

SHIRE OF KOJONUP
Kojonup



AGENDA

Special Council Meeting

6 June 2023

TO: THE SHIRE PRESIDENT AND COUNCILLORS

NOTICE is hereby given that a Special Meeting of the Council will be held in the Council Chambers, Administration Building, 93 Albany Highway, Kojonup on Tuesday, 6 June 2023 commencing at 3:00pm.

I certify that with respect to all advice, information or recommendation provided to the Council in or with this Agenda:

- i. The advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and
- ii. Where any advice is directly given by a person who does not have the required qualifications or experience, that person has obtained and taken into account in that person's general advice the advice from an appropriately qualified or experienced person.

GRANT THOMPSON
CHIEF EXECUTIVE OFFICER

2 June 2023

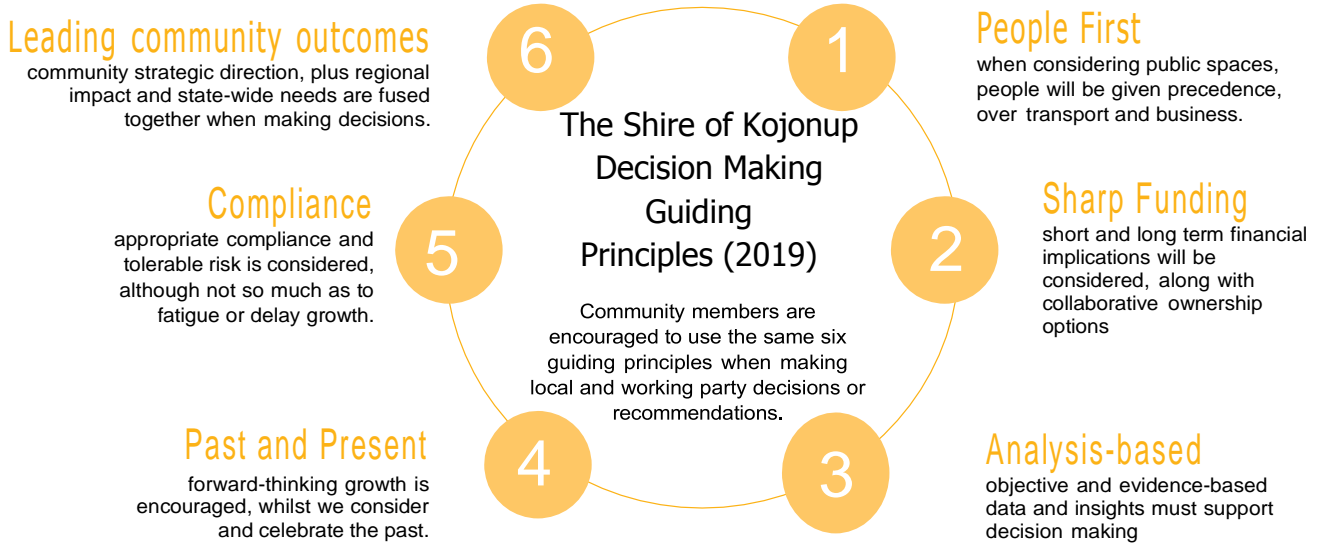
AGENDA FOR A SPECIAL COUNCIL MEETING TO BE HELD ON 6 JUNE 2023

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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.



AGENDA

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS

The Shire President shall declare the meeting open at ____ and draw 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**

3 **ATTENDANCE**

COUNCILLORS

Cr N Radford

Shire President

Cr P Webb

Deputy Shire President

Cr F Webb

Cr Singh

Cr R Bilney

Cr A 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**

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

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

6 CONFIRMATION OF MINUTES

Nil

7 PRESENTATIONS

7.1 PETITIONS

7.2 PRESENTATIONS

7.3 DEPUTATIONS

7.4 DELEGATES' REPORTS

8 METHOD OF DEALING WITH AGENDA BUSINESS

9 REPORTS

9.1 KEY PILLAR 1 – 'PLACE' REPORTS

9.2 KEY PILLAR 2 – 'CONNECTED' REPORTS

9.3 KEY PILLAR 3 – ‘PERFORMANCE’ REPORTS

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

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

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.

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

AUTHOR	Grant Thompson – Chief Executive Officer
DATE	Friday, 2 June 2023
FILE NO	GO.CNM.2
ATTACHMENT(S)	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”
Key Pillar	Community Outcomes	Corporate Actions
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

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.

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)

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

STRATEGIC/CORPORATE IMPLICATIONS		
“Smart Possibilities – Kojonup 2027+”		“Smart Implementation – Kojonup 2020-2024”
Key Pillar	Community Outcomes	Corporate Actions
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 strikeout.

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 Ineffective monitoring of changes to legislation	Assessment by WAPC	Nil
6 – Engagement	Inadequate documentation or procedures	Consultation by WAPC	Nil
7 – Environment	Inadequate local laws/planning schemes	Environmental management compliance and	Nil

		WAPC to ensure that conditions are met.	
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

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 Landscape and Visual Assessment'. This report requires, in order to satisfy visual amenity considerations, either relocation of specified wind turbines or in the alternative, the implementation of vegetation screening.

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~~ **WAPC**. 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.

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 _____ pm.

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



Our Ref: GO.CNM.2 – INT23/6A5D7BD2

Dear Councillors

NOTICE OF MOTION - REVOCATION OF COUNCIL MOTION 16/23

At Council's 28 February 2023 Ordinary Meeting of Council, the following was resolved:

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."

Due to the above motion not having been executed and the need for Council to re-allocate Western Australian Treasury Corporation borrowed funds to its 30 Katanning Road property, for re-furbishment of the house on that property, Council would be required to revoke Council Motion 16/23.

In accordance with r. 10 (1) (a) and r. 10 (2) of *Local Government (Administration) Regulations 1996*, the following motion is proposed to revoke Council Motion 16/23 at Council's 16 May 2023 Ordinary Meeting of Council:

"That Council, following a Notice of Motion pursuant to r.10 of the Local Government (Administration) Regulations 1996, revokes Council Motion 16/23 (being a request to re-allocate borrowed funds from 39 Vanzuilecom Street, Kojonup to a new Kojonup Bowling Club Green upgrade and new Chemical Shed on the Kojonup Bowling Club premises) to enable a request to the Western Australian Treasury Corporation to re-allocate borrowed funds for 39 Vanzuilecom Street, Kojonup to 30 Katanning Road for re-furbishment of the house on the 30 Katanning Road property."

This Notice of Motion has the support of the following Councillors:

Grant Thompson
Chief Executive Officer

Shire of Kojonup

11 May 2023

93-95 Albany Highway, Kojonup WA 6395

Postal address: PO Box 163, Kojonup WA 6395

Telephone: (08) 9831 2400 | Facsimile: (08) 9831 1566 | Email: council@kojonup.wa.gov.au



Our Ref: SDAU-060-20-17B
Enquiries: Shane Downes (6551 9450)

The Chief Executive Officer
Shire of Kojonup
PO Box 163,
KOJONUP WA 6395

Attention: Grant Thompson

APPLICATION FOR SIGNIFICANT DEVELOPMENT – PROPOSED RENEWABLE ENERGY FACILITY (FLAT ROCKS WIND FARM STAGE 1) – BROOMEHILL WEST, LUMEAH AND BORDERDALE

The Department of Planning, Lands and Heritage (the 'Department') has received an application for significant development for a proposed wind farm on multiple lots East of Potts Road in Broomehill West, Lumeah and Borderdale, including lots on Bilney and Warrenup Roads. The development application proposes 18 turbines, a permanent substation, operations and maintenance building and incidental infrastructure.

The application has been lodged under Part 17 of the *Planning and Development Act 2005* (PD Act) which has established the Western Australian Planning Commission (WAPC) as the decision-making authority for significant development applications that can support the State's economic recovery from the COVID-19 pandemic.

Stakeholder consultation is considered a key part of the assessment of significant development proposals and the WAPC seeks your cooperation and timely response to enable the State Government to prioritise projects that have investment certainty and are ready for construction to commence.

Please provide any information, comment or recommended conditions relevant to this application by **23 June 2023**. Responses can be provided via email to SDAUreferrals@dplh.wa.gov.au, **quoting reference number SDAU-060-23**.

You may have provided feedback on a similar development application through an earlier public consultation process. As the application is now undergoing an alternative assessment pathway, feedback is required to be submitted again through the options provided in this letter.

If you have any queries regarding this application please contact Shane Downes, Principal Planning Officer on Shane.Downes@dplh.wa.gov.au.

This proposal has also been referred to the following organisations for their comments:

Department of Water and Environmental Regulation, Department of Fire and Emergency Services, Department of Biodiversity, Conservation and Attractions, Department of Transport, Western Australian Tourism Commission, Department of Jobs, Tourism, Science and Innovation, Tourism WA, Department of Local Government, Sport and Cultural Industries, South West Aboriginal Land and Sea Council, Civil Aviation Authority, Department of Primary Industries and Regional

Development, Department of Health, Main Roads WA, Western Power, Shire of Broomehill-Tambellup.

Yours sincerely



Ms Sam Fagan
Secretary
Western Australian Planning Commission

02/05/2023

APPLICATION DETAILS

Application Type	Significant Development	Application No	SDAU-060-23
Applicant(s)	Flat Rocks One Wind Farm Pty Ltd as trustee for Flat Rocks One Wind Farm Trust		
Owner(s)	Geoffrey Lawrence Thorn and Wendy Jean Thorn		
Locality	Multiple lots East of Potts Road in Broomehill West, Kojonup and Lumeah, including lots on Bilney and Warrenup Roads		
Lot No(s).	Multiple lots	Purpose	Wind Farm
Location	Kojonup and Broomehill	Local Gov. Zoning	Shire of Kojonup TPS No. 3 Shire of Tambellup TPS No. 2 Shire of Broomehill TPS No. 1
Volume/Folio No.	1107/507, 1112/404, 1207/251, 1252/510, 1270/83, 1663/27, 1726/664, 1726/665, 1726/666, 1726/667, 1726/668, 2109/13, 2116/603, 2122/77, 2122/78, 2122/80, 2122/82	Local Government	Shire of Kojonup and Shire of Broomehill- Tambellup
Plan/Diagram No.	145533, 127649, 12680, 126453, 128148, 115014, 107865, 102671, 101605, 101604, 100937, 79220, 245672, 145652, 80903, 102665, 102668, 102669, 102670, 102675, 106288, 107772, 107866, 107867, 126642, 79333, 80143, 14464, 138658, 117133, 80143, 110778, 79213, 141788, 120539, 117135, 117134, 112320, 133067, 120538, 110732, 110737, 110738, 80143, 79216, 79218, 110745, 2851,	Tax Sheet	
Centroid Coordinates	N/A		



SDAU Development Application

Flat Rocks Wind Farm

Enel Green Power Australia Pty Ltd

20 April 2023

→ The Power of Commitment





***GHD** acknowledges Aboriginal and Torres Strait Islander people are the Traditional Custodians of the land, water and sky throughout Australia on which we do business. We recognise their strength, diversity, resilience and deep connections to Country. We pay our respects to Elders of past, present and future, as they hold the memories, knowledges and spirit of Australia. GHD is committed to learning from Aboriginal and Torres Strait Islander peoples in the work we do.*

The project team responsible for this application include the following:



ENEL GREEN POWER AUSTRALIA PTY LTD
Owner and development lead



Moonies Hill Energy Pty Ltd
Original owner



GHD
Owners Engineer
Urban and Regional Planning
Acoustic



Herring Storer
Acoustic



Moharich & more
Planning + Environmental Law

Project name		Owner Engineering Flat Rocks					
Document title		SDAU Development Application Flat Rocks Wind Farm					
Project number		12574907					
File name		12574907-REP-4_SDAU report.docx					
Status Code	Revision	Author	Reviewer		Approved for issue		
			Name	Signature	Name	Signature	Date
S3	A	H. Shigeyoshi	A. Augustson		J. Vaessen	On file	13.12.22
	0	H. Shigeyoshi	A. Augustson		J. Vaessen	On file	19.12.22
	1	H. Shigeyoshi	A. Augustson		J. Vaessen	On file	16.2.23
	2	H. Shigeyoshi	A. Augustson		J. Vaessen	On file	17.3.23
	3	H. Shigeyoshi	A. Augustson		J. Vaessen	On file	14.4.23
	4	H. Shigeyoshi	A. Augustson		J. Vaessen	On file	21.4.23



ENEL GREEN POWER AUSTRALIA PTY LTD
Owner and development lead

Revision	ENEL Reviewer		Approved for issue		
	Name	Signature	Name	Signature	Date
A	T. Gibbs	On file	G. Mallarini	On file	12.15.2022
0	T. Gibbs	On file	G. Mallarini	On file	12.22.2022
1	T. Gibbs	On file	G. Mallarini	On File	6.3.2023
2	T. Gibbs	On file	G. Mallarini	On File	5.4.2023
3	T. Gibbs	On file	G. Mallarini	On File	18.4.2023
4	T. Gibbs	On file	G. Mallarini	On file	24.4.2023

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Scope and limitations

This report: has been prepared by GHD for Enel Green Power Australia Pty Ltd and may only be used and relied on by Enel Green Power Australia Pty Ltd for the purpose agreed between GHD and Enel Green Power Australia Pty Ltd.

