

SHIRE OF KOJONUP



Special Council Minutes

23rd November 2011

at 10.00am

SHIRE OF KOJONUP

MINUTES FOR THE SPECIAL COUNCIL MEETING HELD ON 23rd November 2011

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SHIRE OF KOJONUP**MINUTES****1 DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS**

The Shire President welcomed all present to the Special Council Meeting, Council Chambers, Administration Building, and declared the meeting open at 10:00am; the Shire President announced that the meeting would be moved to the Lesser Hall, Kojonup due to the large number of people in the public gallery.

The Shire President recommenced the meeting at 10:09am in the Lesser Hall, Kojonup. The President advised the meeting that the Chief Executive Officer would give an overview of procedures for conduct of the Meeting.

The Chief Executive Officer outlined procedures for emergencies including evacuation, designated exits, muster points, public conveniences and facilities. The Chief Executive Officer then outlined the procedures for conduct of the Meeting, a copy of which was provided to all present at the meeting.

2 ATTENDANCE, APOLOGIES & LEAVE OF ABSENCE

Cr Jane Trethowan	Shire President
Cr John Benn	Deputy Shire President
Cr Michael Baulch	
Cr Rosie Hewson	
Cr Greg Marsh	
Cr Ian Pedler	
Cr Jill Mathwin	
Mr Stephen Gash	Chief Executive Officer
Mr Kim Dolzadelli	Manager of Corporate Services
Mr Phil Shephard	Town Planning Officer
Miss Dominique Hodge	Administration Officer
Miss Cindy Westbrook	Personal Assistant to the Chief Executive Officer

APOLOGIES

Cr Frank Pritchard Granted Leave of Absence at Meeting 15 November 2011

The Shire President announced that a declaration of interest had been received from Cr Michael Baulch as he has a Financial Interest as he is a Director of Moonies Hill Energy. The President advised the meeting that Cr Baulch could listen to public question time however cannot answer questions or participate in debate.

The Shire President stated there were no apologies for taking some time to get the proposal to this stage, as the Shire of Kojonup was rigours in sourcing advice and comment from relevant sources with respect to the application.

The Chief Executive Officer called for questions on meeting procedures.

There being no questions the Shire President commenced Public Question Time.

3 PUBLIC QUESTION TIME AND DEPUTATIONS**PUBLIC QUESTION TIME**

Question on Notice – Donald Webb

Question: Were all land holders within 1km of development advised of planning application?

Response: Chief Executive Officer – The Shire advertised the development as required under its Town Planning Scheme. Council also sought to write to all land owners adjacent

to the development area. However, after approach from Mr Webb the Shire was made aware that the land on the corner of Tambellup West Road and Albany Highway was not captured in this process, as the advice of transfer from Crown Lease to freehold land for the property had not been received. The Chief Executive Officer noted Mr Webb's assertion that he had only become aware that he was next to the proposed development a few weeks earlier, and apologised on behalf of the Shire of Kojonup to Mr Webb as he was not written to as part of the consultation process. Mr Webb was invited to give a deputation later in the meeting.

Question: Donald Webb (Introduced himself as a landholder in the Lumeah District adjoining the proposed development) What is the setbacks for turbines to boundaries and to existing dwellings, is it 1 kilometre?

Response: Chief Executive Officer – The setbacks to existing dwellings are guided by Planning Bulletin 67. The Chief Executive Officer then explained setbacks and noise limits and how distance will vary dependent on measurements of noise levels, but noted the approximate guidance was 1 km. There is no prescribed Setback to Boundaries under the Town Planning Scheme. The Chief Executive Officer then referred to the Town Planning Officer for further response.

Town Planning Officer – Setbacks from Boundaries contained in current Officers Recommendation is 140 metres.

Response: Chief Executive Officer – Further expanded that the setback from boundaries was a function of the height of the structure. Council had received correspondence from Moonies Hill Energy requesting that the setback from boundaries be a function of the rotor width and this would be subject to discussion later in the meeting.

Question: Pam McGregor – Please clarify conditions (iii), (iv) & (xxi) referred to in the Planning Officers response.

Response: Chief Executive Officer – Condition (xxi) is for boundary setback and conditions (iii) & (iv) reflect the turbine structure proposed.

Question: Pam McGregor – Page 14 of Archaeological Survey Report (Attachment 1 Appendix C) – Why aren't the 5 conditions contained within the report are not included in the Officer Recommendation.

Response: Chief Executive Officer – The Chief Executive Officer then read aloud all conditions referred to by Mrs McGregor and advised that the applicant must comply with Aboriginal Heritage Act and the conditions were enforceable in their own right under the separate legislation, therefore these were not required as a Council condition.

Question: Pam McGregor – Mrs McGregor stated that there was anecdotal evidence of adverse health affects from wind farms and that in Victoria a two (2) kilometre buffer/setback had been imposed. Has the Shire of Kojonup considered this?

Response: Chief Executive Officer - Yes the Shire of Kojonup considered this. The Shire of Kojonup approached the Department of Planning in regard to Planning Bulletin 67 and specifically asked whether the Victorian policy change and Senate Committee recommendations had altered Planning Bulletin 67. Department of Planning's advice was that Planning Bulletin 67 would be reviewed but no timeframe had been set for the review and therefore the Shire should continue to utilise the guidelines in the bulletin.

The Shire also wrote to the NH&MRC (National Health & Medical Research Council) Feedback (attachment 5) requesting advice on their interpretation of the precautionary approach, and specifically whether planning authorities should apply an increased setback from dwellings or defer applications until further research

was undertaken. The Chief Executive Officer read NH&MRC letter of response in full.

Question: Will Carrington-Jones – How will the Shire of Kojonup be rating the Wind Farm?

Response: Chief Executive Officer – The proposed wind farm is proposed to be located on rural land and rated as such.

Shire President – Stated that the Planning Application before the Shire of Kojonup should not be confused with any potential for change in level of rating.

Question: Will Carrington-Jones – How is it proposed that community involvement will be included in the Community Fund?

Response: Chief Executive Officer – Appropriate for Question to be directed to proponent.

Town Planning Officer – Highlighted Condition 4 of the Officers Recommendation in relation to a community fund proposed by the applicant.

Question: Craig Dennis – Regarding the authenticity of Aviation Submission (Attachment 1 Appendix I) by the proponent, has the Shire of Kojonup verified information in the study, as Agricultural Aviation will be severely affected?

Response: Chief Executive Officer - Study not verified by Shire of Kojonup, it is taken at face value. The Shire referred the application to the Aerial Agricultural Association of Australia who advised they did not have the resources to consider it, however stated a policy position of opposing wind farms unless there was consultation with local spraying contractors. The Shire expects that there would need to be discussions between proponents and other farmers in the area regarding specific impacts.

Question: Roger Bilney – Is it proposed to have in place a Bank Guarantee or Bond to be held to ensure correct Decommissioning of the wind farm when it has reached the end of its operational life?

Response: Chief Executive Officer – Highlighted that a decommissioning plan was part of the conditions and while a bond had been discussed by some as a mechanism of ensuring funds were available to decommission towers when required, this ultimately is a contractual issue between the land owner and wind farm company because the obligation and costs would ultimately rest with the land owner if the company ceased operation. The Shire of Kojonup has no capacity to require bond.

Question: Helen Bignell – Does Council know if Carnaby Black Cockatoos' will be impacted?

Response: Chief Executive Officer – Study shows minimal impact. Applicant would need to comply with all environmental conditions and there is a new level of Commonwealth referral that may apply..

Question: David McFall – How many of the eleven (11) submissions in favour of the Wind Farm were interrogated? Was there any weighting based upon if the submitter was an applicant or had an interest in the proposal?

Response: Shire President – All submissions considered equally.

Chief Executive Officer – All concerns raised through submissions were assessed, who the submission came from was not a factor.

Question: David McFall – How many submissions in favour of the proposal actually are from persons residing in Kojonup?

Response: Shire President – There was no attempt to do this type of break down, Council has been focused on assessing the planning application as required by its Town

Planning Scheme. If such assessment was conducted a referendum would have been necessary.

Question: David McFall – Does community sentiment have any bearing on Councils Decision of the approval of the wind farm application?

