turbine, which demonstrates that that the alternative turbine can comply with condition 29 below.
- 6) The transformer associated with each wind turbine shall be located beside each tower or enclosed within the tower.
- 7) The wind turbines and rotors are to be constructed utilising a light grey colour.
- 8) All wind turbine towers are to be fully enclosed (to prevent birds perching or nesting).
- 9) All wind turbine towers to be unlit, unless required to comply with CASA regulations or the recommendations of the Applicant's risk management strategy.
- 10) The maximum height of each wind turbine shall be 200 metres, measured from the base of the tower to the rotor tip at its maximum elevation.

Temporary development

- 11) The development approval also grants temporary development approval for the following –
  - (a) temporary service roads and car parks;
  - (b) crane hardstand areas;
  - (c) concrete batching plants;
  - (d) construction compounds;
  - (e) water tanks;
  - (f) materials storage/laydown areas; and
  - (g) any other construction related infrastructure, shown on the Construction Management Plan required by condition 18.
- 12) Any concrete batching plant shall be set back a minimum distance of 500 metres from any boundary shared with lots not the subject of this approval.

Ancillary development

- 13) The development approval also grants development approval for the following –
  - (a) service roads;
  - (b) cabling, whether above or below ground;
  - (c) electricity reticulation/transmission powerlines, whether above or below ground;
  - (d) fencing;
  - (e) ancillary buildings;
  - (f) an electricity substationshown on the Development Layout Plan required by condition 17.

- 14) All service roads are to be located, designed, constructed and drained to minimise the impact on local drainage systems, landscape and farming activities.
- 15) Electricity reticulation/transmission powerlines –
- (a) Between groups of wind turbine towers (called 'gangs') shall be placed underground, unless it is demonstrated to the satisfaction of the ~~WAPC local government~~ that it is impracticable to do so;
  - (b) Between the gangs, preferably underground, but over-head in circumstances where it is impracticable or uneconomical to install underground;
  - (c) Shall not be placed on or over land outside the lots the subject of this approval without the written approval of those landowners.
- 16) The electricity substation to be shown on the Development Layout Plan required by condition 17, must comply with the following development standards –
- (a) Minimum setback of 100 metres from the perimeter of the substation to the boundary of the location within the nominated development area;
  - (b) Maximum height of the substation building and infrastructure within the substation area to be less than 60 metres, excluding masts, poles, or infrastructure required by a separate regulatory authority;
  - (c) The area of the substation does not exceed 2 hectares, with the area to include the substation, perimeter fencing, and excluding fire breaks or vegetation buffer planting;
  - (d) The substation will not exceed 150MW power transfer to the grid.

Pre-construction conditions

- 17) Prior to commencing any works, the Applicant is to lodge a Development Layout Plan for approval by the ~~WAPC local government~~. The Development Layout Plan must include the following detail –
- (a) The location of access/egress points and service roads;
  - (b) The location of any cabling between wind turbines;
  - (c) The location of any fencing;
  - (d) Permanent buildings;
  - (e) Permanent car parking areas;
  - (f) Locations of the wind turbines, having regard to the restrictions in conditions 3 and 4 above;
  - (g) The location of any landscaping if required by condition 4(b).
- 18) Prior to commencing any works, the Applicant is to lodge a Construction Management Plan for approval by the ~~WAPC local government~~. The Construction Management Plan must include the following detail –
- (a) The location of temporary access/egress points and temporary service roads;
  - (b) The location of crane hardstand areas;
  - (c) Temporary buildings;
  - (d) Temporary car parking areas;

- (e) The location of the concrete batching plant, water tanks and any construction compounds and materials storage/laydown areas;
  - (f) The location and extent of excavation required for the purpose of laying cabling;
  - (g) A timetable for the removal of temporary development after completion of the construction phase;
  - (h) The management of dust and other construction impacts;
  - (i) The management of weed infestations.
- 19) Prior to commencing any works, the Applicant is to lodge a Fire Management Plan for approval by the ~~WAPC local government~~. The Fire Management Plan shall be prepared by a suitably qualified consultant and in the context of the construction and operational phases of the development address the following matters-
- (a) 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;
  - (b) 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;
  - (c) Emergency procedures and personnel contacts;
  - (d) Consideration of activities on fire ban days;
  - (e) Notification for other agencies.
- 20) Prior to commencing any works, the Applicant is to lodge a Traffic Management Plan for approval by the ~~WAPC local government~~. The Traffic Management Plan is to be prepared by a suitably qualified traffic consultant and in the context of the construction phase of the development is to include -
- (a) Haulage routes;
  - (b) Heavy vehicle movements scheduling;
  - (c) Use of escort vehicles;
  - (d) Interaction with other road uses, for example, school bus routes;
  - (e) A Pre-Construction Road Condition Report along the proposed haulage routes, and the obligation to prepare a Post-Construction Road Condition Report once construction is complete.
- 21) Prior to commencing any works, the Applicant is to lodge a Noise Impact Mitigation Management Plan for approval by the ~~WAPC local government~~. The Noise Impact Mitigation Management Plan is to outline the process by which the Applicant will –
- a) Undertake post-commissioning testing to ensure compliance with condition 29, including testing at existing dwellings, based upon the testing procedures and analysis contained in the South Australian EPA Wind Farms Environmental Noise Guidelines (2021);
  - b) Make arrangements with adjoining landowners regarding the construction of dwellings on land;
  - c) Modify micro-siting to ensure compliance with condition 29;
  - d) Modify the operation of the wind turbines to ensure compliance with condition 29;
  - e) Manage complaints regarding noise impact during the operational phase of the development.

