

Regional Development Assessment Panel Minutes

Meeting Date and Time: Thursday, 3 September 2026; 2:00pm
Meeting Number: RDAP/81
Meeting Venue: 140 William Street, Perth

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

[RDAP/81 - 3 September 2026 - Shire of Kojonup](#)

PART A – INTRODUCTION

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

PART B – SHIRE OF KOJONUP

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

PART C – OTHER BUSINESS

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



Dale Page
Presiding Member, RDAP

DAP Members

Dale Page (Presiding Member)

Clayton Higham (Deputy Presiding Member)

Mike Mouritz

Cr Mick Mathwin (Part B – Shire of Kojonup)

Cr Roger Bilney (Part B – Shire of Kojonup)

DAP Secretariat

Shanara Wijethunga

Ashlee Kelly



Dale Page
Presiding Member, RDAP

Part B – Shire of Kojonup

Submitters

Emma Pinnick
Erin Hutton
Narelle Goodall
Peter Rundle (Deputy Leader of The Nationals WA)
Mark Wandal
Scott Baxter
Stacy Williams
Steve McGuire
Tobias Bröning (Senture GmbH)

Applicant

Belinda Moharich (Moharich and More Planning and Environment Lawyers)
Dr Sarah Rankin (Moonies Hill Energy)
George Watts (Herring Storer Acoustics)

Officers/Technical Advisors in Attendance

Estelle Lottering
Grant Thompson

Members of the Public / Media

There were 4 members of the public in attendance.

Observers via livestream

There were 10 persons observing the meeting via the livestream.



Dale Page
Presiding Member, RDAP

PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 2:08pm on 3 September 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

Cr Craig Mitchell (Local Government Member, Shire of Kojonup)

3. Noting of Minutes

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



Dale Page
Presiding Member, RDAP

PART B – SHIRE OF KOJONUP

1. Declaration of Due Consideration

The Presiding Member noted that details of a DAP direction for services and responsible authority response in relation to Item 5.1, received on 1 September 2026 was published in Part B of the Related Information.

The Presiding Member noted an addendum to the responsible authority report was published in Part B of the Related Information in relation to Item 5.1, received on 26 August 2026 and 31 August 2026.

All members declared that they had duly considered the documents contained within Part B of the Agenda and Part B of the Related Information.

2. Disclosure of Interests

In accordance with section 2.4.5 of the DAP Code of Conduct 2025, DAP Member, Cr Roger Bilney and Cr Mick Mathwin, declared that they had participated in a prior Council briefing in relation to the application at item 5.1. However, under section 2.1.2 of the DAP Code of Conduct 2025, Cr Bilney and 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 have disclosed an impartiality interest, are permitted to participate in the discussion and voting on the item.

3. Form 1 DAP Applications

Nil

4. Form 2 DAP Applications

Nil



Dale Page
Presiding Member, RDAP

5. Section 31 SAT Reconsiderations

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

Deputations

Mark Wandel addressed the DAP against the application at Item 5.1 and responded to questions from the panel.

Scott Baxter addressed the DAP against the application at Item 5.1 and responded to questions from the panel.

Stacy Williams addressed the DAP against the application at Item 5.1 and responded to questions from the panel.

Steve McGuire addressed the DAP against the application at Item 5.1.

Tobias Bröning (Senture GmbH) addressed the DAP against the application at Item 5.1 and responded to questions from the panel.

Belinda Moharich (Moharich and More Planning and Environment Lawyers) addressed the DAP in support of the application at Item 5.1 and responded to questions from the panel.

Dr Sarah Rankin (Moonies Hill Energy) responded to questions from the panel in relation to the application at Item 5.1.

George Watts (Herring Storer Acoustics) responded to questions from the panel in relation to the application at Item 5.1.

The panel noted 4 written submissions against the application at Item 5.1 were received from Emma Pinnick, Erin Hutton, Narelle Goodall, and Peter Rundle (Deputy Leader of The Nationals WA).

The Shire of Kojonup addressed the DAP in relation to the application at Item 5.1 and responded to questions from the panel.