Response: Town Planning Officer – The Town Planning Officer read aloud from the Council item what Council have regard to under 6.3.2 of the Town Planning Scheme as follows:

“Town Planning Scheme No. 3 requirements (c.6.3.2) which requires the Council consider:

- *Any matter which it is required by the Scheme to consider;*
- *The purpose for which the land is reserved, zoned, used or approved for use under the Scheme;*
- *The purpose for which land in the locality is used;*
- *The orderly and proper planning of the locality; and*
- *The preservation of the amenities of the locality.”*

Chief Executive Officer – Advised that all submissions are important and influence the way the issue is considered and any conditions that may then be proposed, however, an analysis of the breakdown of submissions isn't used in the final determination. Furthermore it was highlighted that if some form of community sentiment 'measure' was required then this would need more of a referendum approach and not ascertained from approximately 60 submissions.

Question: Pam McGregor – If the project is approved and goes ahead does Council have any responsibility to residents in regard to morale or health aspects and does it see any risk of liability?

Response: Chief Executive Officer – Advised confidence in complying with statutory planning requirements and perceives no liability issues given the referral process. Outlined the proposed Complaint Resolution Process and advised that it was not about avoiding liability, that Council was seeking to be involved to ensure that any complaints / impacts are considered in an appropriate way.

11:25am Meeting Adjourned.

11:25am Miss Dominique Hodge left the meeting.

11:45am Meeting Recommenced.

11:45am Cr Michael Baulch left the meeting.

Chief Executive Officer announced that a submission from Mrs Jo Goodall was not contained in the agenda. A Copy was faxed to the Shire of Kojonup today.

Copies were then distributed to members of the meeting.

DEPUTATIONS

Donald Webb – Immediately adjoining wind farm and disagrees with the proposal proceeding. Advised he has had no contact from Council or proponent even though he lives within a 1 kilometre radius. He has concerns regarding noise, shadow flicker and physiological effects. He believes when there is any doubt about a proposal, then Councillors should vote 'No'. He has concerns about the impacts on land values. Asked Councillors to ask themselves do you want to live near a wind farm? Provided details on the recently approved Victorian Planning Guidelines for wind farms.

Belinda Moharich (Lawyer representing Moonies Hill Energy (MHE)) – Outlined 2 matters including the need for the proposal to comply with Shire of Kojonup Town Planning Scheme and recapped what Council must have regard to in considering the proposed wind farm, highlighting the Planning Officers use of Clause 6.3.2 of the Town Planning Scheme when

responding to a previous question. Reaffirmed that the wind farm can correctly be permitted in rural zone, complies with the Town Planning Scheme and is not an industrial use as had been suggested by some.

Conveyed MHE's request to modify some conditions, as sent to the Council 22/11/2011, outlining that the purpose was to better clarify the meaning of conditions. At the request of the Chief Executive Officer, MHE agreed to the letter being tabled as a public document and then the opportunity was given to go through the suggested changes to the conditions requested, outlining reasons for the changes.

The Chief Executive Officer requested that the President consider suspending standing orders to discuss the letter from MHE and consider officers response to the requests.

The Chief Executive Officer confirmed the previous map highlighted the locations with towers proposed, and tabled a map with all areas listed on the development application, which would address some of the issues raised.

COUNCIL DECISION

104/11 MOVED Cr Hewson seconded Cr Benn that Standing Orders be suspended to allow the Chief Executive Officer to go through Officers comments in response (Memo 23/11) to Flint Moharich letter with respect to proposed changes to approval conditions.

CARRIED 6/0

The Chief Executive Officer took meeting through Officers comments in response (Memo 23/11 to Councillors) to Flint Moharich letter with respect to proposed changes to approval conditions and outlined his proposals for rewording. The Officers memo dated 23/11/2011 was tabled.

COUNCIL DECISION

105/11 MOVED Cr Mathwin seconded Cr Hewson that Standing Orders resume.

CARRIED 6/0

The Shire President then opened meeting up to questions.

Question: David McFall – With respect to requested change to condition (xiv) relating changing requirements at this time from first turbine to gang of towers. Asked if a single turbine may be a problem, then wouldn't waiting to assess a gang mask this problem?

Response: Chief Executive Officer – Advised that the important point is the impact of the noise at any noise sensitive premises such as a dwelling and that noise was cumulative.

Question: Craig Dennis – In relation to requested change to Condition (xxvii) agreed with Shire Officers and has concerns about limiting the scope of considering radio frequency or electromagnetic interference to just TV and bush fire radio. He provided information regarding the potential impacts on differential GPS systems and was concerned about the impacts and would they be compensated?

Response: Chief Executive Officer – The Chief Executive Officer advised that the Shire of Kojonup expected the proponents to rectify any impacts on these types of system that are affected directly by the construction and operation of the wind farm.

Response: Sarah Rankin (Moonies Hill Energy) – Advised that they were confident from the baseline studies that the wind farm would not adversely affect the use of GPS systems.

Question: Donald Webb – Concerned with location of Electricity substation and asked where it would be located?

Response: Chief Executive Officer – Advised likely in the vicinity of the Potts Road intersection, however the final site would likely to be dictated by the requirements to connect to the Western Power system.

Question: David McFall – Asked for clarification of conditions relating to Vesta 1.8MW turbine and whether the referencing of the model was correct and consistent within the conditions.

Response: Chief Executive Officer – The Chief Executive Officer highlight condition xii) and in particular the requirement pertaining to the use of alternative wind turbines.

The Shire President adjourned the Meeting at 1:00pm and announced that the meeting would recommence at 2:00pm.

The Shire President Recommended the Meeting at 2:10pm.

DEPUTATIONS - CONTINUED

Sarah Rankin (Moonies Hill Energy) – She gave overview of the separate studies completed for the wind farm and advised they believed that it complies with the requirements of the Town Planning Scheme. She outlined the lengthy process to develop the wind farm proposal to this stage. She thanked Council for efforts and commended the Chief Executive Officer and Town Planning Officer on the report. She provided some comments on the development of renewable energy proposals generally. She advised of Moonies Hill Energy's intentions for Stage One in Kojonup and outlined the benefits to the community that would flow from the proposal. She advised the company was committed to working with Shire of Kojonup. She looked forward to progressing the proposed Community Fund. She concluded by recommending the proposal to Council and requested Council approve the application.

The President announced that the last deputation had been presented, and with the consent of the applicant called for any final public questions.

David McFall - Concerned about the bonafides of Moonies Hill? Asked if they are committed to owning and operating?

Response: Sarah Rankin (Moonies Hill Energy) – She advised this matter is not relevant to the planning application, however they are committed, it would depend on how far they can take the project.

Response: Chief Executive Officer – Advised that this matter is not relevant to a planning application.

Donald Webb - What effect will the wind farm have on tourism?

Response: Chief Executive Officer – Advised that the applicant had highlighted tourism potential, which other areas such as Albany have leveraged, and suggested that there may be opportunities for something similar to be considered by Moonies Hill Energy.

The Chief Executive Officer notified that meeting that Moonies Hill Energy had accepted the Shire response in the previously tabled Memo to Councillors dated 23/11/2011, noting that it provided suitable clarification. The Chief Executive Officer requested that the meeting be adjourned to produce an amended officers recommendation that consolidated any points of clarification arising from the public question time and deputations.

COUNCIL DECISION

106/11 MOVED Cr Benn seconded Cr Marsh that Standing Orders be suspended to allow the Chief Executive Officer and Town Planning Officer to consolidate amended Officers Recommendation.

CARRIED 6/0

2:21pm Chief Executive Officer & Town Planning Officer left the meeting to prepare amended Officers Recommendation.

2:28pm Chief Executive Officer & Town Planning Officer returned to the meeting.

COUNCIL DECISION

107/11 MOVED Cr Mathwin seconded Cr Marsh that Standing Orders resume.

CARRIED 6/0

The Chief Executive Officer tabled the Amended Officers Recommendation. This kept the numbering of the previous version to assist with comparison and referencing within the report, noting where a condition was deleted this was identified as such and that Council accept the conditions would be renumbered after the deleted line is removed.

4 **ANNOUNCEMENTS** by the Presiding Member without discussion

5 **REPORTS**

5.1 PROPOSED WIND FARM, BILNEY/YARRANUP/WARRENUP/POTTS ROADS, SHIRE OF KOJONUP.

AUTHOR: Phil Shephard – Town Planner
 DATE: 9 November 2011
 FILE: DB.BDA.8
 OWNER: Various
 LOCATION: Various
 ATTACHMENTS: Yes

1	Moonies Hill Energy Application & Consultants Reports
2	Summary of Submissions
3	Copy of Submissions
4	Proponents Response to Summary of Submissions
5	Other Agency Referral Responses
6	Development Area Map

DECLARATION OF INTEREST

Nil.