GHD otherwise disclaims responsibility to any person other than Enel Green Power Australia Pty Ltd arising in connection with this report. GHD also excludes implied warranties and conditions, to the extent legally permissible.

The services undertaken by GHD in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out in the report.

The opinions, conclusions and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. GHD has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.

The information provided by other parties is considered to be correct and accurate for the purposes of this report and GHD have not verified this information.

Executive Summary

This development application proposes 18 wind turbines, herein referred to as the 'Flat Rocks Wind Farm' on various lots located within the Shire of Kojonup (KO) and Shire of Broomehill-Tambellup (BT).

Flat Rocks Wind Farm was originally part of a wider project which was commenced by Moonies Hill Energy (MHE) in 2010 for 74 wind turbines spanning land in the Shires of KO and BT. Development approvals were originally granted by the Shire of KO and BT for their respective municipalities as follows:

- In relation to the Shire of Broomehill Tambellup, originally granted by the then Great Southern Regional Joint Development Assessment Panel in 2013; and
- In relation to the Shire of Kojonup, originally granted by the Shire of Kojonup in 2011, as the application was lodged prior to the commencement of the Development Assessment Panel (DAP) regime.

Over the years, wind turbine technology has become more efficient and the number of turbines required to generate more power has decreased significantly. Additionally, the regime for development assessment and approvals has been amended, such that the current approvals propose circa 44 turbines.

This development application pertains a portion of this overall approval (i.e. 18 turbines), resulting from the acquisition of part of the project by Enel Green Power Australia Pty Ltd (EGP). EGP's portion represents Stage 1, with Stage 2 being delivered by the original proponent, MHE. Stage 2 does not form part of this development application.

Supplemented by a permanent substation, operations and maintenance building which is proposed to be located adjacent to an existing 132kV transmission line infrastructure, the key component of the Flat Rocks Wind Farm will be the wind turbines, each of which is made up of the following components:

- 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

Other incidental infrastructure comprise on-site tracks, cabling, meteorological masts, temporary construction compounds and laydown areas and a temporary concrete batching plant.

With valid planning approvals in place, Stage 1 construction has commenced; offtake agreements have been signed with BHP, and there are now significant contractual obligations to construct Stage 1 and have it generating energy in line with the contractual requirements.

The Flat Rocks Wind Farm is a 'significant development' and is capable of assessment under Part 17 of the *Planning and Development Act 2005* (PD Act) as the development is regionally located and has an estimated development value of \$200 million.

Additionally, the proposed development warrants assessment under Part 17 of the PD Act for the following reasons:

- The project spans a large area which is under the jurisdiction of two local governments. Recent difficulties with the coordination of approvals and the clearance of conditions have justified the need to obtain one approval that is overseen (including clearance of conditions) by one agency being the Western Australian Planning Commission (WAPC). This negates any divergence in administrative processes between the Shire of KO and that of the Regional Joint Development Assessment Panel as the decision maker in the case of the Shire of BT.

- Construction is underway on the project, with civil and electrical Balance of Plant works over 50% completed, and all of the wind turbine components have arrived at the Port of Bunbury. Pending approvals, the project can be operational by February 2024.
- Locally, there will be royalties and lease payments made to landowners for the turbines to be constructed on their land.
- The project will create upwards of 120 jobs during the estimated 18-month construction period. The workforce will be based locally thereby contributing to the local economy during a timeframe that responds to the economic impacts of the COVID-19 pandemic.
- During the construction phase, a number of local businesses will benefit – local service providers including earthworks and civil contractors, businesses providing accommodation and food.
- During operation, ancillary supplies and services will be sourced through local businesses.
- Regionally, the creation of this project will enhance the strength of the electricity grid, which will encourage new industry and projects, providing jobs for this region.
- EGP has contracted with BHP to sell 100% of the output of Stage 1, generating approximately 315 GWh per year of renewable energy for twelve years.
- Finally, it should not be underestimated that this project will be an enormous step forward in this State towards a transition to green energy. It is appropriate given this State significance, that the suite of development approvals rests with the State.

The project has been assessed in detail by both the Shire of KO and the Shire of BT, as well as a DAP on a number of occasions. Relevant technical studies which accompanied these decisions have appropriately addressed all issues which have arisen, including:

- The suggestion that wind farms cause adverse health impacts.
- Noise impact on existing dwellings.
- Visual impact and change to rural landscape.
- Lack of community support for the project and community division.
- Death and injury of priority bird species from turbines.
- Proximity to adjoining residences and buffer impact on location of future dwellings.
- Loss of amenity generally.
- Restrictions on agricultural aerial operations and the Katanning aerodrome.
- Ability of the applicant to fund decommissioning.
- Fires caused by wind farms and their effect on the operations of the bush fire brigade communications networks.
- Interference with tv and communications.
- Impact on land valuations and the need for compensation.

There is no discretion being requested of the WAPC that goes beyond those powers available to it under the provisions of the Shire of KO and BT local planning schemes. No departures are sought to other applicable State and Local planning framework documents. Accordingly, conditional development approval from the WAPC is sought under the 'significant development' pathway.

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Appendix J	Environmental Impact Report by Moonies Hill Energy Pty Ltd (November 2012)	
Appendix K	Zone of Influence Maps by DNV Energy Systems Renewables Advisory (April 2021)	
Appendix L	Airspace Assessment by Moonies Hill Energy Pty Ltd (May 2011)	
Appendix M	Ethnographic Survey by R & E.O'Connor Pty Ltd (September 2010)	

1. Background

Flat Rocks Wind Farm was originally part of a wider project which was commenced by MHE in 2010 for 74 wind turbines spanning land in the Shires of KO and BT.

This development application pertains a portion (18 turbines) of this overall approval, resulting from the acquisition of part of the project by EGP. EGP's portion represents Stage 1 of the project, with Stage 2 being delivered by the original proponent MHE. Stage 2 does not form part of this development application.

It is noted however that due to the nature of the project and its origination, various documentation and literature which forms part of this application will include information relating to Stage 2.

1.1 Approvals History

Development approvals were originally granted by the Shire of KO and BT for their respective municipalities as follows:

- In relation to the Shire of Broomehill Tambellup, originally granted by the then Great Southern Regional Joint Development Assessment Panel in 2013; and,
- In relation to the Shire of Kojonup, originally granted by the Shire of Kojonup in 2011, as the application was lodged prior to the commencement of the Development Assessment Panel (DAP) regime.

Over the years, wind turbine technology has become more efficient and the number of turbines required to generate more power has decreased significantly. Additionally, the regime for development assessment and approvals has been amended, such that the current approvals propose circa 44 turbines.

The current approvals for each of the Shires include identical conditions.

Table 1 and Table 2 below is a chronology of the approvals and amendments for each of the local governments.

Copies of development approvals are appended as part of this report as follows:

- Shire of KO approvals – refer Appendix A
- Shire of BT approvals – refer Appendix B

Table 1 Shire of Kojonup Approvals History

No.	Date	Purpose of approval	Application Triggers	Approval Summary
1	21 December 2011	Original Approval	Nil	Approved subject to 28 conditions and 4 advice notes.
2	15 September 2015	Amendment	Extension to approval date.	Approved subject to 28 conditions and 4 advice notes (no change to original conditions). Extension granted to 21 December 2019.
3	19 July 2016	Amendment	Inclusion of additional lots which were omitted from approval (administrative error).	Approved subject to 28 conditions and 4 advice notes (no change to original conditions). Omitted lots added to determination.
4	1 December 2016	Amendment	Approval of different wind turbine model and harmonisation of conditions with Shire of Broomehill-Tambellup determination.	Approved subject to 36 conditions and 3 advice notes.

No.	Date	Purpose of approval	Application Triggers	Approval Summary
5	28 September 2021	Amendment	Change to 'substantial commencement' date to reflect WA Government State of Emergency planning exemptions. Include new 7 turbine site layout. Include new wind turbine model (Vestas V150 4.2MW).	Approved subject to 36 conditions and 3 advice notes.
6	1 November 2022	Amendment	Amendment to wording of conditions 4, 21 and 29 to correct ambiguous terminology relating to 'noise sensitive premises'.	Approved subject to amendments. No change to original conditions with the exception of conditions 4, 21 and 29.

Table 2 Shire of Broomehill-Tambellup Approvals History

No.	Date	Purpose of approval	Application Trigger	Approval Summary
1	19 July 2013	Original Approval	Nil	Approved subject to 27 conditions and 16 advice notes.
2	7 March 2017	Amendment	Extension to approval date and project design modifications	Approved subject to 35 conditions and 12 advice notes. *all other conditions, footnotes and advice notes remain as per original DAP decision dated 26 July 2013.
3	6 December 2021	Amendment	Amendment to conditions 1, 2, 3, 5 and 10 as follows: 1. The wind farm shall substantially commence by the 6 March 2024. Within 5 years of the date of this approval. 2. This approval is for a maximum of 35 27 wind turbines. 3. The location of the wind turbines shall be generally in accordance with the attached plan dated 22 April 2021 22 February 2017 , and the application as submitted which includes the 'Flat Rocks Wind Farm Environmental Report' and Appendices. 5. This approval is for Vestas V150 4.2MW V126 3.45MW wind turbine, with serrated trailing edges mounted on the blades. 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 can comply with condition 32 29 below. 10. The maximum height of each wind turbine shall be 200 180 metres, measured from the base of the tower to the rotor tip at its maximum elevation.	Approved subject to 6 conditions and nil advice notes including new condition No. 36: <i>36. Turbine 7 is to be located a minimum of 700m from the boundary location.</i> *All other conditions, footnotes and advice notes detailed on the previous approval dated 22 May 2017 shall remain unless altered by this application.
4	6 December 2022	Amendment	Amendment to wording of conditions 4, 21 and 29 to correct ambiguous terminology relating to 'noise sensitive premises'.	Approved subject to amendments. No change to original conditions with the

No.	Date	Purpose of approval	Application Trigger	Approval Summary
				exception of conditions 4, 21 and 29.

1.2 Stakeholder Consultation

The project (Stage 1 and 2) has been the subject of a comprehensive consultation process since its original inception. The resolution of issues and contentions raised during the course of the preceding applications have culminated in the granting of numerous planning approvals.

Notwithstanding the above, as well as the fact that the development has not materially changed from the existing (and valid) planning approvals, it is understood that the WAPC is obligated to consult with the local government under section 276 of the PD Act. Additionally, the WAPC is to advertise the application and invite submissions. There are no timeframes stipulated on this process under the provisions of the PD Act, however the WAPC's policy is to provide 42 days to agencies to respond, and 28 days for public advertising.

The sections below provide an overview of the stakeholder engagement that has been undertaken to-date, the key issues and contentions raised, and how they have been resolved.

The information summarised below is intended to illustrate how the proposal has evolved in response to an extensive range of issues which have been arisen. The product of every planning approval that has been determined has been in response changes in the planning framework, shift in legislation and advancement in technology. The 'final and refined product' forms the basis of this application.

1.2.1 Consultation with authorities, statutory regulators and organisations

Table 3 below provides a summary of the consultation with authorities, statutory regulators and organisations that has been undertaken as part of each of the aforementioned planning approvals that have been granted.