SUBSTANTIVE MOTION

Moved by: Dale Page

Seconded by: Clayton Higham

- A. That the Regional DAP, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 53 of 2026, resolves to **Reconsider** its decision dated 26 February 2026 and:
- B. **VARY its** decision to **APPROVE** DAP Application reference DAP/25/0317 for the windfarm and transmission line at various lots in Jingalup 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 3.2 of the *Shire of Kojonup Town Planning Scheme No. 3*, by way of:

The following new conditions being added:

1. (a) Prior to construction, an updated Noise Impact Assessment Report is to be provided.
- (b) Amongst other matters, the report is to:
 - i) Include a map identifying the "project area", being the area of land which consists of the development area and lots with neighbour agreements.
 - ii) Confirm the development is capable of complying with the *South Australian EPA Wind Farms Environmental Noise Guidelines (2021)* for lots within the project area.
 - iii) Confirm the development is capable of complying with the *Environmental Protection (Noise) Regulations 1997* (as amended) for lots outside of the project area.
- (c) The local government must be satisfied that the matters in (1b) are addressed, and may take advice from the Department of Water and Environmental Regulation and/or the Department of Health in respect to the matters outline in (1b)(iii).

The following conditions being deleted

1. Delete Condition No. 12
2. Delete Condition No. 17



Dale Page
Presiding Member, RDAP

The following conditions being amended as follows

1. Deleting (iv) and (v) from Condition 8.
2. Amending Condition 16 to “The applicant is to undertake post-commissioning noise testing to demonstrate compliance with the Noise Impact Assessment Report in Condition 14.

The noise testing report should be made publicly available on the wind farm operator’s website for the life of the wind farm.”

New Advice Notes

1. In relation to Condition 9(i), “pre-construction” means prior to construction of the turbines and does not include construction in relation to access to the turbine sites.
2. The map of the project area must only include land which is a host lot or lots over which a neighbour agreement is entered into.

The map of the project area should include the location of all wind turbines.

Amended Advice Notes

1. Amend Advice Note 3 to change reference from “Condition 10” to “Condition 5”.
2. Amend Advice Note 4 by deleting “If required by CASA, all wind turbine towers to have lighting which is satellite or radio frequency activated when aircraft are in the vicinity.”
3. Amend Advice Note 7 to change “Condition 13” to “Condition 11”.
4. Amend Advice Note 16 to now read –
“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 ‘Community Benefits Guidelines for Large-scale Renewable Energy Projects in the South West Interconnected System’.”
5. Amend Advice Note 17(iv) from “Condition 19” to “Condition 16” and delete reference to “and independent”.
6. Amend Advice Note 17(v) to “These conditions must be read in conjunction with all relevant legislation and regulations.”



7. Amend Advice Note 17(xii) as follows –
“In relation to Condition 13(ii), the applicant/operator should submit the details of all wind turbines to Airservices Australia via the Vertical Obstacle Data Form once turbine locations and parameters have been finalised and at least two (2) months before installation of any wind turbines commencing.”
8. Amend Advice Note 17 by deleting (vi), (vii), (viii), (x), (xi) and (xiii).
9. Amend Advice Note 17 as follows –
“In relation to Condition 1, where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) or local government approval under regulation 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*.”

All other conditions and requirements detailed on the previous approval dated 26 February 2026 are otherwise affirmed.

AMENDING MOTION 1

Moved by: Dale Page

Seconded by: Clayton Higham

That Condition No. 12 be amended to read as follows:

~~All wind turbine towers to have lighting which is satellite or radio frequency activated when aircraft are in the vicinity.~~

Obstacle lighting is to be installed on certain turbines, in consultation with CASA. Such lighting shall be radar-activated, or aircraft-detection activated, satellite activated or radio frequency activated so that lighting only operates when aircraft are in the vicinity. Any obstacle lighting system shall be designed to minimise light spill and visual impacts on surrounding properties while maintaining aviation safety requirements, to the satisfaction of the local government.