- 22) Prior to commencing any works, the Applicant is to lodge a Landscaping Plan for approval by the ~~WAPC local government~~, in relation to the permanent buildings and car parking areas, and where vegetation screening is required by condition 4(b). The Landscaping Plan is to be prepared by a suitably qualified landscape architect, and address the following matters -
- (a) Identify, by numerical code, the species, quantity and anticipated mature dimensions of all plant types;
  - (b) Identify a schedule of maintenance required to ensure that the landscaping grows to its mature dimensions and can be maintained at that level.
- 23) Where the Applicant intends undertaking the development in stages, a Staging Plan must be lodged with the ~~WAPC local government~~ at the same time as the Management Plans referred to in conditions, 17, 18, 19, 20, 21, and 22. The purpose of the Staging Plan is to determine the scope of information required in order to satisfy the conditions of approval as it relates to that stage.
- 24) Prior to commencing any works, 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 -
- 24.1 Civil Aviation Safety Authority (CASA);
  - 24.2 Airservices Australia;
  - 24.3 Royal Flying Doctor Service;
  - 24.4 Royal Australian Air Force;
  - 24.5 All known private airstrip owners within 20km of any wind turbine;
  - 24.6 All known aerial agriculture operators, including the Aerial Agriculture Association of Australia.
- 25) Prior to commencing any works the Applicant is to acknowledge in writing to the satisfaction of the Shire that they are responsible for the remedying of any electromagnetic interference to pre-construction quality of signals directly attributable to the operation of the windfarm.

Construction conditions

- 26) The Applicant is to implement the following approved plans, as they relate to the construction phase of the development, during construction -
- (a) the Construction Management Plan, required by condition 18;
  - (b) the Fire Management Plan, required by condition 19; and
  - (c) the Traffic Management Plan, required by condition 20.
- 27) All fill placed on the land must be free of disease and weeds.
- 28) Any damage caused to the roads attributable to the construction phase of the development is to be rectified by the Applicant to the standard identified in the Pre-Construction Road Condition Report.

Operational conditions

- 29) (a) 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.
- (b) Assessment of noise impact is to be performed in accordance with SA EPA Wind Farms Environmental Noise Guidelines (2021).
- 30) The Applicant is to implement the following approved plans, as they relate to the operational phase of the development, during the life of this development approval -
- (a) the Fire Management Plan, required by condition 19;
  - (b) the Traffic Management Plan, required by condition 20;
  - (c) the Noise Impact Mitigation Plan, required by condition 21; and
  - (d) the Landscape Management Plan, required by condition 22.

Decommissioning conditions

- 31) The wind turbines are to be decommissioned when they are disconnected from the power grid or when they no longer generate energy into the power grid. This condition does not apply where the wind farm or individual wind turbines is disconnected temporarily from the power grid, or is not generating energy, for maintenance.
- 32) Prior to decommissioning the wind farm, or any wind turbines in the wind farm, the Applicant is to lodge a Decommissioning and Rehabilitation Management Plan for approval by the **WAPC** ~~local government~~. The Decommissioning and Rehabilitation Management Plan is to include -
- (a) a detailed decommissioning schedule or works with timeframes for each stage;
  - (b) a Traffic Management Plan;
  - (c) a Fire Management Plan;
  - (d) sufficient information that clearly outlines any below ground infrastructure to be retained on site and its treatment to allow for continued agricultural use;
  - (e) implementation of suitable mechanisms to alert prospective purchasers of retention of any below ground infrastructure which may affect future building locations or development
- 33) The Applicant is to implement the Decommissioning and Rehabilitation Management Plan during the decommissioning and rehabilitation process.
- 34) All lots the subject of this development approval shall be returned to pre-development state following decommissioning, 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.

- 35) 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.

Additional development

- 36) The Applicant may construct a viewing area / platform and information / interpretative signage suitable for resident and visitor / tourist use at a wind turbine location to be agreed with the Shire of Kojonup.

Advice

- A) The term 'dwelling' in this approval has the same meaning as the Residential Design Codes Volume 1.
- B) 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 29 at key stages of development. This would provide compliance assurances to both the ~~WAPC local government~~ and surrounding landowners.

*Councillors Bilney, P Webb and F Webb re-entered the meeting at 3.11pm.*

9.5 KEY PILLAR 5 – ‘DIGITAL’ REPORTS  
Nil

10 APPLICATIONS FOR LEAVE OF ABSENCE  
Nil

11 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN  
Nil

12 QUESTIONS FROM MEMBERS WITHOUT NOTICE  
Nil

13 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF THE MEETING  
Nil

14 MEETING CLOSED TO THE PUBLIC

14.1 MATTERS FOR WHICH THE MEETING MAY BE CLOSED  
Nil

14.2 PUBLIC READING OF RESOLUTIONS THAT MAY BE MADE PUBLIC  
Nil

15 CLOSURE

There being no further business to discuss, the President thanked the members for their attendance and declared the meeting closed at 3.12pm.

16 ATTACHMENTS (SEPARATE)

Item 9.3.2	9.3.2.1	Notice of Motion – Revocation of Council Motion 16 of 23 - Re-allocation of WATC funds
Item 9.4.1	9.4.1.1	Letter from WAPC
	9.4.1.2	Planning Report excluding appendices
	9.4.1.3	Development Plans - extract from Appendix C

Confirmed as true and correct

  
\_\_\_\_\_  
Presiding Member

20/6/23  
Date