SUMMARY

The consultation period for submissions on the proposed wind farm has been completed and Council must now consider the submissions received and determine whether to grant or refuse planning approval for the proposed Moonies Hill Energy Pty Ltd wind farm.

The recommendation is to grant planning approval for the wind farm subject to conditions and advice.

BACKGROUND

The Shire at its meeting of 16 November 2010 (Item 16.1) considered an application to develop a 150MW wind farm comprising approximately 74 wind turbines and associated infrastructure on various rural locations within the Shire and adjoining Shire of Broomehill-Tambellup as contained within the Flat Rocks Wind Farm Development Application – Planning and Environmental Report (Attachment 1). Councillors received a copy of the proponents Development Application report at its November 2010 meeting.

Council resolved by absolute majority (Resolution 103/10) as follows:

That Council determine the proposed wind farm (as set out in the Moonies Hill Energy Pty Ltd - Flat Rocks Wind Farm Development Application – Planning and Environmental Report (November 2010)) may be consistent with the objectives for the rural zone and advertise the proposal in accordance with clause 6.2 of the Scheme as follows:

(a) *The proposal is referred to all affected landowners and all adjoining properties within a 1km radius of the any wind turbine for comment.*

- (b) *The proposal is referred to the Shire of Broomehill-Tambellup for comment.*
- (c) *The proposal is advertised within the Great Southern Herald and Kojonup News.*
- (d) *The application is referred to the Environmental Protection Authority, Department of Environment and Conservation, Civil Aviation Authority, Air Services Australia, Electricity Provider/Economic Regulation Authority, and Main Roads WA for comment and advice.*
- (e) *A sign be displayed at a prominent location on each property to be developed as part of the wind farm advising that Council is seeking comment.*

The consultation period with affected landowners, general local public and adjoining Shire has concluded and comments and advice from those Federal and State Government and other relevant agencies required by Council has been sought and received.

COMMENT

Project Summary

To summarise the project; the overall proposal is to develop a 150MW wind farm (approximate development cost of \$400m) comprising approximately 74 wind turbines and associated infrastructure on various rural locations within the Shire and adjoining Shire of Broomehill-Tambellup. The 74 wind turbine layout will comprise 30 in Kojonup and 44 in Broomehill-Tambellup which is based on 2MW turbines. The proponents have also investigated using 3.3MW turbines which would reduce the total number of turbines from 74 to 46 with corresponding reductions in the turbines in each Shire and which would still be located within the same proposed development envelope/areas.

The proponents have not completed the final design for the wind farm. They have used the Vestas V100 1.8MW turbine to complete the noise studies which comprise an 80m hub height and 50m blade radius providing a tip height of 130m and the Vestas V112 3MW turbine which has an 84m hub height and 56m blade radius providing a tip height of 140m to complete the visual impact, EMI and airspace studies. This approach ensures the maximum impacts can be considered, although any changes to the turbine model, away from the Vestas V100, would require the noise impacts to be reassessed.

The wind farm will comprise a number of different locations within the Shire of Kojonup as defined in the proponent's application. They create a development envelope within which the individual turbines will be located. The turbines will be located in groups or lines stretching approximately 6km in an east-west direction and 12km in a north-south direction, as shown in attachment 5.

Project Locality

The locality features an undulating landscape comprising a general mixture of cropping/grazing activities with areas of scattered remnant vegetation evident. The road system services the local community and comprises both sealed connector roads (connecting between rural communities) and unsealed local roads servicing the farms.

The landscape has been highly modified for farming purposes and has a long history in the State as a productive area with fertile land and adequate rainfall to sustain the present agricultural activities.

The locality has also been developed with a number of farm houses and ancillary sheds, stockyards, silos, dams, fences and the like that are dispersed through the local area. Some areas of the locality have been planted to trees for land rehabilitation or farm management purposes.

There are various electricity transmission powerlines that traverse the area around the proposed wind farm site.

WA Planning Commission Policy on Wind Farms

The main planning policy regarding the development of wind farms within WA is the WA Planning Commission's Planning Bulletin 67 'Guidelines for Wind Farm Development' (PB67). The application must address those matters contained in the PB67 and those matters required by Town Planning Scheme No. 3.

Following the outcomes of the Senate Community Affairs References Committee report on the social and economic impacts of rural wind farms, staff sought comment from the Department of Planning on whether they proposed any review of PB67 as a result. The Department of Planning

have advised that whilst the Minister for Planning has requested a review of PB67, the guidelines outlined in the current PB remains applicable until such time as the review is complete. They could not advise of when the review may commence or the timeframe involved, nor did they advise of the need for the Shire to postpone or place any moratorium on the consideration of this proposal etc.

Submissions

The proponents (Dr. Sarah Rankin pers comm. 1/8/2011) advised that they had withdrawn their application from the Shire of Broomehill-Tambellup (i.e. it was not determined by the Shire) and will be seeking an amendment to the Shire's existing planning schemes to enable a wind farm to be considered within the Rural zone as a 'use not listed'. This is the same approach used by the Shire of Kojonup.

This report still deals with all of the submissions received on the proposal and does not distinguish between landowners in Kojonup and/or Broomehill-Tambellup nor with the proponent's decision to withdraw that part of the application for the wind farm in Broomehill-Tambellup. The proponents have advised that the wind farm was always to be a staged development and the Kojonup part of the wind farm can still proceed independently of the Broomehill-Tambellup part.

All submissions (including late submissions) received at the Shire up to the writing of this report have been included in the attached Summary of Submissions (Attachment 2). A total of 59 submissions were received with the general outcome as follows:

Submission	Number of Submissions
Oppose the wind farm	41
Support/no objection to wind farm	11
Undecided/Information/Advice only	7
Total Submissions	59

Some of the submissions represents others (such as 1 submission on behalf of a number of family members); and some submitters provided multiple (more than 1 submission), or expanded their initial submissions (by providing additional comments etc.). Some of the submissions received at the Shire Office were copies of submissions sent directly to Moonies Hill (during their own consultation period); these have also been included in the Summary of Submissions.

Some submitters opposing the wind farm, commented on the divisive nature of the proposal within the community and the Shire sought approval from all submitters for their personal details to be included, or not, in the Summary of Submissions. When requested by a submitter, for their personal details not to be disclosed, these have been removed.

Generally the submissions received from community members either supported or objected to the proposal proceeding. It was also clear from these submissions, those directly involved in the wind farm support the proposal and those adjoining the wind farm and not directly involved in the wind farm do not.

Some of the submissions contained additional supporting information with their submissions including reports, articles and information sourced from the internet including news stories, current affairs programs and YouTube footage.

From the submissions received from the government and non-government agencies, they have generally initially sought additional information and advice from the proponents and then recommended certain actions/conditions be undertaken by the proponents or applied by the Shire as conditions should approval be granted.

Some of the matters raised in the submissions are not within the scope of the Scheme and cannot be considered as part of determining the application including technical/financial capacity of company, asset management, proponent's communication strategy or outcomes with the community, alternatives land uses such as biomass plantings, 'prospecting' for wind farm locations, future grid connections/approvals, devaluation of land, legal challenges etc. Some comment of these concerns has been provided.

The Summary of Submissions (minus the personal details of the submitters) was provided to the proponents for their comment. Their responses have been included as Attachment 4.

Wind Farm Developments in Australia

The development of wind farms in Western Australia commenced in the 1990's with installations at Esperance (1993) and Coral Bay (1998) to augment existing local electricity supply. Larger commercial operations commenced with Albany in 2001 and then Walkaway and Emu Downs in 2006.

The development of the wind farm industry within Australia has not been without some controversy with some proposals (including Waubra in Victoria and Albany and Denmark in WA) generating considerable community debate over the benefits and costs of the wind farm to local rural communities.

Initially the concerns generally raised about wind farms by community members related to visual amenity impacts and property values. Recently the concerns have included the noise generated by the wind turbines and possible adverse health impacts from the development of wind turbines. The concerns relate to low frequency noise generated by wind turbines or infrasound that it is claimed creates a range of health related illnesses.