Table 3 Summary of engagement with stakeholders

DA	Agencies / organisations consulted
Shire of Kojonup	
21 December 2011 (Shire of KO)	Shire of Broomehill-Tambellup Project advertised within Great Southern Herald and Kojonup News during submission period Environmental Protection Authority Department of Environment and Conservation Civil Aviation Safety Authority Air Services Australia Electricity Provider / Economic Regulation Authority Main Roads WA
15 September 2015	Nil
19 July 2016	Nil
1 December 2016	Nil
28 September 2021	Nil
1 November 2022	Nil
Shire of Broomehill-Tambellup	
19 July 2013 (original DA)	Department of Environment and Conservation Civil Aviation Safety Authority Air Services Australia

DA	Agencies / organisations consulted
	Royal Australian Air Force Department of Health Main Roads Western Australia Department of Indigenous Affairs Western Power Department of Agriculture and Food Western Australia Department of Fire and Emergency Services Shire of Katanning Shire of Kojonup Western Australian Planning Commission – Separate correspondence sent to Western Australian Planning Commission seeking specific advice on the review of Planning Bulletin 67, which was responded to by the Department of Planning.
7 March 2017	Department of Health Civil Aviation Safety Authority Air Services Australia Shire of Katanning Department of Defence Western Power Department of Fire and Emergency Services Main Roads WA Department of Aboriginal Affairs Department of Environment and Regulation Department of Planning Director Infrastructure Planning and Policy
6 December 2021	Shire of Kojonup Department of Water, Environment and Regulation Main Roads WA Department of Primary Industries and Regional Development Civil Aviation Safety Authority Air Services Australia Department of Planning, Lands and Heritage (Aboriginal heritage) Department of Planning, Lands and Heritage (Albany) Department of Planning, Lands and Heritage (Perth Policy Section) Department of Defence Department of Fire and Emergency Services Health Department of WA Western Power
6 December 2022	Department of Water, Environment and Regulation

1.2.2 Public consultation with landowners and local community

Table 4 and Table 5 below provides a summary of the consultation undertaken and the comments which were raised relative to each of the approvals which have been granted by the Shires of KO and BT to-date. In some cases, consultation has not been undertaken due to the nature of the application.

Table 4 Shire of Kojonup Approvals History

No.	Date	Purpose of Approval	Nature of Application	Summary of Consultation	Comments Raised
1	21 December 2011	Original Approval	Nil	<p>Approved subject to 28 conditions and 4 advice notes.</p> <p>Consultation undertaken – yes</p> <ul style="list-style-type: none"> The consultation period was to initially conclude mid-December (16/12/2010). Given the level of interest in the proposal and following discussions with Councilors, the submission period was extended till 1 February 2011, a total of 68-days The proposal was referred to all affected landowners and all adjoining properties within a 1km radius of the any wind turbine 3 notices of the proposal (Schedule III (B)) were displayed on signs at a prominent location on each property to be developed as part of the wind farm. <p>59 Submission received:</p> <ul style="list-style-type: none"> 41 oppose wind farm 11 support / no objection 7 undecided / information / advice only 	<p>SUPPORT</p> <ul style="list-style-type: none"> There being no impact on the continuation of agriculture in the area. Do not agree with claims of adverse health impacts. The visual impacts can be addressed to achieve acceptable standards. The positive environmental benefits from the use of renewable energy. The increase in local employment opportunities. The potential for tourism benefits to flow from the wind farm development. The economic benefits from the development to the town and region. The diversification of present farm activities and income streams. Creation of a community fund to support local community organisations. <p>OBJECT</p> <p>Environmental Impacts</p> <ul style="list-style-type: none"> Several threatened or priority bird species may be impacted including Carnaby's Cockatoos, Forest red Tailed Black Cockatoos and Murr's Corellas that may be subject to death/injury from turbines. <p>Health Impacts</p> <ul style="list-style-type: none"> The noise levels, including low frequency ultrasound, generated by wind turbines have been linked to adverse health impacts on local residents. Concerned about the impacts of blade glint, flicker and reflection from the wind farm. <p>Devaluation of Land and Loss of Production</p> <ul style="list-style-type: none"> Reports showing negative effect on value of adjoining lands to wind farms. Loss of productive land and rural amenity due to industrial development of a wind farm in the area. The loss of amenity and landscape values needs to be considered. Whose responsibility is it to compensate adjoining landowners for devaluation or other losses? <p>Lack of Shire Policy on Renewable Energy/Sustainable Community Development</p> <ul style="list-style-type: none"> Lack of Shire Policy to guide decision-making on renewable energy projects within the Shire which creates ad hoc development. The negative impact of wind farm developments on potential for biomass proposals including the development of an oil mallee industry within the Shire. <p>Aviation Impacts</p> <ul style="list-style-type: none"> The use of aviation navigation lights has the potential to affect night time amenity. The restrictions that will be placed on existing agricultural aerial operations particularly aerial spraying. <p>Decommissioning Strategy</p> <ul style="list-style-type: none"> The lack of details regarding decommissioning of the wind farm or any 'bond' to ensure the project is properly decommissioned. The requirements and plans for areas/sites to be restored following decommissioning. <p>Increased Fire Risk</p> <ul style="list-style-type: none"> Increased fire risk from turbines falling, need for additional fire fighting facilities to support proposal. Turbines creating interference with bush fire brigade radio communication networks.
2	15 September 2015	Amendment	<p>Extension to approval date.</p> <p>Approved subject to 28 conditions and 4 advice notes (no change to original conditions).</p> <p>Extension granted to 21 December 2019</p>	<p>Dr. Sarah Rankin (Managing Director of Moonies Hill Energy Pty Ltd) provided a briefing to Councilors on Tuesday 1 September 2015.</p>	<p>n/a</p>

No.	Date	Purpose of approval	Nature of Application	Summary of Consultation	Comments Raised
3	19 July 2016	Amendment	Inclusion of additional lots which were omitted from approval (administrative error). Approved subject to 28 conditions and 4 advice notes (no change to original conditions). Omitted lots added to determination.	n/a	n/a
4	1 December 2016	Amendment	Approval of different wind turbine model and harmonisation of conditions with Shire of Broomehill-Tambellup determination. Approved subject to 36 conditions and 3 advice notes.	n/a	n/a
5	28 September 2021	Amendment	Change to 'substantial commencement' date to reflect WA Government State of Emergency planning exemptions. Include new 7 turbine site layout. Include new wind turbine model (Vestas V150 4.2MW). Approved subject to 36 conditions and 3 advice notes.	Nil	n/a
6	1 November 2022	Amendment	Amendment to conditions 4, 21 and 29	Nil however advised interested stakeholders of the upcoming Council meeting considering the amendment.	n/a

Table 5 Shire of Broomehill-Tambellup Approvals History

No.	Date	Purpose of approval	Nature of Application	Summary of Consultation	Comments Raised
1	19 July 2013	Original (SAT) Approval	Nil Approved subject to 27 conditions and 16 advice notes.	<p>Consultation undertaken – yes</p> <ul style="list-style-type: none"> The consultation period was between 11 December 2012 and 11 January 2013, a total of 32-days. Advertising notice in the Albany Advertiser on 11 December 2012 and Great Southern Herald on 12 December 2012. Letters to 13 adjoining and nearby landowners (approx. 6km radius). <p>20 Submissions received:</p> <ul style="list-style-type: none"> 20 objections 	<p>Key points arising out of submission were:</p> <ul style="list-style-type: none"> Potential adverse health impacts Noise impact on existing dwellings Visual impact and change to rural landscape Lack of community support for the project and community division Death and injury of priority bird species from turbines Proximity to adjoining residences and buffer impact on location of future dwellings Loss of amenity generally Restrictions on agricultural aerial operations and the Katanning aerodrome Decommissioning and costs Fire risk Interference with TV and communications network Land values and devaluation Compensation to affected landowners
2	7 March 2017	Amendment	Extension to approval date and project design modifications	<p>Consultation undertaken – Yes</p> <ul style="list-style-type: none"> The consultation period was between 22 December 2016 and 27 January 2017, a total of 37-days. Advertising was in the form of letters to nearby landowners, a newspaper advert, and a public notice on the Shire website 	<p>Key points arising out of submission were:</p> <ul style="list-style-type: none"> Substantial change – new application and reports should be lodged. Noise impact Visual impact

No.	Date	Purpose of approval	Nature of Application	Summary of Consultation	Comments Raised
			Approved subject to 35 conditions and 12 advice notes. *all other conditions, footnotes and advice notes remain as per original DAP decision dated 26 July 2013.	Six (6) submission received: <ul style="list-style-type: none"> 5 objections 	<ul style="list-style-type: none"> Impact on aerial spraying Interference with telecommunications and GPS Land values Health Buffers Lack of landowner Agreements Shadow flicker Objection to 5 year extension Impact on power infrastructure (referenced South Australia)
3	6 December 2021	Amendment	Amendment to conditions 1, 2, 3, 5 and 10 Approved subject to 6 conditions and nil advice notes including new condition No. 36: <i>36. Turbine 7 is to be located a minimum of 700m from the boundary location.</i>	Consultation undertaken – Yes <ul style="list-style-type: none"> Letters to nearby and surrounding landowners; Public advertising on the Shire website; Public Notice displayed at the Shire's Broomehill office, and Community Resource Centre in Trambellup. Advertising was for 14 days and closed on the 21 September 2021.	Key points arising out of submission were: <ul style="list-style-type: none"> Impact of shadow flicker Impact of noise Concerns over impacts to farmland and not just to houses Concerns over visual impact and increase in height Health Impacts Issue that the changes are a substantial change to the proposed development
4	6 December 2022	Amendment	Amendment to conditions 4, 21 and 29 *All other conditions, footnotes and advice notes detailed on the previous approval dated 22 May 2017 shall remain unless altered by this application.	No public consultation conducted however, written notification sent to persons who lodged submissions on the 2021 application.	n/a

2. Proposal

2.1 Project Description

2.1.1 Overview

This development application pertains a portion (18 turbines) of the previously granted development approval(s), resulting from the acquisition of part of the project by EGP. EGP's portion represents Stage 1, with Stage 2 being delivered by the original proponent, MHE. Stage 2 does not form part of this development application.

The key component of the Flat Rocks Wind Farm will be the wind turbines, each of which is made up of the following components:

- Wind Turbine Model: Vestas V150 4.2MW
- Tower: 125 m high tubular tower
- Blades: three blades 73.6 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

Other incidental infrastructure comprise a permanent substation, operations and maintenance building, which are proposed to be located adjacent to an existing 132kV transmission line infrastructure in addition to on-site tracks, cabling, temporary meteorological masts, temporary construction compounds and laydown areas, and a temporary concrete batching plant.

The layout of the wind farm (i.e. micro-siting) has already been determined following completion of the requisite environmental impact assessment, wind turbine model selection, noise modelling and, geotechnical assessments of the wind turbine locations. The siting of the wind turbines are also capable of compliance with the applicable conditions of approval which form part of the existing planning approvals.

Figure 1 and **Figure 2** illustrate the indicative project layout and wind turbine details. The total development envelope covers an area of approximately ~3,600 hectares over a total of 35 allotments noting however that wind turbines and infrastructure are only located on 18 of these allotments. This is due to the fact that there are four (4) Multi-lot Titles which form part of this project. The Multi-lot Titles are those which have been shaded and denoted in **Table 6** below.

Table 6 below provides a summary of the development relative to lot, landowner / farm property, Shire and development component/s (i.e. WTG refers to a wind turbine, underground cabling, access roads and buildings).