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

For: Dale Page
Clayton Higham

Against: Mike Mouritz
Cr Roger Bilney
Cr Mick Mathwin



Dale Page
Presiding Member, RDAP

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AMENDING MOTION 2

Moved by: Cr Mick Mathwin

Seconded by: Clayton Higham

That Condition No. 12 be amended to read as follows:

~~All wind turbine towers to have lighting which is satellite or radio frequency activated when aircraft are in the vicinity.~~

Obstacle lighting is to be installed on certain turbines, in consultation with CASA. Such lighting shall be radar-activated, or aircraft-detection activated, so that lighting only operates when aircraft are in the vicinity. Any obstacle lighting system shall be designed to minimise light spill and visual impacts on surrounding properties while maintaining aviation safety requirements, to the satisfaction of the local government.

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The Panel was not satisfied that the applicant had provided a compelling argument for deleting the condition requiring lighting, other than asserting that the lighting was not needed. The Panel considered the arguments for retaining a condition requiring lighting to be more compelling. Although CASA currently has no jurisdiction over the area and the area is not currently within the Obstacle Limitation Surface of a certified aerodrome, aircraft are used in the area. Lighting on some turbines may therefore be necessary where aircraft are operated at night or in low-light conditions for firefighting or other farming activities.

AMENDING MOTION 3

Moved by: Dale Page

Seconded by: Clayton Higham

That Condition No. 14 be amended to read as follows:

~~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.~~

(a) Prior to construction, an updated Noise Impact Assessment Report is to be provided.

(b) Amongst other matters, the report is to:



Dale Page
Presiding Member, RDAP

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- i) ***Include a map identifying the "project area", being the area of land which consists of the development area and lots with neighbour agreements.***
 - ii) ***Confirm the development is capable of complying with the South Australian EPA Wind Farms Environmental Noise Guidelines (2021) for lots within the project area.***
 - iii) ***Confirm the development is capable of complying with the Environmental Protection (Noise) Regulations 1997 (as amended) for lots outside of the project area.***
- (c) ***The local government must be satisfied that the matters in (14b) are addressed, and may take advice from the Department of Water and Environmental Regulation and/or the Department of Health in respect to the matters outline in (14b)(iii).***

The Amending Motion was put and CARRIED UNANIMOUSLY.

REASON: The Shire's RAR proposed a new Condition 1 to replace the wording of Condition 14. However, the RAR did not recommend deleting Condition 14. The amendment prevents the inclusion of two differently worded conditions addressing the same matter.

SUBSTANTIVE MOTION (AS AMENDED)

- A. That the Regional DAP, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 53 of 2026, resolves to **Reconsider** its decision dated 26 February 2026 and:
- B. **VARY its** decision to **APPROVE** DAP Application reference DAP/25/0317 for the windfarm and transmission line at various lots in Jingalup 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 3.2 of the *Shire of Kojonup Town Planning Scheme No. 3*, by way of:

The following conditions being deleted

- 1. Delete Condition No. 17

The following conditions being amended as follows

- 1. Deleting (iv) and (v) from Condition 8.



2. Amending Condition 16 to “The applicant is to undertake post-commissioning noise testing to demonstrate compliance with the Noise Impact Assessment Report in Condition 14.

The noise testing report should be made publicly available on the wind farm operator’s website for the life of the wind farm.”

3. Amending Condition 12 to “Obstacle lighting is to be installed on certain turbines, in consultation with CASA. Such lighting shall be radar-activated, or aircraft-detection activated, so that lighting only operates when aircraft are in the vicinity. Any obstacle lighting system shall be designed to minimise light spill and visual impacts on surrounding properties while maintaining aviation safety requirements, to the satisfaction of the local government.”

4. Amending Condition 14 to

- (a) Prior to construction, an updated Noise Impact Assessment Report is to be provided.

- (b) Amongst other matters, the report is to:

- i. Include a map identifying the "project area", being the area of land which consists of the development area and lots with neighbour agreements.
 - ii. Confirm the development is capable of complying with the South Australian EPA Wind Farms Environmental Noise Guidelines (2021) for lots within the project area.
 - iii. Confirm the development is capable of complying with the Environmental Protection (Noise) Regulations 1997 (as amended) for lots outside of the project area.