As a result, in October 2010, the Federal Senate requested the Senate Community Affairs References Committee inquire and report on the social and economic impacts of rural wind farms, and in particular:

- (a) *Any adverse health effects for people living in close proximity to wind farms;*
- (b) *Concerns over the excessive noise and vibrations emitted by wind farms, which are in close proximity to people's homes;*
- (c) *The impact of rural wind farms on property values, employment opportunities and farm income;*
- (d) *The interface between Commonwealth, state and local planning laws as they pertain to wind farms; and*
- (e) *Any other relevant matters.*

The Senate Community Affairs References Committee received some 1,000 submissions during their inquiry (with 535 pro-wind farm submissions and 468 anti-wind farm submissions) and released its report 'The Social and Economic Impact of Rural Wind Farms' in June 2011 which contained 7 recommendations:

Recommendation 1

2.44 The Committee considers that the noise standards adopted by the states and territories for the planning and operation of rural wind farms should include appropriate measures to calculate the impact of low frequency noise and vibrations indoors at impacted dwellings.

Recommendation 2

2.58 The Committee recommends that the responsible authorities should ensure that complaints are dealt with expeditiously and that the complaints processes should involve an independent arbitrator. State and local government agencies responsible for ensuring compliance with planning permissions should be adequately resourced for this activity.

Recommendation 3

2.69 The Committee recommends that further consideration be given to the development of policy on separation criteria between residences and wind farm facilities.

Recommendation 4

2.101 The Committee recommends that the Commonwealth Government initiate as a matter of priority thorough, adequately resourced epidemiological and laboratory studies of the possible effects of wind farms on human health. This research must engage across industry and community, and include an advisory process representing the range of interests and concerns.

Recommendation 5

2.102 The Committee recommends that the NHMRC review of research should continue, with regular publication.

Recommendation 6

2.103 The Committee recommends that the National Acoustics Laboratories conduct a study and assessment of noise impacts of wind farms, including the impacts of infrasound.

Recommendation 7

3.99 *The Committee recommends that the draft National Wind Farm Development Guidelines be redrafted to include discussion of any adverse health effects and comments made by NHMRC regarding the revision of its 2010 public statement.*

The Senate Committee received a considerable amount of information and submissions from persons living close to wind farms on the effects of noise generated by wind farms/turbines and the adverse health impacts being felt. The Senate Committee produced 6 of its recommendations in regards to noise impacts from wind farms. The Committee's recommendations call for additional research into the possible effects of wind farms on human health.

The Committee did not recommend any form of moratorium or similar on applications.

The Senate Committee report advises in 2009 there were 85 wind farms operating in Australia (57 in Victoria, 19 in Western Australia and 19 in South Australia) with more approved since 2009 and many more planned.

For wind farms within WA, the following tables include information derived from a variety of sources to show wind farms operating; under construction; and proposed within the State:

OPERATING WIND FARMS (>1MW)

Wind Farm Area	Operator	No. of Turbines	Total Power Output (MW)	Operating Since	Tower Height (m)	Blade Length (m)	Total Height (m) ¹
Walkaway	Babcock & Brown	54	89.1	January 2006	78	40	118
Cervantes (Emu Downs)	Transfield Services Infrastructure Ltd	48	79.2	October 2006	n/a	n/a	n/a
Kalbarri	Verve Energy	2	1.6	July 2008	n/a	n/a	n/a
Albany	Verve Energy	12	21.6	July 2001	65	35	100
Esperance (9 Mile Beach)	Verve Energy	6	3.6	2003	46	22	68
Esperance (10 Mile Lagoon)	Verve Energy	9	2	1993	31.5	13.5	45
Hopetoun	Verve Energy	2	1.2	2004 (1 st turbine) 2006 (2 nd turbine)	n/a	n/a	n/a
Mt Barker	SkyFarming Pty Ltd	3	2.4	March 2011	73	n/a	n/a

Table Notes:

¹ Total Height (m) = tower height + blade length.

n/a = information not available.

There are other smaller wind farms (<1MW) operating within the State at sites including Coral Bay, Exmouth, Rottnest, Denham and Bremer Bay.

WIND FARMS UNDER CONSTRUCTION

Wind Farm Area	Operator	No. of Turbines	Total Power Output (MW)	Completion Date	Tower Height (m)	Blade Length (m)	Total Height (m) ¹
Merredin	Collgar Wind Farm Pty Ltd	111	206	April 2012	80	44	125
Albany – expansion	Verve Energy	6	13.8	Early 2012	n/a	n/a	n/a

Table Notes:

¹ Total Height (m) = tower height + blade length.

n/a = information not available.

PROPOSED WIND FARMS

Wind Farm	Proponent	No. of Turbines	Total Power Output (MW)	Proposed Construction Date	Tower Height (m)	Blade Length (m)	Total Height (m) ¹
Kojonup / Broomehill – Tambellup	Moonies Hill Energy Pty Ltd	up to 74	150	Unknown	up to 84	up to 56	up to 140*
Denmark	Denmark Community Wind Farm Inc	2	1.6	Unknown	n/a	n/a	n/a
Dandaragan	Wind Prospect	178	587.4	Unknown	n/a	n/a	n/a
Badgingarra	Griffin Energy/Wind Portfolio Pty Ltd	43 – 65	130	March 2012	n/a	n/a	n/a
Lancelin (Nilgen)	Pacific Hydro	up to 53	up to 132.5	Unknown	up to 90	up to 48	up to 138*
Geraldton (Mumbida)	Macquarie & Verve Energy	22	42	Unknown	n/a	n/a	n/a
Williams	Semaphore Energy Pty Ltd	up to 69	n/a	Unknown	n/a	n/a	n/a
Augusta (Milyeannup)	Verve Energy	37	55	Unknown	85	50	135

Table Notes:

¹ Total Height (m) = tower height + blade length.

n/a = information not available.

* = dependent on type/size of turbine selected.

Council's Decision-Making

The Council is required to make a decision on the proposed land use and development aspects of the proposed wind farm in accordance with Town Planning Scheme No. 3 requirements (c.6.3.2) which requires the Council consider:

- Any matter which it is required by the Scheme to consider;
- The purpose for which the land is reserved, zoned, used or approved for use under the Scheme;
- The purpose for which land in the locality is used;
- The orderly and proper planning of the locality; and
- The preservation of the amenities of the locality.

The Council may refuse to approve the application or may grant its approval unconditionally or subject to such conditions as it thinks fit.

As the application was determined by Council to be a wind farm and a use not listed within the Zoning Table (as set out in clause 3.3.5) it was subject to the advertising for submissions and 59 submissions were received for consideration.

The application has been subject to consultation with relevant environmental, health, planning, aviation and infrastructure agencies for comment and advice and recommended conditions have been provided for Council consideration.

In relation to the submissions received, the submissions opposing the wind farm proposal raised the following concerns, each provided with a response as follows:

1) Environmental Impacts	
Concerns	Shire Response
<p>Several threatened or priority bird species may be impacted including Carnaby's Cockatoos, Forest red Tailed Black Cockatoos and Muir's Corellas that may subject to death/injury from turbines.</p>	<p><i>The proponents contracted Mattiske Consulting Pty Ltd to complete the attached report 'Flora, Vegetation and Fauna Assessment of the Flat Rocks Wind Farm Survey Area' (November, 2010). The report concludes that the proposed wind farm development will not impact on any rare, priority or threatened flora or threatened ecological communities.</i></p> <p><i>The report concludes the impact on fauna species, and especially priority bird species, is directly related to the retention of native vegetation species. As the proposed wind farm will be constructed primarily in cleared agricultural areas, there will be little need for any clearing and these species will not be affected.</i></p> <p><i>The proponents also sought advice from the WA Museum regarding bird strike and were advised that the risk of these species striking the turbines was very low. This is supported by evidence from other operating wind farms in Western Australia.</i></p> <p><i>The report contains various recommendations that assist minimise the impacts from any clearing necessary and should therefore be implemented as a condition of approval by the proponents.</i></p> <p><i>The EPA has granted environmental clearance to the project and would expect the Shire to require the proponents implement these environmental recommendations.</i></p>
<p>Action</p>	<p>The following conditions of approval be applied:</p> <ol style="list-style-type: none"> 1) The development (including turbines, cabling, fencing, access/egress points and service roads and ancillary buildings etc.) to be undertaken within existing cleared areas wherever possible. 2) The proponents are advised they may be required to obtain a Clearing Permit from the Department of Environment and Conservation for any proposed clearing of remnant vegetation. 3) The turbines towers to be fully enclosed (to prevent birds perching or nesting).