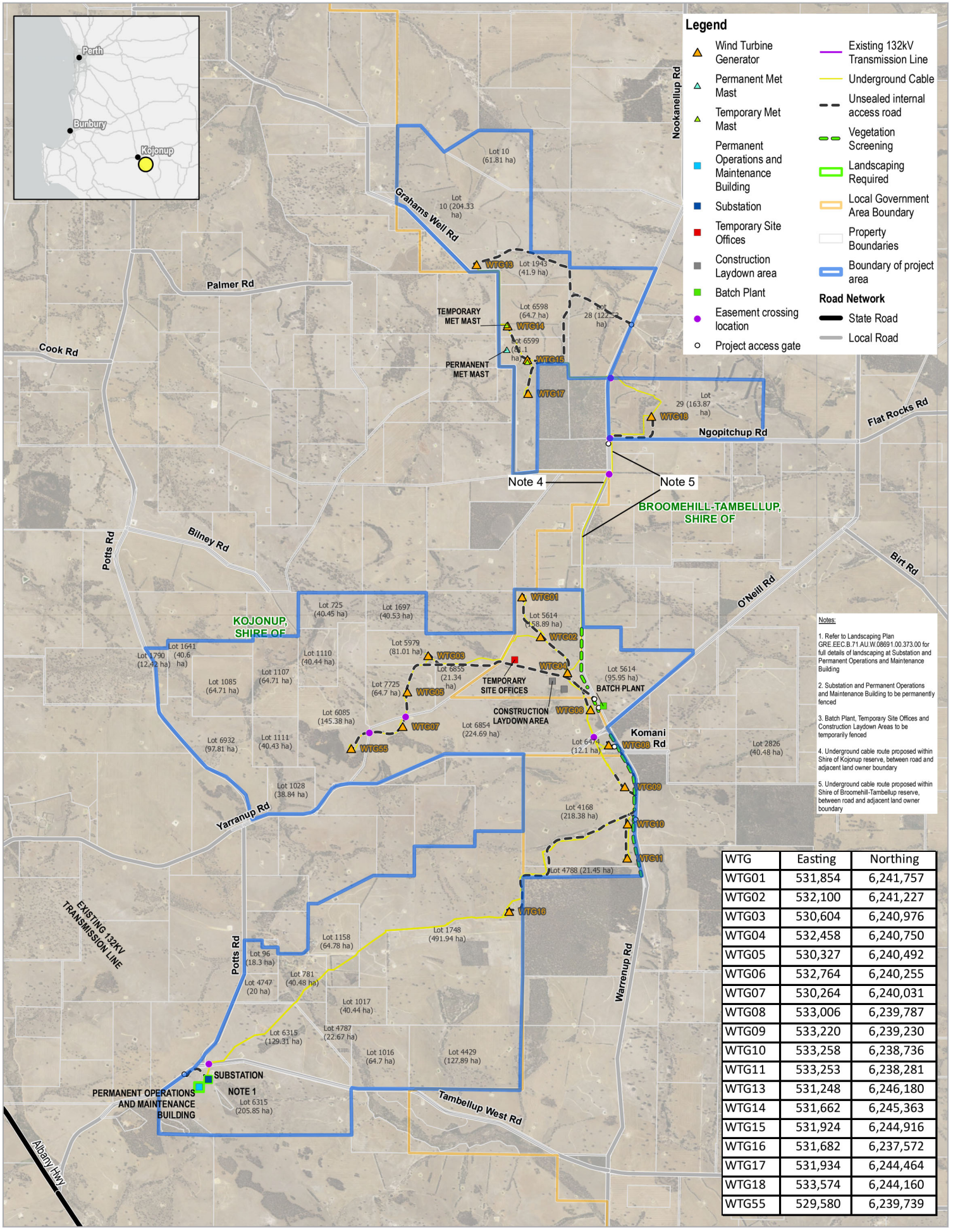
Proposed Development Plans which form part of this development application are contained in **Appendix C**.

Table 6 Allotment details for the subject application area

Lot #	Lot area	Plan No.	Street Address	Shire	Dev't
<i>Yantecup – Geoffrey Lawrence Thorn and Wendy Jean Thorn as Trustees for The Yantecup Trust, The John Maxwell Thorn Family Trust and the Hilary May Thorn Family Trust</i>					
4168 (multi-lot)	218.54 ha	126280		BT	WTG11 WTG10 WTG09 U/cable Access rd
4788 (multi-lot)	21.47 ha	127649		BT	U/cable Access rd

Lot #	Lot area	Plan No.	Street Address	Shire	Devt
6315 (multi-lot)	335.26 ha	79220		K	Substation Ops & maintenance facility U/cable Access Rd
781 (multi-lot)	40.51 ha	100937	3072 Tambellup West Rd, Lumeah	K	U/cable
1016 (multi-lot)	64.74 ha	101604		K	
1017 (multi-lot)	40.46 ha	101605		K	
1158 (multi-lot)	64.81 ha	102671	1507 Potts Rd, Lumeah	K	U/cable
1748 (multi-lot)	492.24 ha	107865		K	WTG16 U/cable Access rd
4747 (multi-lot)	20.01 ha	115014		K	
4429 (multi-lot)	127.88 ha	126453		K	
4787 (multi-lot)	22.68 ha	128148		K	
96 (multi-lot)	18.30 ha	245672		K	
6474	12.11 ha	80143		K	WTG08 U/cable Access rd
<i>The Meadows – Geoffrey Lawrence Thorn and Wendy Jean Thorn as Trustees for The Yantecup Trust, The John Maxwell Thorn Family Trust and The Hilary May Thorn Family Trust</i>					
10	266.29 ha	14464		BT	WTG13 U/cable Access rd
6599	81.15 ha	79216		BT	WTG17 WTG15 Temp. met mast U/cable Access rd
6598	64.75 ha	79218		BT	WTG14 Temp met mast U/cable Access rd
1943	41.94 ha	110745		BT	U/cable Access rd
28 (multi-lot)	122.59 ha	2851		BT	U/cable Access rd
29 (multi-lot)	164.04 ha	2851		BT	WTG18 U/cable Access rd
<i>Rocky Creek – Geoffrey Lawrence Thorn and Wendy Jean Thorn as Trustees for The Big Red Gum Trust</i>					
6085 (multi-lot)	145.51 ha	79333	217 Bilney Rd, Lumeah	K	WTG55 U/cable Access rd
6855 (multi-lot)	22.84 ha	80143		K	

Lot #	Lot area	Plan No.	Street Address	Shire	Devt
7725 (multi-lot)	64.75 ha	80143		K	WTG05 U/cable Access rd
6932 (multi-lot)	97.89 ha	80903		K	
1110 (multi-lot)	40.47 ha	102665		K	
1111 (multi-lot)	40.46 ha	102668		K	
1107 (multi-lot)	64.75 ha	102669	215 Bilney Rd, Lumeah	K	
1028 (multi-lot)	38.87 ha	102670		K	
1085 (multi-lot)	64.74 ha	102675		K	
725 (multi-lot)	40.48 ha	103288		K	
1641 (multi-lot)	40.60 ha	107772		K	
1697 (multi-lot)	40.55 ha	107866		K	
1790 (multi-lot)	119.89 ha	107867		K	
<i>Intaba – Dovercourt Pty Ltd as Trustee for The Kinghurst Trust</i>					
5614	254.98 ha	133067		BT	WTG01 WTG02 WTG04 batch plant temp site office construction laydown
5979	81.07 ha	138658		K	WTG03 U/cable Access rd
6854	224.90 ha	80143		K	WTG06 WTG07 U/cable Access rd



Legend

- Wind Turbine Generator
- Permanent Met Mast
- Temporary Met Mast
- Permanent Operations and Maintenance Building
- Substation
- Temporary Site Offices
- Construction Laydown area
- Batch Plant
- Easement crossing location
- Project access gate
- Existing 132kV Transmission Line
- Underground Cable
- Unsealed internal access road
- Vegetation Screening
- Landscaping Required
- Local Government Area Boundary
- Property Boundaries
- Boundary of project area
- Road Network
- State Road
- Local Road

- Notes:**
1. Refer to Landscaping Plan GRE.EEC.B.71 AU W.0869.1.00.373.00 for full details of landscaping at Substation and Permanent Operations and Maintenance Building
 2. Substation and Permanent Operations and Maintenance Building to be permanently fenced
 3. Batch Plant, Temporary Site Offices and Construction Laydown Areas to be temporarily fenced
 4. Underground cable route proposed within Shire of Kojonup reserve, between road and adjacent land owner boundary
 5. Underground cable route proposed within Shire of Broomehill-Tambellup reserve, between road and adjacent land owner boundary

WTG	Easting	Northing
WTG01	531,854	6,241,757
WTG02	532,100	6,241,227
WTG03	530,604	6,240,976
WTG04	532,458	6,240,750
WTG05	530,327	6,240,492
WTG06	532,764	6,240,255
WTG07	530,264	6,240,031
WTG08	533,006	6,239,787
WTG09	533,220	6,239,230
WTG10	533,258	6,238,736
WTG11	533,253	6,238,281
WTG13	531,248	6,246,180
WTG14	531,662	6,245,363
WTG15	531,924	6,244,916
WTG16	531,682	6,237,572
WTG17	531,934	6,244,464
WTG18	533,574	6,244,160
WTG55	529,580	6,239,739

REVISIONS	NO	DATE	DESCRIPTION	CHKD	APP
	0	AK	27.06.2022	ISSUED FOR USE	MM RS
	1	AK	07.07.2022	REISSUED FOR USE	MM RS
	2	AK	14.07.2022	REISSUED FOR USE	MM RS
	3	AK	01.09.2022	REISSUED FOR USE	MM RS
	4	BM	13.09.2022	REISSUED FOR USE	MM RS
	5	BM	04.11.2022	REISSUED FOR USE	MM RS
	6	BM	15.12.2022	REISSUED FOR USE	MM RS
	REV	BY	DATE	DESCRIPTION	CHKD APP

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 Kilometres

Map Projection: Transverse Mercator
 Horizontal Datum: GDA 1994
 Grid: GDA 1994 MGA Zone 50

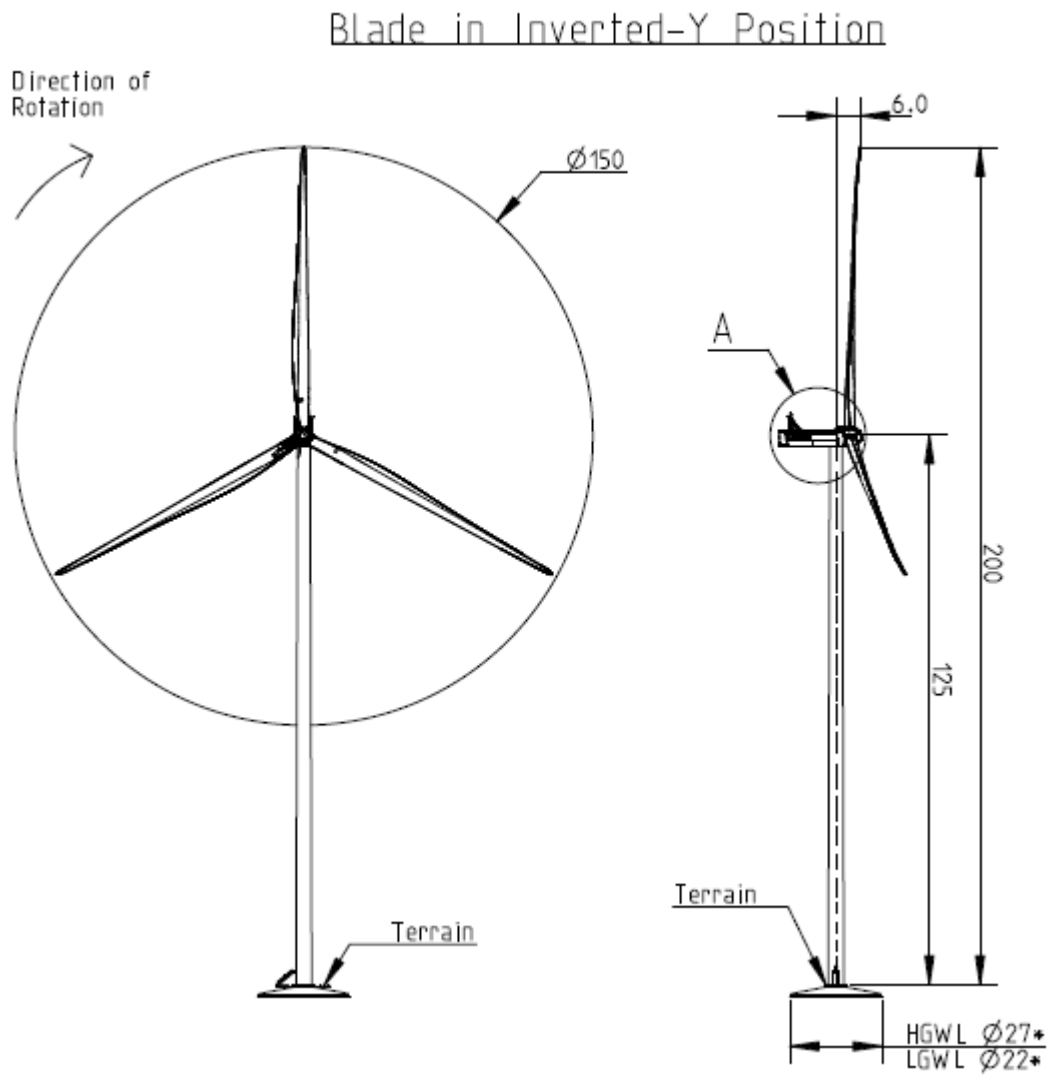


ENEL
 Flat Rocks Wind Farm Stage One
 12574907-0000-MD-LAD-001
 Development Layout Plan

Project No. 12574907
 Revision No. 6
 Date 2/13/2023

FIGURE 1

Figure 2 Vestas V150 4.2MW wind turbine specification



Component	Length (mm)	Width (mm)	Height (mm)	Weight (kg)
Blade	73,650	4,083	3,025	17,500
Nacelle	12,940	3,981	3,387	69,500
Hub	5,469	3,741	3,460	32,535
Drive Train	7,323	3,500	3,200	62,000

2.2 Operation and Decommissioning

2.2.1 Staging

Stage 1 of the Flat Rocks Wind Farm which forms part of this development application will be delivered in its entirety by EGP.