- (c) The local government must be satisfied that the matters in (14b) are addressed, and may take advice from the Department of Water and Environmental Regulation and/or the Department of Health in respect to the matters outline in (14b)(iii).

New Advice Notes

1. In relation to Condition 9(i), “pre-construction” means prior to construction of the turbines and does not include construction in relation to access to the turbine sites.



Dale Page
Presiding Member, RDAP

2. The map of the project area must only include land which is a host lot or lots over which a neighbour agreement is entered into.

The map of the project area should include the location of all wind turbines.

Amended Advice Notes

1. Amend Advice Note 3 to change reference from "Condition 10" to "Condition 5".
2. Amend Advice Note 4 by deleting "If required by CASA, all wind turbine towers to have lighting which is satellite or radio frequency activated when aircraft are in the vicinity."
3. Amend Advice Note 7 to change "Condition 13" to "Condition 11".
4. Amend Advice Note 16 to now read –
"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 'Community Benefits Guidelines for Large-scale Renewable Energy Projects in the South West Interconnected System'."
5. Amend Advice Note 17(iv) from "Condition 19" to "Condition 16" and delete reference to "and independent".
6. Amend Advice Note 17(v) to "These conditions must be read in conjunction with all relevant legislation and regulations."
7. Amend Advice Note 17(xii) as follows –
"In relation to Condition 13(ii), the applicant/operator should submit the details of all wind turbines to Airservices Australia via the Vertical Obstacle Data Form once turbine locations and parameters have been finalised and at least two (2) months before installation of any wind turbines commencing."
8. Amend Advice Note 17 by deleting (vi), (vii), (viii), (x), (xi) and (xiii).
9. Amend Advice Note 17 as follows –
"In relation to Condition 1, where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) or local government approval under regulation 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*."

All other conditions and requirements detailed on the previous approval dated 26 February 2026 are otherwise affirmed.

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



REASON: The Panel noted that the proposed development had already been approved and that SAT had asked the Panel to reconsider certain conditions and advice notes imposed as part of the earlier approval.

The Panel agreed that some of the recommended changes would strengthen the application of the conditions and make it easier for the Shire to administer and enforce them and, if necessary, undertake future compliance action.

The Panel noted that some of the proposed amendments would not affect the outcome. These amendments were intended to reduce duplication, improve clarity or reflect developments since the Panel's previous decision, such as the preparation of the Community Benefits Guidelines.

Other proposed changes were more significant, particularly the recommendation in the RAR to delete Condition 12, which required radar-activated lighting. The Panel was not satisfied that the applicant had provided a compelling argument for deleting the condition, other than asserting that the lighting was not needed. The Panel considered the arguments for retaining a condition requiring lighting to be more compelling.

Although CASA currently has no jurisdiction over the area and the area is not currently within the Obstacle Limitation Surface of a certified aerodrome, aircraft are used in the area. Lighting on some turbines may therefore be necessary where aircraft are operated at night or in low-light conditions for firefighting or other farming activities. The Panel accepted the community's position that radar-activated lighting was preferable to continuous static lighting and therefore supported retaining a condition addressing this matter.

In relation to noise, the Panel considered that the amendment to Condition 14 did not materially change the condition's intent or effect. The original intent was to identify the different standards applying to different properties, depending on whether the property owner was a stakeholder or a neighbour. However, the condition did not express this clearly and was confusing. The Panel agreed that the amended wording clarified the condition's intent and application.

The Panel also supported the amendment to Condition 16, which requires post-commissioning noise testing to demonstrate compliance with the updated Noise Impact Assessment Report required under Condition 14. The Panel considered that the noise protections were not being changed. Rather, the amendments would ensure that those protections were meaningful and enforceable.



Dale Page
Presiding Member, RDAP

PART C – 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 DR165/2020	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	25 June 2020

2. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 4:39pm.