2) Health Impacts	
Concerns	Shire Response
<p>The noise levels, including low frequency ultrasound, generated by wind turbines have been linked to</p>	<p><i>The concerns raised in the submissions about the health impacts of wind farms (commonly termed 'wind turbine syndrome')</i></p>

2) Health Impacts	
Concerns	Shire Response
adverse health impacts on local residents.	<p><i>by American medical practitioner Dr Nina Pierpont), although still unsupported by appropriate research, has been the subject of debate within the wider community and appears to be one of the reasons that led to the Senate Committee Inquiry (see Dr Laurie/Waubra Foundation etc).</i></p> <p><i>The symptoms described by Dr Pierpont included sleep disturbance, headache, dizziness/unsteadiness, ear pressure pain, tinnitus, memory/concentration deficit, irritability/anger and fatigue/loss of motivation and a number of the witnesses to the Senate Inquiry attributed these symptoms to noise and in particular the low frequency noise and infrasound from wind turbines.</i></p> <p><i>The evidence of many parties to the Senate Inquiry on the matter of noise and health impacts conflicted and the Senate Committee report provided a number of recommendations regarding the need for additional research into noise and adverse health impacts that are now being considered by the Federal Government.</i></p> <p><i>In relation to planning of wind farms within WA, staff has been advised by the Department of Planning that although the Minister for Planning has requested a review of PB67, the Shire should still utilise the existing guidelines when assessing this application.</i></p> <p><i>Should the Federal Government impose mandatory national guidelines on the development of wind farms, this would need to be reflected in the review by the Department.</i></p> <p><i>The standards for noise limits set out in PB67 are considered appropriate and have led to the successful development of a number of wind farms within WA, both in terms of small (<1MW) local proposals and large commercial operations (>100MW). There is no evidence available that these wind farms have led to the concerns and impacts expressed in the submissions.</i></p> <p><i>The proponents contracted Herring Storer Acoustics to complete the attached report 'Flat Rocks Wind Farm Kojonup Background Noise Monitoring' (February, 2011) utilising 11 sites (nearby to existing occupied dwellings) to inform the noise impact assessment report and set the background noise criteria.</i></p>

2) Health Impacts	
Concerns	Shire Response
	<p><i>The proponents contracted Herring Storer Acoustics to complete the attached report 'Flat Rocks Wind Farm Kojonup Noise Impact Assessment' (July, 2011). The report utilised the criteria set down in the WAPC's Planning Bulletin 67 (PB67) for assessment of the noise impacts from proposed wind farms (which references the SA EPA 'Wind Farms – Environmental Noise Guidelines (Interim)' (December, 2007). The report modelled and assessed noise levels at 34 identified receiver locations including stakeholders (landowners participating in the wind farm) and non-stakeholders (landowners not participating in the wind farm).</i></p> <p><i>The report which utilised a 1.8MW Vestas V100 wind turbine concludes that:</i></p> <ul style="list-style-type: none"> <i>• The predicted noise levels at 2 stakeholder locations (SH27 & SH28 which are within the Shire of Broomehill-Tambellup) has been calculated to marginally exceed the background noise criteria for 8m/s at hub height (80m); and</i> <i>• The predicted noise emissions at all non-stakeholder locations have been calculated to comply with the background noise criteria under all wind conditions.</i> <p><i>Any approval by the Shire would necessarily be based on the use of the 1.8MW turbines that were used in the noise assessment report. Should the proponents seek an alternative turbine model, the noise impacts should be reassessed to prove that the location and type of turbine still comply with the limits specified in the PB67.</i></p> <p><i>Staff support the recommendation by the Senate Committee, that any complaints (particularly noise) generated by the operation of the wind farm should be dealt with expeditiously. The use of an independent arbitrator in resolving complaints may be an option if resolution cannot be reached in the first instance, although this is not anticipated. The Shire should require the preparation and implementation of a documented complaints procedure as a condition of approval by the proponents.</i></p> <p><i>The Shire should also request the proponents provide written agreement from the landowners of sites SH27 and SH28 to the construction of the wind farm and accept that the predicted noise levels may be exceeded marginally from time to time due to the operation of nearby wind turbines.</i></p>

2) Health Impacts	
Concerns	Shire Response
	<p><i>The Shire has not sought to impose any development buffer around the wind farm nor is there any recommendation to restrict any permissible uses on the adjacent lots.</i></p>
<p>Concerned about the impacts of blade glint, flicker and reflection from the wind farm.</p>	<p><i>The proponents contracted Garrard Hassan Pacific Pty Ltd to complete the attached report 'Shadow Flicker Assessment for the Proposed Flat Rocks Wind Farm' (11 May 2011). As PB67 does not contain any standard for shadow flicker, the report utilised the standards set out in the EPHC National Wind Farm Development Guidelines – Draft. The report concluded that now dwellings would concludes that whilst 5 dwellings will experience some shadow flicker, no dwelling are predicted to experience theoretical shadow flicker in excess of 30 hours per year or actual shadow flicker of 10 hours per day, which although not mandatory complies with the draft EPHC Guidelines.</i></p> <p><i>The proponents contracted William James Landscape Architects to complete the attached report 'Flat Rocks Wind Farm Landscape and Visual Assessment' (20 July 2011). The report provides an assessment of the visual impacts and provides recommendations to reduce the visual impact of the wind farm. The implementation of the recommendations from the report will address these concerns.</i></p>
Actions	<p><i>The following conditions of approval be applied:</i></p> <ol style="list-style-type: none"> <i>1) The approval be restricted to the use of the Vestas V100 1.8MW wind turbine. Any alternative turbine will require the reassessment and resubmission of the Noise Impact report and if they will exceed the noise levels for the Vestas V100 1.8MW wind turbine they shall be relocated within the approved development area to reduce the impact to the acceptable noise level accordingly.</i> <i>2) The approval is for a development area consisting of a number of rural properties shown within the original application within which the final detailed design and wind turbine siting will be completed. The final siting of the wind turbines shall ensure that the noise levels set out in PB67 can be achieved at all times for non-stakeholder properties.</i> <i>3) The proponents are required to prepare and implement a</i>

2) Health Impacts	
Concerns	Shire Response
	<p>4) <i>documented complaint procedure. The proponents be required to provide written agreement from the landowners of sites SH27 and SH28 to the construction of the wind farm and accept that the predicted noise levels may be exceeded marginally from time to time due to the operation of nearby wind turbines.</i></p> <p>5) <i>The proponents are required to implement the recommendations from the 'Flat Rocks Wind Farm Landscape and Visual Assessment'.</i></p>

3) Devaluation of Land and Loss of Production	
Concerns	Shire Response
<p>Reports showing negative effect on value of adjoining lands to wind farms.</p>	<p><i>Whilst the concerns expressed in the submissions are understood, there is no evidence that the proposed wind farm will reduce land values in the local area.</i></p> <p><i>The value of rural land within the Shire is determined by the Valuer General using an unimproved value. This value is market based and determined by reference to the land market at the date of valuation. All sales relevant to the predetermined date of valuation are investigated by the Valuer General and any 'special' sales, for example sales between related parties or those with special circumstances are discarded by the Valuer General and fair and reasonable criteria is established for the fixing of values.</i></p> <p><i>Therefore the unimproved value of rural land in the area or Shire generally is not expected to change negatively from the approval or development of the wind farm. If there was any change in unimproved values, whether negative or positive, this would be noticed by the Valuer General and reflected accordingly. The amount of rates to be paid may be adjusted by Council when setting the rates in the annual budget for any affected land accordingly.</i></p> <p><i>The Senate Committee report acknowledges that although the impact of wind farms on property values is unclear, the value of some properties that are close may be adversely affected. The Committee also advises that government agencies may consider alternatives compensation models such as the sharing of royalties from the wind farm or use of the proposed community fund to compensate those most negatively impacted.</i></p> <p><i>The evidence of many parties to the Senate</i></p>