Whilst the reference, technical studies and accompanying documentation which forms part of this application includes Stage 2, this will be delivered separate to this development approval and by a separate entity being MHE.

MHE is currently working through grid connection agreement options and potential power purchase agreements, which is expected to take 12 months.

2.2.2 Operation Period

The wind farm (Stage 1) will generate renewable electricity from a clean, renewable resource for a period of 30-years after which time it may be refurbished to extend its lifespan, or decommissioned and removed.

2.2.3 Decommissioning

At the end of the wind farms operational life, all wind turbines and associated above-ground infrastructure will be dismantled and removed. Turbine foundations will be cut back to below ploughing level or top soil built up over the footings to achieve a similar result. As far as practicable, the site will be reinstated to pre-construction conditions that is suitable for rural/farming purposes.

Any access tracks if not required for farming purposes, fire access and/or fire breaks will be removed and areas reinstated as far as practicable to pre-construction conditions. Similarly, access gates if not required for farming purposes will be removed and fencing re-instated.

Buried cables used to connect the wind farms to the substation are located well below ploughing depth and as such, can remain in-situ. If feasible and where no adverse environmental impacts will result, cables will be recovered and reused/recycled. Cables do not contain any harmful material or substances and having the cables remain in place does not pose any environmental risks.

The cost of decommissioning will be the responsibility of the wind farm operator who will undertake works in accordance with applicable regulatory requirements. Evidence of wind farm decommissioning in Europe has identified that the sale of scrap metal and other wind turbine components typically offset the majority, if not all, of the costs associated with decommissioning works, meaning that a wind farm operator not being able to fund these works is an unlikely event.

2.3 Electricity Use

The proposed development application is for a wind farm facility with associated infrastructure. EGP has entered into a contract with BHP to sell 100% of the power generated (approximately 315 GWh per year) for the next 12-years.

2.4 Part 17 Considerations – Special provisions for COVID-19 pandemic relating to development applications

The SDAU's Guide for Applicants outlines the following with respect to 'COVID-19 economic recovery':

A key driver of this assessment pathway is to support the State's economic recovery from the COVID-19 pandemic through a more streamlined development assessment process. Projects that have investment certainty, are well-designed and ready for construction to commence soon after approval are important in this economic recovery.

The following information is provided with respect to how this application satisfies the Part 17 provisions.

2.4.1 Reasons for Part 17 Approvals Pathway

EGP is seeking to have this project re-approved pursuant to the Part 17 process, for the following reasons:

- The project spans multiple lots across two local government areas that are the subject of three separate town planning schemes. The consolidation of the application into one approval with one condition clearing body (i.e. SDAU) provides much needed procedural simplicity. Additionally, the risk remains that there will be further divergence in approach and decisions between the Shire of KO and the Regional JDAP.

- Under the current dual approvals, there is a requirement to have the management plans for the same project approved by two separate local governments. This results in there being a real potential that there will be different requirements which makes the project subservient to multiple decision makers resulting in unnecessary complexity in project delivery and management.
- External pressures have resulted in the decision of the Shires to be increasingly tested to the extent that the timely approval of management plans have been compromised.
- The proponent behind the application is EGP, the largest renewable energy company in the world. The delivery of this project comes at a critical time in the State's energy transition. The environmental and economic considerations for the project warrant coordination by the State, rather than local government.
- EGP is already in a contractual relationship with BHP for its operations in WA.

2.4.2 Discretion being sought

There is no discretion being requested of the WAPC that goes beyond those powers available to it in the existing local planning schemes. That is, land use permissibility and development controls under the applicable local planning schemes are not being departed in a manner that would not comply with the scheme.

2.4.3 Shovel-readiness of Project

The entirety of the project which forms part of this application is beyond shovel-ready; offtake agreements have been signed with BHP, and there are now contractual obligations to have the project operational and generating energy. Additionally, construction has commenced with civil and electrical Balance of Plant works over 50% completed, and all of the wind turbine components have arrived at the Port of Bunbury.

With respect to Stage 2, whilst it does not form part of this application, given the progress of Stage 1, MHE is currently in negotiations with respect to grid connection agreement options and potential power purchase agreements. The finalisation of these negotiations is expected to take 12 months after which, a separate (SDAU) application may follow.

2.4.4 Economic Benefits

The project will deliver the following economic benefits to the State and Local economy:

- There will be royalties and lease payments made to landowners for the turbines to be constructed at the subject site.
- During the construction phase, a number of local businesses will benefit – local service providers including earthworks and civil contractors, businesses providing accommodation and food.
- During operation, ancillary supplies and services will be sourced through local businesses.
- Regionally, the creation of this project will enhance the strength of the electricity grid, which will encourage new industry and projects, providing job opportunities for the Great Southern region and surrounding areas.
- The project and the sensibility of the planning system to respond to renewable projects of this calibre come at a critical time when energy supply risks are apparent in WA.
- EGP has contracted with BHP to sell 100% of the output of Stage 1, generating approximately 315 GWh per year of renewable energy for twelve years.
- The project will be an enormous step forward for WA in its step towards a transition to green energy. It is appropriate given this State significance, that the suite of development approvals rests with the State.

3. Site Context

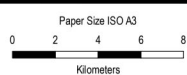
3.1 Location, Area and Existing Land Use

The Shire of BT is a local government area in the Great Southern region of Western Australia, 320 kilometres south-southeast of Perth. The Shire of BT covers an area of 2,609.1 square kilometres; and came into existence in 2008 through the amalgamation of the former Shire of Broomehill and Shire of Tambellup. The Shire of KO is approximately 250 kilometres south-east of Perth and covers an area of 2,932 square kilometres.

The proposed wind farm is located on private farmland approximately 20 km south-east of Kojonup, 27 km north-west of Tambellup, 16 km west of Broomehill and 27 km south-west of Katanning in the Great Southern region of WA.

The development is spread over a number of farming properties – refer Table 7 and two local government authorities being the Shires of KO and BT. The total area of the development envelope is approximately ~4,400 ha.

Figure 3 and Figure 4 illustrates the regional and local context of the project.



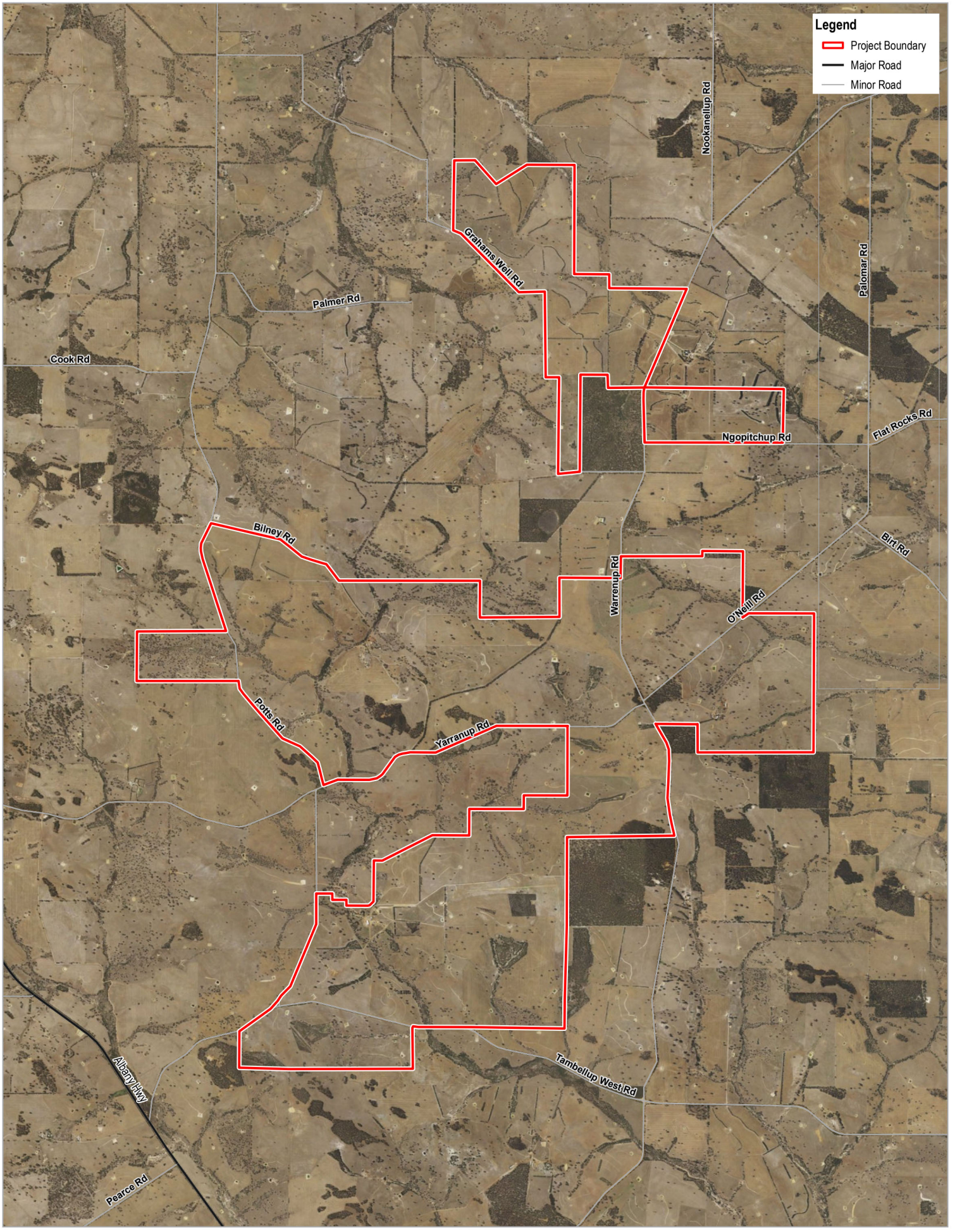
Map Projection: Transverse Mercator
Horizontal Datum: GDA 1994
Grid: GDA 1994 MGA Zone 50

ENEL
Flat Rocks Wind Farm Stage One

Project No. 12574907
Revision No. 6
Date 1/31/2023

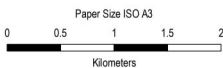
12574907-00000-MD-LAD-001
Regional Context Plan

FIGURE 3



Legend

- Project Boundary
- Major Road
- Minor Road



Map Projection: Transverse Mercator
 Horizontal Datum: GDA 1994
 Grid: GDA 1994 MGA Zone 50