3) Devaluation of Land and Loss of Production	
Concerns	Shire Response
	<p><i>Inquiry on the matter of devaluation was inconclusive. Those properties adversely affected were represented as more lifestyle types rather than long-established and high value general farming land.</i></p> <p><i>The existing general rural uses (i.e. cropping and grazing) are long-standing within the Shire and area appropriate due to the areas capability to sustain agricultural uses which is reflected in the high long-term average price of rural land within the Shire. The affected area is not primarily used or required for lifestyle or hobby farming purposes and negative impacts on the property values are not expected.</i></p> <p><i>Any consideration of compensation between individual landowners is outside of the provisions of the Planning and Development Act and cannot be controlled by Council.</i></p>
Loss of productive land and rural amenity due to industrial development of a wind farm in the area.	<p><i>The area of land permanently affected by the proposal for turbine sites and associated infrastructure (i.e. service roads, cabling, operation/maintenance buildings, and sub-station etc.) will be a maximum of 30ha's during the life of the wind farm.</i></p> <p><i>This reflects the total maximum area that would be precluded from agriculture which will not provide any distinguishable loss in the amount of rural land available within the Shire or produce any noticeable reduction in the overall rural production value of the Shire.</i></p> <p><i>Whilst it is acknowledged that the siting of some turbines may cause changes to the present existing farm practices such as aerial spraying, this will not prevent any existing practice from continuing.</i></p>
The loss of amenity and landscape values needs to be considered.	<p><i>As above, the proponents completed the attached report 'Flat Rocks Wind Farm Landscape and Visual Assessment' (20 July 2011).</i></p> <p><i>Regarding the concerns about creating an industrial landscape and loss of amenity and landscape values, the Landscape and Visual Assessment report concludes the introduction of wind turbines into the area will not change the general rural landscape character or values in the locality, it will add additional elements into the rural landscape. The report also demonstrated that the proposed wind farm achieved:</i></p> <ul style="list-style-type: none"> <i>• Medium level of compliance with objectives for Landscape Character.</i> <i>• High level of compliance with objectives for Landscape Significance.</i> <i>• Requires no assessment of impacts on Wilderness Quality.</i>

3) Devaluation of Land and Loss of Production	
Concerns	Shire Response
	<ul style="list-style-type: none"> • <i>High level of compliance with objectives for Views.</i> • <i>Is very unlikely to adversely affect tourism in the Kojonup area.</i> <p><i>The report advises that the turbines (as expected) will be visible from local roads, neighbouring properties and in some cases from neighbouring homes and gardens. There are 7 neighbouring homesteads between 1-3km of a wind turbine and in most of these cases the turbines will have low impact on the views or visual amenity because of remnant vegetation and planted vegetation.</i></p> <p><i>The report contains various recommendations that would reduce the visual impacts of the turbines from both roads and neighbouring properties to low. These recommendations relate to relocation of some turbines or plantings to assist in screening the development. The implementation of the recommendations from the report will address the concerns raised in the submissions.</i></p>
Whose responsibility is it to compensate adjoining landowners for devaluation or other losses?	<p><i>As stated above, whilst the concerns expressed are understood, there is no evidence that the proposed wind farm will reduce land values or create loss of income etc in the local area.</i></p> <p><i>Whilst it is acknowledged that some existing agricultural activities such as aerial spraying may be affected by the location of the turbines it will be greatest on the participating farms and will not prevent any existing practice from continuing.</i></p> <p><i>The decision of the Shire does not remove or reduce any ability for a landowner to consider seeking recourse through the courts for compensation, if loss of income or other such financial loss can be shown to be directly attributable to the wind farm development and there is a legal basis for the recovery of such loss.</i></p> <p><i>As stated above, the Shire has not imposed a buffer or changed any permissibility of uses around the proposed wind farm.</i></p> <p><i>Under the Planning Act 2005, a person is entitled to compensation where their land is injuriously affected by a scheme, or amendment, where the outcome is such that:</i></p> <ul style="list-style-type: none"> • <i>The land is reserved under the Scheme for a public purpose;</i> • <i>The Scheme permits development on the land for no purpose other than a public purpose; or</i> • <i>The Scheme prohibits wholly or partially</i>

3) Devaluation of Land and Loss of Production	
Concerns	Shire Response
	<p><i>the continuance of any non-conforming use of the land.</i></p> <p><i>The proposed wind farm is a discretionary decision and does not constitute a new or amended scheme and claims would not be acceptable under the Act. The Act does not create any other compensation entitlements where a LG has approved a use and that may affect the amenity of an adjoining property.</i></p>
Action	See above.

4) Lack of Shire Policy on Renewable Energy/Sustainable Community Development	
Concerns	Shire Response
<p>Lack of Shire Policy to guide decision-making on renewable energy projects within the Shire which creates ad hoc development.</p>	<p><i>The Shire is not hindered by the lack of a specific policy on renewable energy development.</i></p> <p><i>The development of wind farms in the State has occurred in different regional areas generally to supplement an existing supply and provide alternative additional supplies. All local government's within the State utilise the advice contained in the WAPC's PB67 to determine applications for wind farms and the requirements of their respective local planning schemes in determining applications. The differing nature of renewable energy projects and their specific needs requires them to be considered on an individual basis.</i></p> <p><i>There are other Federal and State policies that assist process and decision-making for wind farms. These policies and guidelines are considered sufficient to regulate the development of the wind farm industry and set appropriate standards for the siting, construction and operation of wind farms.</i></p> <p><i>The Shire of Kojonup's location in regards to Western Power's South West Interconnected System (SWIS) network and other proposed energy dependent projects such as mining developments has provided the opportunity identified by Moonies Hill Energy for the development of an alternative energy project to capitalise of this location advantage.</i></p> <p><i>As the Shire cannot determine access to the SWIS, the opportunity for alternative power generation projects being developed within the Shire applies equally to solar, wind, biomass etc. As stated above, each has their individual land use and development impacts and would need to be considered by the Shire on a case-by-case basis and in accordance with any relevant guidelines etc applying at the time.</i></p>
<p>The negative impact of wind farm developments on potential for biomass proposals including the</p>	<p><i>The application to the Shire is for proposed land use and development of the Moonies Hill Energy wind farm. This decision should not be seen as</i></p>

4) Lack of Shire Policy on Renewable Energy/Sustainable Community Development	
Concerns	Shire Response
development of an oil mallee industry within the Shire.	<i>any view of the Council in regards to the development of an oil mallee industry within the Shire into the future.</i>
Action	Nil.

5) Aviation Impacts	
Concerns	Shire Response
The use of aviation navigation lights has the potential to affect night time amenity.	<i>Given the distance of the proposed wind farm from any registered aerodromes, the lighting of the turbines is not a formal requirement of the Civil Aviation Safety Authority (CASA), although these requirements are under review. The proponents in their report 'Airspace Assessment' (May 2011) have committed to comply with any lighting requirement set by CASA following the review and to complete a risk assessment with relevant local stakeholders. Should the turbines be lit, they can be shielded appropriately to protect views from homes.</i>
The restrictions that will be placed on existing agricultural aerial operations particularly aerial spraying.	<p><i>Overall there is no evidence of safety concerns relating to aircraft operations around wind farms. There has been no reported collision or incident involving an aircraft and wind turbine in Australia.</i></p> <p><i>The proposed wind farm does have an impact on some aspects of local aerial operations which requires:</i></p> <ul style="list-style-type: none"> • <i>A minor procedure change at the Katanning aerodrome.</i> • <i>Advising CASA and Royal Australian Air Force of the turbines construction to be include on aeronautical charts.</i> • <i>To improve visibility, the turbines are constructed with light grey colours to contrast significantly with the background terrain and vegetation.</i> <p><i>The proposed wind farm will not affect private airstrips, although some changes to flight planning may be required.</i></p> <p><i>Whilst it is acknowledged that some existing agricultural activities such as aerial spraying may be affected by the location of the turbines it is expected to be greatest on the participating farms.</i></p> <p><i>The use of aerial application is also affected by wind and even relatively light winds can prevent aerial spraying from occurring due to turbulence or drift. The likelihood is that when wind strength prevents aerial application this also assists reduce the potential for collision with the turbines.</i></p> <p><i>To minimise any impacts on the existing rural activities on adjoining non-participating</i></p>

5) Aviation Impacts	
Concerns	Shire Response
	<i>properties, it is recommended that the total height of the wind turbine be used to determine their setback to the boundary.</i>
Action	<p>The following conditions of approval be applied:</p> <ol style="list-style-type: none"> 1) The turbines to be unlit (unless required to comply with CASA regulations or the recommendations of the proponents risk management strategy). 2) The proponents to advise CASA and the Royal Australian Air Force of the turbines construction to be included on aeronautical charts. 3) The turbines and rotors to be constructed utilising light grey colours. 4) The proponents proceed to complete the required procedure change at the Katanning aerodrome. 5) The proponents to advise in writing all known private airstrip owners within 20km of any wind turbine and known aerial agricultural operators of the construction of the wind farm including timeframe for construction and tower/rotor height to assist flight planning. 6) The turbine structures to be setback a minimum distance equal to total height (i.e. tower + rotor) of the wind turbine to any adjoining non-participating property boundary.

6) Decommissioning Strategy	
Concerns	Shire Response
<p>The lack of details regarding decommissioning of the wind farm or any 'bond' to ensure the project is properly decommissioned.</p> <p>The requirements and plans for areas/sites to be restored following decommissioning.</p>	<p><i>The proponents advise that the projected life of the wind farm is 25-years.</i></p> <p><i>The decommissioning of the wind farm upon expiration of the approval period shall be required as a condition of approval, unless a new approval to continue the wind farm is granted by Council at that time (remembering that under present legislative changes, it would be dealt with by a Development Assessment Panel). When decommissioned, the land should be returned to its pre-existing state for farming purposes.</i></p> <p><i>The proponents will need to prepare a Decommissioning Plan for the wind farm showing the proposed works, time schedules and stakeholder responsibilities. Council may also seek a bond or bank guarantee to secure the required works being completed if considered necessary.</i></p>
Action	<p>The following conditions of approval be applied:</p> <ol style="list-style-type: none"> 1) The proponents are required to

6) Decommissioning Strategy	
Concerns	Shire Response
	<i>prepare a Decommissioning Plan for the wind farm showing the proposed works, time schedules and stakeholder responsibilities.</i>

7) Increased Fire Risk	
Concerns	Shire Response
Increased fire risk from turbines failing, need for additional fire fighting facilities to support proposal.	<i>Whilst the rate of fires caused by wind farms in Australia is extremely low, the proponents shall be required as a condition of approval to prepare and implement a Fire Management Plan for the wind farm including fire fighting water supplies including any specialised equipment.</i> <i>In addition, the turbines and towers are constructed with in-built mechanisms and fire suppressant equipment when combined with regular inspection of the equipment by the operators will reduce the risk to an acceptable standard.</i>
Turbines creating interference with bush fire brigade radio communication networks.	<i>The proponents in their report 'Electromagnetic Interference Assessment' (April, 2011) have concluded that the proposed wind farm will have no affect on the operations of the bush fire brigade communications networks.</i>
Action	The following conditions of approval be applied: 1) The proponents are required to prepare and implement a Fire Management Plan covering all stages of the wind farm development including pre-construction, construction, commissioning, operational and decommissioning phases. 2) The proponents are required to remedy any 'EMI' interference to the bush fire brigade radio communication network attributable to the operation of the wind farm.

In relation to the submissions received supporting the proposal, the comments related to:

- 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.

The proponents advise that the proposed wind farm will have significant economic and social benefits including:

- Enough electricity to supply up to 100,000 homes each year.
- An opportunity for local farms to diversify.
- The permanent works will take up approximately 1% of the landowner's properties, ensuring current farming practices can continue and a minimal environmental footprint.

- Direct and indirect employment opportunities for the local and regional community – approximately 200 construction jobs and up to 10 ongoing permanent jobs.
- Injection of \$30m into the local community.
- Establishment of a Sustainable Community Fund from a portion of the revenue to support local community groups and organisations.

The overall direct and indirect benefits to the economy of the Shire (and region) and community through local employment and suppliers outweigh the negative impacts such as the visual impact which can be addressed through the implementation of amenity landscaping to further reduce the impact.

The adverse health impacts relating to wind turbine noise claimed in the submissions are not supported by any objective and credible evidence refuting the assessments completed by the proponents and the proposal has received clearance from the EPA. Staff sought comment from the Principal Environmental Noise Officer of the DEC Noise Regulation Branch on the noise reports prepared by the proponents. The advice contained the following comments:

- The noise emissions should be manageable to achieve compliance with noise regulations at the residential receiving locations;
- Compliance is likely to be marginal at 6 locations and it would be appropriate to relocate the nearest turbines to reduce noise levels;
- Approval conditions should require noise monitoring at these receivers;
- There remains a risk that future residences may be constructed on land within the 35dB(A) noise contour and that noise emissions may not comply at these locations. Appropriate measures should be put in place to minimise this risk.

The Council has adopted a precautionary approach in determining the impacts from the wind farm. If the proposal is to be approved, it is necessary to apply conditions to set standards and control the development, operation and decommissioning of the wind farm and to minimise any impacts.

All existing non-stakeholder dwellings are outside of the 1km suggested setback recommended in PB67.

Under the Shire's Town Planning Scheme No. 3, planning consent approval is not required for a single house in the rural zone and as such the Shire's planning approval for the single house granted in February 2011 (for Location 1643 Yarranup Road, Lumeah (part of Robinson's Yarranup Pty Ltd)) has no effect. No Building Licence has been applied for to construct the dwelling.

Relevant Guidelines/Reports etc.

In preparing this report, staff have considered other reports and guidelines relating to wind farm developments including Department of the Environment, Water, Heritage and the Arts 'EPBC Act Policy Statement 2.3 *Wind Farm Industry*' (2009); Environment Protection and Heritage Council '*National Wind Farm Development Guidelines – Draft*' (July, 2010); NSW Valuer General '*Preliminary Assessment of the Impact of Wind Farms on Surrounding Land Values in Australia*' (August, 2009); Clean Energy Council '*Wind Farms Technical Paper – Environmental Noise*' (November, 2010); EPA WA '*Guidance for the Assessment of Environmental Factors – Environmental Noise Draft No. 8*' (May, 2007); Proposed Collgar Wind Farm Environmental Assessment (Bayley Environmental Services, August, 2008); the Senate Community Affairs References Committee inquiry into the social and economic impacts of rural wind farms; and Department of Planning and Community Development '*Policy and Planning Guidelines for Development of Wind Energy facilities in Victoria*' (August 2011).

In addition, staff have liaised with other local governments that have dealt with planning applications for wind farms and considered the outcomes of other wind farm applications, approvals/refusals and appeals regarding wind farms in WA and other States.

CONSULTATION

Following Council's decision in November 2010 the following consultations have been undertaken by the Shire:

- (a) The proposal was referred to all affected landowners and all adjoining properties within a 1km radius of the any wind turbine;
- (b) The proposal was referred to the Shire of Broomehill-Tambellup;

- (c) The proposal was advertised within the Great Southern Herald and Kojonup News during the submission period;
- (d) The application was referred to the Environmental Protection Authority, Department of Environment and Conservation, Civil Aviation Safety Authority, Air Services Australia, Electricity Provider/Economic Regulation Authority, and Main Roads WA for comment and advice.
- (e) 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.

The consultation period was to initially conclude mid-December (16/12/2010). Given the level of interest in the proposal and following discussions with Councillors, the submission period was extended till 1 February 2011, a total of 68-days.

Following the closure of the submission period, other submissions and information has continued to be received from residents and others including the NHMRC and Department of Planning etc.

The Shire Councillors from Kojonup and Broomehill-Tambellup and senior staff attended a site visit to the proposed Collgar wind farm in Merredin and met with Shire of Merredin representatives to discuss the proposal.

The proponents consulted with the Environmental Protection Authority and referred the proposed wind farm for their assessment. The EPA has advised that no formal assessment is required or the setting of Ministerial conditions and proposal may proceed. The EPA expects that the proposal will be implemented in an environmentally responsible way.

STATUTORY ENVIRONMENT

Planning and Development Act 2005 and associated Regulations. The Shire of Kojonup Town Planning Scheme No. 3 is an operative Local Planning Scheme under the Act.

The purpose of the Scheme is set out as:

- (a) *setting aside land for future public use as reserves;*
- (b) *controlling development;*
- (c) *other matters authorised by the enabling Act.*

The Scheme Objectives (Clause 1.6) are:

The intent of the Scheme is to direct and control development in the Scheme Area in such a way as shall promote and safeguard health, safety, convenience and economic and general welfare of its inhabitants, the amenities of the area and the environment.

The land is zoned Rural within Town Planning Scheme No. 3 and the use of land within the Rural Zone shall be consistent with the objectives contained in Clause 3.2.7 as follows:

- (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.*

As stated above, the Council at its November 2010 meeting determined by absolute majority the proposed wind farm may be consistent with the objectives for the rural zone and advertised the proposal in accordance with clause 6.2.3 of the Scheme. The consultation period was subsequently extended until 1 February 2011.

In accordance with Clause 6.2.5 of the Scheme, the Council shall now consider and determine the application.