ENEL
 Flat Rocks Wind Farm Stage One

12574907-00000-MD-LAD-001
 Local Context Plan

Project No. 12574907
 Revision No. A
 Date 1/31/2023

FIGURE 4

3.2 Land Tenure / Ownership

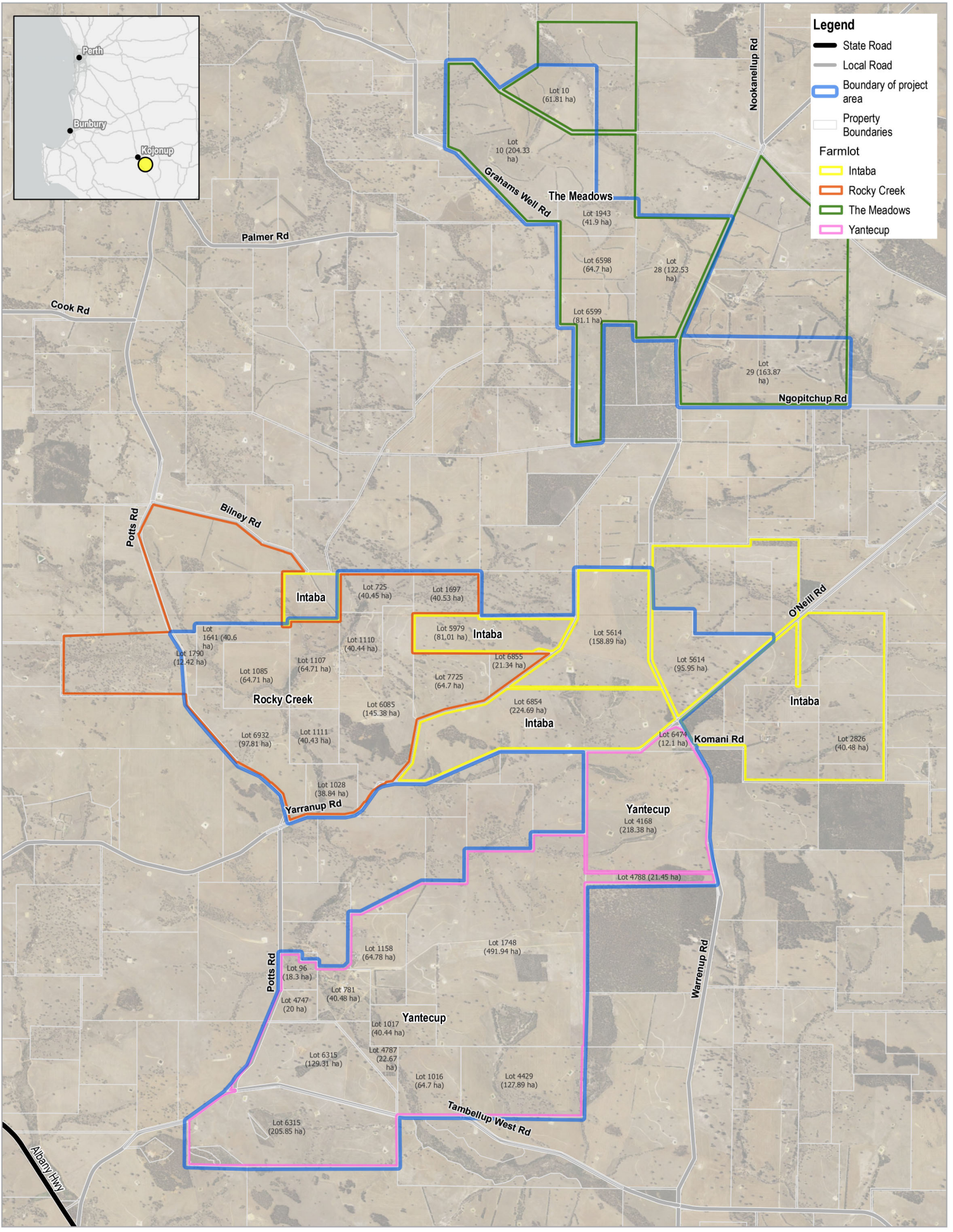
Overall, the project area comprises a total of 35 allotments, 9 within the Shire of BT and 26 within the Shire of KO. However as noted in preceding section, wind turbines and infrastructure are only located on 18 of these allotments. Allotments which have been shaded denote lots which form one Multi-lot Title. There are 4 Multi-lot Titles which form part of this application.

Table 7 below provides a summary of the allotments which form part of this application by landowner / farm property. Figure 5 illustrates the allotments which form part of this project.

Table 7 Allotment details by owner / farm property

Lot #	Lot area	Plan No.	Street Address	Shire
<i>Yantecup – Geoffrey Lawrence Thorn and Wendy Jean Thorn as Trustees for The Yantecup Trust, The John Maxwell Thorn Family Trust and the Hilary May Thorn Family Trust</i>				
4168 (multi-lot)	218.54 ha	126280		BT
4788 (multi-lot)	21.47 ha	127649		BT
6315 (multi-lot)	335.26 ha	79220		K
781 (multi-lot)	40.51 ha	100937	3072 Tambellup West Rd, Lumeah	K
1016 (multi-lot)	64.74 ha	101604		K
1017 (multi-lot)	40.46 ha	101605		K
1158 (multi-lot)	64.81 ha	102671	1507 Potts Rd, Lumeah	K
1748 (multi-lot)	492.24 ha	107865		K
4747 (multi-lot)	20.01 ha	115014		K
4429 (multi-lot)	127.88 ha	126453		K
4787 (multi-lot)	22.68 ha	128148		K
96 (multi-lot)	18.30 ha	245672		K
6474	12.11 ha	80143		K
<i>The Meadows – Geoffrey Lawrence Thorn and Wendy Jean Thorn as Trustees for The Yantecup Trust, The John Maxwell Thorn Family Trust and The Hilary May Thorn Family Trust</i>				
10	266.29 ha	14464		BT
6599	81.15 ha	79216		BT
6598	64.75 ha	79218		BT
1943	41.94 ha	110745		BT
28 (multi-lot)	122.59 ha	2851		BT

Lot #	Lot area	Plan No.	Street Address	Shire
29 (multi-lot)	164.04 ha	2851		BT
<i>Rocky Creek – Geoffrey Lawrence Thorn and Wendy Jean Thorn as Trustees for The Big Red Gum Trust</i>				
6085 (multi-lot)	145.51 ha	79333	217 Bilney Rd, Lumeah	K
6855 (multi-lot)	22.84 ha	80143		K
7725 (multi-lot)	64.75 ha	80143		K
6932 (multi-lot)	97.89 ha	80903		K
1110 (multi-lot)	40.47 ha	102665		K
1111 (multi-lot)	40.46 ha	102668		K
1107 (multi-lot)	64.75 ha	102669	215 Bilney Rd, Lumeah	K
1028 (multi-lot)	38.87 ha	102670		K
1085 (multi-lot)	64.74 ha	102675		K
725 (multi-lot)	40.48 ha	103288		K
1641 (multi-lot)	40.60 ha	107772		K
1697 (multi-lot)	40.55 ha	107866		K
1790 (multi-lot)	119.89 ha	107867		K
<i>Intaba – Dovercourt Pty Ltd as Trustee for The Kinghurst Trust</i>				
5614	254.98 ha	133067		BT
5979	81.07 ha	138658		K
6854	224.90 ha	80143		K



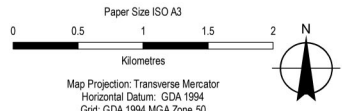
Legend

- State Road
- Local Road
- Boundary of project area
- Property Boundaries

Farmlot

- Intaba
- Rocky Creek
- The Meadows
- Yantecup

REV	BY	DATE	DESCRIPTION	CKD	APP
A	BM	16.01.2023	ISSUED FOR USE	MM	HS



ENEL
Flat Rocks Wind Farm Stage One

Project No. 12574907
Revision No. A
Date 2/14/2023

Property Boundaries

FIGURE 5

4. Planning Framework

4.1 Strategic Planning Framework

4.1.1 State Planning Strategy 2050

The Strategy is a guide from which public and local authorities can express their legislative responsibilities in land-use planning, land development, transport planning and related matters. It provides a set of State planning principles, strategic goals and objectives. A key Energy Objective is *'to enable secure, reliable, competitive and clean energy that meets the State's growing demand'*.

The Strategy highlights the southern part of the state, including the Shire of Broomehill Tambellup for 'potential wind energy'.

4.1.2 Great Southern Regional Planning and Infrastructure Framework

The Great Southern Regional Planning and Infrastructure Framework (2015) provides an overall strategic context for land-use planning in the Great Southern region.

Regional initiatives to support the future economic development within the Great Southern region are set out within section 2.3 – Economic Growth. One of the regional initiatives is to *'plan for investment in renewable energy'*. This section also acknowledges the regional opportunities arising from improved access to communications networks and investment in aquaculture and renewable energy as offering further avenues for economic diversification.

Separately, section 2.7 – Essential Service Infrastructure identifies regional initiatives to support this as *'give consideration to renewable energy projects'*.

The subject application is considered to be in harmony with the strategic direction outlined for the Great Southern region.

4.1.3 Planning Bulletin 67: Guidelines for wind farm development

This Planning Bulletin replaced *Planning Bulletin No. 59 Draft Guidelines for Wind Farm Development*, released in draft form in September 2003.

Planning Bulletin 67 provided local government, other relevant approval authorities and wind farm developers with a guide to the planning framework for the balanced assessment of land-based wind farm developments, throughout the State of WA.

The original planning application referred to under Section 1.1 of this report was assessed in accordance with Planning Bulletin 67. Planning Bulletin 67 has since been superseded by WAPC *Position Statement: Renewable energy facilities (March 2020)*.

4.1.4 WAPC Position Statement: Renewable energy facilities

This position statement outlines the WAPC requirements to support the consistent consideration and provision of renewable energy facilities within WA. The key objectives of this position statement are to:

- *guide the establishment of renewable energy facilities to support the State Energy Transformation Strategy (March 2019)*
- *outline key planning and environmental considerations for the location, siting and design of renewable energy facilities*
- *promote the consistent consideration and assessment of renewable energy facilities*
- *facilitate appropriate development of renewable energy facilities while minimising any potential impact upon the environment, natural landscape, and urban areas*

- *encourage informed public engagement early in the renewable energy facility planning process.*

The application has been comprehensively assessed against the key planning and environmental considerations outlined within the position statement. This is evident in the suite of technical documents which accompany this application. As outlined under section 1.2 of this report, the project has also undergone extensive public engagement to address private enterprise, Government agency and community interests.

A summary of the assessment undertaken against this position statement framework is detailed further under section 5 of this report.

4.2 Statutory Planning Framework

4.2.1 State Planning Policy 2.5 – Rural Planning (SPP 2.5)

SPP 2.5 applies to rural land and rural land uses as well as land that may be impacted by rural land uses. SPP 2.5 seeks to protect and preserve WA's rural land assets due to the importance of their economic, natural resource, food production, environmental and landscape values. SPP 2.5 includes policy measures aimed at protecting rural land while encouraging a diversity of compatible rural land uses.

This application is considered to be consistent with the policy measures as it fundamentally retains the rural/agricultural functionality of land whilst diversifying compatible land uses for the benefit of both the local economy as well as individual landowners; who will gain royalties and lease payments.

4.2.2 State Planning Policy 3.7 – Planning in Bushfire Prone Areas (SPP 3.7)

SPP 3.7 provides a framework in which to implement effective, risk-based land use planning and development outcomes to preserve life and reduce the impact of bushfire on property and infrastructure. The policy emphasises the need to identify and consider bushfire risks in decision-making at all stages of the planning and development process whilst achieving an appropriate balance between bushfire risk management measures, biodiversity conservation and environmental protection.

The policy applies to all land which has been designated as bushfire prone by the Fire and Emergency Services Commissioner as well as areas that may have not yet been designated as bushfire prone but is proposed to be developed in a way that introduces a bushfire hazard.

The application area is within a declared bushfire prone area. The proposal is to be assessed for compliance with SPP 3.7 "...to preserve life and reduce the impact of bushfire on property and infrastructure".

A Bushfire Management Plan has been prepared for the application (Stage 1) in response to a condition of approval (condition 19) which forms part of existing approvals. Further detail on the bushfire implications are outlined under section 6 of this report.

4.2.3 Shire of Broomehill Town Planning Scheme No 1 (TPS1)

The application area is zoned 'Farming' under the provisions of TPS1. The objectives of the 'Farming' zone under Clause 5.13 of TPS1 are:

- a) *The Council intends the predominant form of rural activity in the Farming Zone will continue to be based on large farming units. It will generally be opposed to the fragmentation of farming properties through the process of subdivision.*
- b) *The Council may recommend approval for subdivision in the Farming Zone for use of the land for more intensive forms of rural production but only where the application as submitted to the Commission is accompanied by the following:*
 - i. *identification of soil types, availability and adequacy of water supply, and any areas of salt affected land;*

- ii. *evidence of consultations by the proponent with Agriculture Western Australia on the suitability of the proposed lot(s) and lot size for the intended land use;*
 - iii. *the proponent entering into an Agreement with the Council to proceed with the intended land use;*
 - iv. *details of stream protection where appropriate; and*
 - v. *such other matters as may be requested by the Council.*
- c) *The Council does not recognise precedent resulting from subdivision created in the early days of settlement of the District as a reason for it to support further subdivision in the Farming Zone.*
 - d) *The Council will favourably consider applications for adjustment of lot boundaries where the application if approved will not result in the creation of one or more additional lots.*

Stage 1 of the project is consistent with the objectives of land zoned 'Farming' as it fundamentally does not result in any fragmentation of existing land parcels. Furthermore, Stage 1 of the project does not preclude existing agricultural activities to continue on lots which will also house a wind turbine/s and any associated infrastructure.

4.2.4 Shire of Tambellup Town Planning Scheme No 2 (TPS2)

The application area is zoned 'Farming' under the provisions of TPS2. The objectives of the 'Farming' zone under Clause 6.6.1 of TPS2 are:

- a) *to ensure the continuation of broad-hectare farming as the principal landuse in the District and encouraging where appropriate the retention and expansion of agricultural activities.*
- b) *to consider non-rural uses where they can be shown to be of benefit to the District and not detrimental to the natural resources or the environment.*
- c) *to allow for facilities for tourists and travellers, and for recreation uses.*

Stage 1 of the project is consistent with the objectives of land zoned 'Farming' as it fundamentally does not result in any fragmentation of existing land parcels. Furthermore, Stage 1 of the project does not preclude existing agricultural activities to continue on lots which will also house a wind turbine/s and any associated infrastructure.

The economic benefits brought to the District by the project cannot be dismissed either as the construction phase will create local employment opportunities in addition to flow-on benefits to local accommodation and food businesses. During operation, ancillary supplies and services will also be sourced through local businesses. Regionally, the creation of this project will enhance the strength of the electricity grid, which will encourage new industry and projects, providing jobs for this region.

4.2.5 Shire of Kojonup Town Planning Scheme No. 3 (TPS3)

The application area is zoned 'Rural' under the provisions of TPS3. The objectives of the 'Rural' zone under the Clause 3.2.7 of TPS3 are:

- a) *The zone shall consist of predominantly rural uses.*
- b) *To protect land from urban uses that may jeopardise the future use of that land for other planned purposes which are compatible with the zoning.*
- c) *To protect the land from closer development which would detract from the rural character and amenity of the area.*
- d) *To prevent any development which may affect the viability of a holding.*
- e) *To provide for limited commercial accommodation opportunities in a rural environment consistent with the Council's policy for 'Farmstay', 'Bed and Breakfast Accommodation' and 'Chalet' facilities.*

Stage 1 of the project is consistent with the objectives of land zoned 'Rural' as it does not preclude existing agricultural activities to continue on lots which will also house a wind turbine/s and any associated infrastructure. For reasons outlined in the assessment section below, the proposal also maintains the rural character and amenity of the area.

5. Planning Assessment

5.1 Land Use Permissibility

The Shire of Broomehill TPS1, Shire of Tambellup TPS2 and Shire of KO TPS 3 do not contain a land use definition for 'wind farm' or 'renewable energy facility'¹. The application proceeds on the basis it is determined to be a 'Use not listed' for the purpose of each scheme.

The applicable approval history associated with this application has resolved that the wind farm is consistent with the objectives and purposes of the applicable zones under the provisions of TPS1, TPS2 and TPS3.

5.2 Development Controls

There are no development controls applicable to wind farms under the provisions of TPS1, TPS2 and TPS3 with the exception of setback considerations as summarised under Table 8 below.

Furthermore, there is no discretion being requested of the WAPC as part of this SDAU application that goes beyond those powers available to it under the applicable State and Local planning framework.

Table 8 Summary of Development Requirements

Scheme	Provision	Proposed	Complies
Shire of Broomehill TPS 1	Minimum setbacks <ul style="list-style-type: none">Street: 15mRear: 10mSide: 10m	All wind turbine and associated infrastructure locations exceed minimum setback requirement	Yes
Shire of Tambellup TPS 2	Building setbacks <ul style="list-style-type: none">Front: 20mRear: 15mSide: 15m	All wind turbine and associated infrastructure locations exceed minimum setback requirement	Yes
Shire of Kojonup TPS 3	Rural development to comply with objectives of zone	For reasons outlined under Section 5.1 above, the development is in accordance with the objectives of the zone	Yes

5.3 Amenity Impact and Orderly Planning

One of the objectives of the WAPC *Position Statement: Renewable Energy Facilities* is to facilitate appropriate development of renewable energy facilities while minimising any potential impact upon the environment, natural landscape, and urban areas.

The Position Statement stipulates that local governments should address renewable energy facilities within their local planning framework. In this instance, wind farm or renewable energy facilities is a use not listed under both Shire of KO and Shire of BT town planning schemes.

The Shire of KO does not have a local planning strategy. The Shire of BT has an endorsed local planning strategy (2014), though it provides little guidance on the placement of renewable energy facilities. The Shire of BT local planning strategy does however acknowledge the 2013 approval for this project under section 6.5.2. This section further noting that "...the Shire continues to support alternative energy production within the Shire with the aim of it being additional power to be supplied to the grid".

In the absence of a local planning framework guiding preferred locations for renewable energy facilities, a project will be subject to detailed evaluation in terms of; environmental and landscape value impacts, visual landscape

¹ Recommended land use term for renewable energy facilities as outlined under the WAPC *Position Statement: Renewable energy facilities*

analysis, land use conflict, noise impact, public and aviation safety and heritage implications, in order to determine whether a proposal is deemed consistent with the principles of orderly and proper planning.

As outlined in the sections above, the project has been the subject of comprehensive assessment against its potential amenity impact as part of previous approvals. Specifically, the project has comprehensively addressed the following key reoccurring issues:

- The suggestion that wind farms cause adverse health impacts.
- Noise impact on existing dwellings.
- Visual impact and change to rural landscape.
- Lack of community support for the project and community division.
- Death and injury of priority bird species from turbines.
- Proximity to adjoining residences and buffer impact on location of future dwellings.
- Loss of amenity generally.
- Restrictions on agricultural aerial operations and the Katanning aerodrome.
- Ability of the applicant to fund decommissioning.
- Fires caused by wind farms and their effect on the operations of the bush fire brigade communications networks.
- Interference with tv and communications.
- Impact on land valuations and the need for compensation.

The technical inputs and studies which have informed the granted approvals are summarised in **Section 6**.

The management plans which address conditions of approval are summarised in **Section 7**.

6. Technical Inputs & Studies

Table 9 below provides a summary of the latest technical inputs and studies which have informed the latest planning approvals which have been granted in support of the project.

Report Title	Purpose of Report	Summary of Findings and/or Recommendations	Appendix Reference
Acoustic Impact			
Noise Impact Assessment Report by Herring Storer (Nov 2021)	carry out a noise impact assessment for the proposed Flat Rocks Wind Farm development, to address the development approval conditions for the project	Noise levels were assessed at 33 identified receiver points. Noise emissions at "non-stake holders" have been calculated to comply with the background noise criteria under all wind conditions. Noise levels at all "stake holders" have been calculated to comply with the background noise criteria under all wind conditions.	Appendix D
Shadow Flicker and Blade Glint			
Shadow Flicker and Blade Glint Assessment by DNV Energy Systems Renewables Advisory (July 2021)	Assess expected annual shadow flicker durations in the vicinity of the proposed Flat Rocks Wind Farm.	<p>Total of nine dwellings are expected to experience some shadow flicker, four of which are stakeholder dwellings. Out of the four stakeholder dwellings, all are predicted to experience theoretical shadow flicker durations above the recommended limit of 30 hours per year within 50 m of the dwelling. When considering the likely reduction due to cloud cover and rotor orientation, the shadow flicker at two of the dwellings are predicted to be above the recommended limit of 10 hours per year within 50 m of the dwelling.</p> <p>For certain states or jurisdictions, theoretical shadow flicker durations above the recommended 30 hours/year may be considered acceptable for stakeholder dwellings. However, in some cases, it may be necessary to have an agreement in place with the stakeholder indicating that they accept higher shadow flicker durations. DNV considers that theoretical shadow flicker durations of up to 60 hours /year may be appropriate at stakeholder dwellings, provided that the stakeholder is aware of, and accepts, the increased durations.</p> <p>Out of five non-stakeholder dwellings that are predicted to experience shadow flicker, none are predicted to experience theoretical shadow flicker durations above the recommended limit of 30 hours per year within 50 m of the dwelling. When considering the likely reduction due to cloud cover and rotor orientation, none of those dwellings are predicted to experience shadow flicker above the recommended limit of 10 hours per year within 50m of the dwelling. The effect of shadow flicker may be reduced through a number of mitigation measures such as removal or relocation of turbines, installation of screening structures or planting of trees to block shadow cast by the turbines, or the use of turbine control strategies which shut down turbines when shadow flicker is likely to occur.</p> <p>The calculation of the predicted actual shadow flicker duration does not take into account other potential reductions due to low wind speed, vegetation, or other shielding effects around each house in calculating the number of shadow flicker hours.</p> <p>Since a non-reflective finish is generally applied to the wind turbine blades, blade glint is not expected to be an issue for the project.</p>	Appendix E
Landscape and Visual Impact Assessment			
Review of Landscape and Visual Assessment by William James Landscape Architect (May 2021)	This document is a review of the 2011 Landscape and Visual Assessment for the project	<p>The Zone of Visual Influence mapping indicates that, compared with the original layout, significantly fewer turbines will be visible from non-stakeholder houses in the revised 2021 layout.</p> <p>It is reasonable to conclude that non-stakeholder houses that see fewer hubs and tips will be impacted less by the revised layout than the original layout.</p> <p>Non-stakeholder houses that will see the same number or more of hubs in the revised layout will be impacted more by the hubs. Balancing this, these houses will see fewer turbine tips resulting in less impact. Taken together, it is reasonable to conclude that impact on these houses will be the same or perhaps slightly more than with the original layout. The ZVI mapping does not tell us which turbines are potentially visible from which NSH house. Just how many, it is, therefore, not possible to determine whether Stage 1 or Stage 2 turbines, or both, are potentially visible.</p> <p>While the height of the turbines has increased, the relative increase in height is not likely to be as visually significant as the reduction in numbers of turbines.</p> <p>Based on a comparison of Zone of Visual Influence mapping of the original and the revised layout, and considering the relative sizes of the proposed turbines, it can reasonably be predicted that the visual impacts of the revised turbine layout will be less than the original layout when viewed from a significant majority of potential viewing locations², both public and private.</p> <p>In specific situations, as discussed in Section 4, the impact of larger turbines relatively close to viewing locations, can be reduced by one of, or a combination of, the following remedies: relocating turbines or ensuring effective screening of the turbines from the impacted viewing locations. This applies to the cluster south west of NSH 03³, the cluster north of NSH 06 and the cluster to the east of NSH 13. Of these three, only NHS 13 is relatively close to the Stage 1 turbines.</p>	Appendix F
Environmental Impact Assessment			
		The proposal has been referred under both State and Federal environmental legislation. The Environmental Protection Authority (EPA) decided not to assess the application, and issued a Notice to that effect under section 39A(3) of the Environmental Protection Act 1986 (MA) in April 2011 – refer Appendix G	Appendix G Appendix H Appendix I

² Effective screening will require a planting design specific to each viewing location. General principles underlying the design are: the closer the planting is to the viewer the more effective the screen; planting close to the view does not have to be as tall as planting further away; screening the turbine hubs and blades is more important than screening the lower portion of the towers.

³ These NSH numbers refer to the 2011 ZVI maps. They correspond to NSH 3, 21 and 19 respectively on the 2011 ZVI maps. GHD | Eniel Green Power Australia Pty Ltd | 12574907 | SDAU Development Application

Report Title	Purpose of Report	Summary of Findings and/or Recommendations	Appendix Reference
<p>Environmental Impact Report by Moonies Hill Energy Pty Ltd (November 2012)</p>	<p>Scoping exercise carried out to identify the significant environmental and social factors applying to the project.</p>	<p>A more recent proposal was the subject of a third-party referral on the grounds that the project had substantially changed. Upon assessment, the EPA concluded that the proposal did not constitute a new or different proposal – refer Appendix H.</p> <p>The Department of Agriculture, Water and the Environment (Australian Government) determined that the project did not constitute a controlled action, and issued its decision pursuant to section 75 of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> on 22 March 2022 – refer Appendix I.</p> <p>The Environmental Impact report did not identify any significant environmental or social factors that would prevent the proposed development from proceeding, subject to the following management measures as listed below being implemented in order to minimise the risk of adverse impacts.</p> <p>*Note: this report has not been the subject of any further update given EPA's recent determination in September 2022 that the proposal did not warrant further assessment. This determination was in response to a third-party appeal submitted in August 2022. To the end, an update to the 2012 report has not been warranted as it would not result in any new findings or alter an existing and valid decision by the EPA.</p> <ul style="list-style-type: none"> - MHE will avoid, as much as practically possible, the clearing of native vegetation in the construction of the wind farm and ancillary facilities. - Where vegetation clearance is unavoidable, MHE will minimise the area affected and will position the clearing based on detailed on-site surveys so as to avoid disturbance where possible to mature trees and significant flora. - The turbine towers will be fully enclosed, with no sites for perching or nesting. - Clearing permits from the DEC will be obtained prior to commencing any on-site or roadside clearance works. - Turbines will be unlit (except for nacelle-mounted safety lights for aircraft, depending on recommendations of CASA and negotiations with interested parties), to avoid attracting owls and bats. - Vehicles travelling on internal access roads will be limited to a maximum speed of 40km/h at all times in order to minimise the risk of collisions with fauna. - MHE will liaise with Ron Johnstone from WA Museum to monitor and report any instances of bird strike once the wind farm is operational. - This development application contemplates a development envelope within which the final detailed design and turbine siting will be undertaken. The final siting will only allow turbines to be sited such that relevant noise criteria will be complied with. - MHE will carry out a pre-construction survey of the public roads to be used by construction traffic and will maintain and, if necessary, repair or upgrade the roads throughout the construction program to ensure that they are left in at least the same condition as they were prior to construction. All surveys and works will be undertaken in consultation with the local Shire. - MHE will ensure, through supply contract conditions, that all fill imported into the project area is obtained from weed-free sources. MHE will source fill from local suppliers where possible. - MHE will consult with landowners before the commencement of site works on the location of known weed infestations and will implement measures, including inspection and/or cleaning by water or compressed air, of vehicles leaving invested areas, to ensure that weeds are not spread within the project area. - If new weed infestations are discovered in the project that are attributable to construction activities, MHE will arrangement treatment using accepted methods. - MHE will prepare and implement and Traffic Management Plan for the construction phase in consultation with the local landowners, Shire Council, School Bus contractors and Police. The Traffic Management Plan will address haulage routes to the wind farm, scheduling of heavy vehicle movements, speed limits, provision of escorts and other relevant matters. - MHE will offer nearby residents a pre-wind farm and post-wind farm assessment of television reception, especially those with pre-existing reception issues, and will remedy any reception projects attributable to the presence of the wind farm. - MHE will develop and implement a Fire Hazard Management Plan in consultation with the local Shires of Kojonup and Broomhill- Tambellup and local volunteer bush fire brigades (Lumneah, Ryans Brook, Jingilup, Broomehill West and Tambellup West). - MHE will provide local volunteer bush fire brigades (Lumneah, Ryans Brook, Jingilup, Broomehill West and Tambellup West) with project details including turbine location, access points and location of water points. - MHE will provide the local volunteer bushfire brigades with access keys or cards to locked gates and restricted areas (where appropriate). - MHE will ensure the provision of basic fire-fighting equipment at each active site, including fire extinguishers, knapsacks and other equipment suitable for initial response actions 	<p>Appendix J</p>

Report Title	Purpose of Report	Summary of Findings and/or Recommendations	Appendix Reference
<p>Broadcasting and Radio Communications</p> <p>Zone of Influence Maps by DNV Energy Systems Renewables Advisory (April 2021)</p>	<p>Conduct modelling in order to create Zone of Visual Influence (ZVI) maps of the area surrounding the proposed Flat Rocks Wind Farm (the "Project") located in Western Australia.</p> <p>The purpose of the wind farm modelling is to generate a ZVI map for the following cases:</p> <ul style="list-style-type: none"> – Total number of turbines visible at the hub height of 125 m (i.e. number of turbines with hubs visible) – Total number of turbines visible at the maximum blade tip height of 200 m (i.e. number of turbines with blade tips visible). <p>This technical note presents the assumptions and results of the modelling.</p>	<p>The results of the ZVI modelling of the proposed Flat Rocks Wind Farm have been presented in the form of ZVI maps overlaid on topographic maps of the site and surrounding areas. The maps are also provided as high-resolution PNG images within the report.</p>	Appendix K
<p>Public and Aviation Safety</p> <p>Airspace Assessment by Moonies Hill Energy Pty Ltd (May 2011)</p>	<p>The objective of this report is to examine the effect of the proposed Flat Rocks Wind Farm (FRWF) on aviation activities within a thirty-kilometre radius of the 80m met mast located in the centre of the development area. The report examines the effects of the proposed project on general aviation safety, the operations of the Kojonup and Katanning Aerodromes, private aviation activities, electromagnetic interference and the use of aerial agricultural spraying in and around the wind farm.</p>	<p>It is concluded in this report that the Flat Rocks wind farm will have a negligible effect on civil aircraft operations within the vicinity of the proposed site.</p> <p>The project will have no significant effect on the operations of the Kojonup Aerodrome and local private and agricultural aviation activities. Discussions with Airservices Australia have determined that some minor modifications to the approach procedures at the Katanning Aerodrome may be required. MHE has a costing of the procedure and will notify Airservices Australia prior to the commencement of construction to initiate this change. Further, it is assessed that the proposed wind turbines will have a minor effect on the calculation of Lowest Safe Altitude (LSALT) by pilots conducting operations under the IFR or at night. The effect is assessed as being operationally insignificant.</p> <p>The risk of airborne collision with wind turbines is considered minimal during daylight operations in Visual Meteorological Conditions since pilots will be able to see and avoid the large structures. For night flights or those under Instrument Meteorological Conditions, providing that pilots are made aware of the existence and location of the 140m high wind turbines, suitable adjustments can be made to flight paths. Subject to appropriate notification to pilots by way of NOTAM and inclusion of the structures on aeronautical charts, there should be no increase in collision risk due to the proposed Flat Rocks Wind farm beyond that offered by natural terrain.</p> <p>In preparing this report MHE liaised with Air services Australia, the Civil Aviation Safety Authority, Aerial Agricultural Association of Australia, operating aerial agricultural contractors, local aerodrome operators, private plane and airstrip owners, the Royal Flying Doctor Service and the Regional Passenger Transport and Aviation Policy, Department of Transport, Western Australian Government and local landowners. No direct objections to the proposal were identified in these discussions with regards to aviation activity.</p> <p>Prior to commencement of construction the MHE will provide notice to CASA to enable the regulator to assess obstacle lighting needs and undertake a formal qualitative risk assessment seeking input from local planning authorities, aerodrome operator, insurers and financiers. MHE will also provide advice to Airservices Australia on charting amendments and the RAAF in accordance with the procedures given in AC 139-08(0), Reporting of Tall Structures to enable the national data base of tall structures to be updated.</p>	Appendix L
<p>Heritage (Indigenous)</p> <p>2010 Ethnographic Survey</p>	<p>The ethnographic survey comprised research into the ethnographic database relevant to the area in which the windfarm is located, research into relevant Site Files at the Department of Indigenous Affairs, consultation with the relevant officer at the South West Aboriginal Land and Sea Council, and a field inspection of the area of the proposed works with representatives of the Wagyi Kaip and Southern Noongar native title claimant groups and also with members of the Kojonup Aboriginal Progress Association.</p>	<p>As a result of the ethnographic survey, it has been established that there are no known sacred or significant Aboriginal sites within the proposed windfarm site. Likewise, the archaeological survey did not identify any archaeological sites. It is therefore a recommendation of this report that Aboriginal heritage issues should not be deemed an impediment to the development of the proposed Flat Rocks Windfarm.</p>	Appendix M

7. Management Plans

A series of management plans have been prepared in response to conditions of approval which form part of the existing approvals. These management plans and the status of their endorsement by the relevant local governments are summarised in Table 10 below.

A copy of the management plans which form part of this application form part of the development plans contained under Appendix C.

Table 10 Summary of Management Plan and Status

Management Plan	Status	
	Shire of BT	Shire of KO
Bushfire Management Plan - Envision Bushfire Protection (Sept 2022)	Conditionally approved by OCM held 18 August 2022	Approved by OCM held 13 September 2022
Noise Impact Mitigation Management Plan - Marshall Day Acoustics (Nov 2022)	Approved by Shire of BT CEO 19 December 2022	Conditionally approved by OCM held 9 November 2022.
Construction Management Plan - GHD (July 2022) <ul style="list-style-type: none"> • Development Layout Plan • Site Facilities Layout • Concrete Batching Plant Layout • Typical Trench Detail 	Development layout plan: Approved by Shire of BT CEO 19 December 2022 Construction Management Plan (without development layout plan) – Conditionally approved by OCM held 15 September 2022. *earthworks and trenching for electrical reticulation denied until clearance of conditions 17, 21 & 22.	Development layout plan: Approved by OCM held 9 November 2022. Construction Management Plan (without development layout plan) – Approved by OCM held 13 September 2022
Landscape Management Plan - Moir Landscape Architects (August 2022)	Approved by OCM held 16 December 2022	Approved by OCM held 20 September 2022
Traffic Management Plan – Cardno / Stantec (3 August 2022)	Approved by OCM held 18 August 2022	Approved by OCM held 13 September 2022
Stage 1 Route Study (13 July 2022)	Approved by OCM held 18 August 2022	Approved by OCM held 20 September 2022
Pre-Construction Road Condition Report (3 August 2022)	Approved by OCM held 18 August 2022	Approved by OCM held 13 September 2022

8. Condition Recommendations and Approval Timeframe

8.1 Condition Recommendations

As outlined in the preceding sections of this report, the project is currently the subject of two separate approvals; one being a Shire of KO decision and the other a Shire of BT via the RJDAP. Harmonisation of conditions between each approval has been achieved to ensure that the clearance of conditions can be achieved with consistency.

At its OCM held on 9 November 2022, the Shire KO determined an amendment pertaining conditions 4, 21 and 29. The RJDAP at its meeting held on 6 December 2022 also approved the same amendment pertaining conditions 4, 21 and 29. To this end, the conditions which form part of this latest determination are recommended to form the basis of any approval conditions granted by the WAPC.

8.2 Approval Timeframe

With regard to the approval timeframe, it is noted that there is a preference by the SDAU to impose a one-year approval timeframe for substantial commencement as part of this process, given the need to promote and encourage shovel readiness and economy recovery.

As detailed in the sections above, construction has commenced on this project. Nevertheless, to allow for any unexpected delays, it is kindly requested that an 18-month approval timeframe is applied.

9. Conclusion

The Flat Rocks Wind Farm project will create upwards of 120 jobs (direct and indirectly) during its operational phase, thereby having significant economic benefits for the locality. Additionally, it will inject approximately \$200m of investment into the Great Southern region, greatly contributing to the local economy during a timeframe that responds to the economic impacts of the COVID-19 pandemic.

The project has commenced construction, and has a targeted operational start date of February 2024. The creation of this project will enhance the strength of the electricity grid, which will encourage new industry and projects, providing jobs for this region.

Critically, EGP has contracted with BHP to sell 100% of the output of Stage 1, generating approximately 315 GWh per year of renewable energy for twelve years.

As demonstrated above, the project has been comprehensively assessed by both the Shire of KO and the Shire of BT/RJDAP on a number of occasions. Relevant technical studies which accompanied these decisions have appropriately addressed all issues which have arisen, these relating to the following:

- The suggestion that wind farms cause adverse health impacts.
- Noise impact on existing dwellings.
- Visual impact and change to rural landscape.
- Lack of community support for the project and community division.
- Death and injury of priority bird species from turbines.
- Proximity to adjoining residences and buffer impact on location of future dwellings.
- Loss of amenity generally.
- Restrictions on agricultural aerial operations and the Katanning aerodrome.
- Ability of the applicant to fund decommissioning.
- Fires caused by wind farms and their effect on the operations of the bush fire brigade communications networks.
- Interference with tv and communications.
- Impact on land valuations and the need for compensation.

The resolution of these matters already illustrate that the project is in state where it can be assessed by the SDAU and progressed seamlessly through its assessment process. It is reiterated that there is no discretion being request of the WAPC that goes beyond those powers available to it under the provisions of the Shire of KO and BT local planning schemes. Furthermore, no departures are sought to other applicable State and Local planning framework documents. Accordingly, the timely determination of the application by the WAPC is requested.