Clause 6.3 'Determination of Applications' of the Scheme states:

- 6.3.1 *In determining an Application for Planning Consent the Council may consult with any authority which, in the circumstances, it thinks appropriate.*

- 6.3.2 *The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is reserved, zoned, used or approved for use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality and the preservation of the amenities of the locality, may refuse to approve any Application for Planning Consent or may grant its approval unconditionally or subject to such conditions as it thinks fit.*

The options available to Council in considering the application can be summarised as follows:

- a) Defer the application and seek additional information from the applicants or other parties if considered necessary;
- b) Refuse the application and give reasons; or
- c) Approve the proposal and place appropriate conditions on the development.

The proposal has been defined as a wind farm as set out Planning Bulletin No. 67 (May, 2004) as follows:

'Wind Farm or Wind Energy Facility means premises used to generate electricity by wind force and includes any turbine, building or other structure used in, or in conjunction with, the generation of electricity by wind force but does not include turbines used primarily to supply electricity for a domestic property, rural use of the land or anemometers.'

The proponents have completed reports to show the proposed wind farm can be developed to comply with the objectives for the Scheme and rural zone and the proposal has satisfactorily addressed those matters contained within the PB67 and received environmental clearance from the EPA.

POLICY IMPLICATIONS

Nil.

FINANCIAL IMPLICATIONS

The applicants are responsible to pay the planning fees levied by the Shire under the 2010/2011 Schedule of Fees and Charges.

Should the applicant challenge the decision through an appeal to the State Administrative Tribunal, there would be costs in defending the appeal. The cost cannot be determined at this stage.

The costs of ensuring compliance with any conditions of approval will need to be considered and met from subsequent planning budgets.

STRATEGIC IMPLICATIONS

There are no known strategic implications.

VOTING REQUIREMENTS – SIMPLE MAJORITY

ORIGINAL OFFICER RECOMMENDATION

1. That Council receive and note the submissions on the proposed Moonies Hill Energy Pty Ltd wind farm.
2. That Council approve the development of the Moonies Hill Energy Pty Ltd wind farm on those locations within the Shire of Kojonup shown within the attached Development Area plan subject to the following conditions:
 - i) This approval is for an overall development area within which the final detailed design and wind turbine siting will be completed. The final micro-siting of the wind turbines shall ensure that the altered site does not increase any impacts (in particular the noise levels) from those levels identified within the proponents reports at all times for adjoining properties not comprising part of the development area.
 - ii) The proponents providing detailed plans of the development area (including turbines (maximum of 30), crane hardstand areas, cabling, fencing, access/egress points and service roads and ancillary temporary or permanent buildings, concrete batching plant, construction compounds/materials storage, car parking areas, fire fighting equipment, water tanks, security lighting, landscaping/screening, directional/safety signs etc.) for endorsement by the Chief Executive Officer. The

development shall comply with the detailed plans endorsed by the Chief Executive Officer. Minor modifications to the endorsed plans shall only be permitted where the modification is consistent with the terms of this approval and the proposed modification is ancillary or incidental to the operation and approved by the Chief Executive Officer.

- iii) The maximum hub height must not exceed 84m in height.
- iv) The maximum height of the turbines must not exceed 140m.
- v) Each turbine shall have 3 rotor blades only, with each blade having a maximum length of 56m.
- vi) The transformer associated with each turbine shall be located beside each tower or enclosed within the tower.
- vii) The turbines and rotors to be constructed utilising light grey colour.
- viii) The turbines towers to be fully enclosed (to prevent birds perching or nesting).
- ix) The development (including turbines, cabling, fencing, access/egress points and service roads and ancillary buildings etc.) to be undertaken within existing cleared areas, unless it is demonstrated to the satisfaction of the Chief executive Officer that it is impracticable to do so.
- x) All service roads etc to be located, designed, constructed and drained to minimise impact on local drainage systems, landscape and farming activities.
- xi) Electricity reticulation/transmission powerlines between turbine towers shall be placed underground, unless it is demonstrated to the satisfaction of the Chief Executive Officer that it is impracticable to do so.
- xii) This approval is restricted to the use of the Vestas V100 1.8MW wind turbine. Where use of an alternative turbine is proposed, a revised Noise Impact report assessing the noise impact of the proposed alternative turbine shall be submitted to the Shire for approval. If the proposed alternative turbine is likely to exceed the assessed noise levels for the Vestas V100 1.8MW wind turbine, the alternative turbines shall be relocated within the approved development area to reduce the noise impact to an acceptable level.
- xiii) The operator shall ensure that the operation of the wind farm complies with the following noise levels at noise sensitive buildings as follows:
 - Will not exceed 40dB(A); or
 - Will not exceed the background noise ($L_{A90, 10\text{minutes}}$) by more than 5dB(A).
- xiv) The operator shall submit an acoustic compliance report prepared by a suitably qualified and independent acoustic engineer to demonstrate compliance with noise limits specified in condition xiii) as follows:
 - Within 3-months of operating the first turbine; and
 - At 6-monthly intervals thereafter until full operation completed; and
 - 12-months from commencing full operations;
 - At any other time where complaints are received and are considered by Council to warrant the preparation of a report.
- xv) The preparation, to the satisfaction of the Chief Executive Officer, and implementation of a satisfactory documented complaint receipt and resolution procedure during the operation of the wind farm. The complaint receipt and resolution procedure shall require the Shire to be advised of all complaints received, investigation process, communications with complainant and the measures in place to respond to the complaint/breach in an expeditious manner. Where, in the opinion of the Council, a complaint/breach is not resolved in a satisfactory manner, the Council may require an independent review be completed at the operator's cost to resolve the matter.
- xvi) The proponents to provide written agreement from the landowners of sites SH27 and SH28 to the construction of the wind farm and acceptance that the predicted noise levels may be exceeded marginally from time to time due to the operation of nearby wind turbines.
- xvii) The proponents to implement the recommendations from the 'Flat Rocks Wind Farm Landscape and Visual Assessment' report to the satisfaction of the Shire.
- xviii) The turbines to be unlit (unless required to comply with CASA regulations or the recommendations of the proponents risk management strategy).

- xxix) The proponents to advise CASA, Airservices Australia, RFDS and the Royal Australian Air Force of the turbines construction to be included on aeronautical charts.
- xx) The proponents to advise (in writing) all known private airstrip owners within 20km of any wind turbine and known aerial agricultural operators (including the Aerial Agriculture Association of Australia) of the construction of the wind farm including timeframe for construction and tower/rotor height to assist flight planning.
- xxi) The turbine structures to be setback a minimum distance equal to total height (i.e. tower + rotor) of the wind turbine to any adjoining property boundary or road reserve.
- xxii) The preparation of a Decommissioning Plan for the wind farm showing the proposed works or actions to be undertaken, together with applicable time schedules.
- xxiii) The preparation and implementation of a Fire Management Plan covering all stages of the wind farm development including pre-construction, construction, commissioning, operational and decommissioning phases, in consultation with the Fire and Emergency Services Authority and to the satisfaction of the Shire.
- xxiv) The preparation and implementation of a Traffic Management Plan covering all stages of the wind farm development including construction, operational and decommissioning phases for the use of roads under the control of the Shire of Kojonup with any upgrading required to be funded by the proponents. The Plan shall be prepared in consultation with Main Roads WA, and to the satisfaction of the Shire, and shall address haulage routes, inspections/maintenance program, heavy vehicle movements scheduling, speed limits, road upgrading requirements, use of escort vehicles, school bus routes and other relevant matters.
- xxv) The preparation and implementation of a Site Management Plan to the satisfaction of the Shire, which shall require:
 - Any imported fill used in construction and/or road works to be obtained from disease and weed free sources.
 - All stormwater to be disposed of on-site.
 - Dust and other construction impacts shall be effectively managed.
 - Weed infestations to be effectively treated.
- xxvi) The preparation and implementation of a Landscaping Plan for the construction and operational buildings/car park areas, to the satisfaction of the Shire.
- xxvii) The proponents 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 wind farm.
- xxviii) The proponents constructing a viewing area/platform and information/interpretative signage suitable for resident and visitor/tourist use at a turbine location to be agreed with the Shire.
- xxix) All buildings shall require an adequate potable water supply and on-site effluent disposal system to be provided prior to the buildings being used.
- xxx) The proposed electricity sub-station and associated infrastructure require a separate planning approval.

Advice Notes:

- A1 *The proponents are advised they should seek permission and/or a Clearing Permit from the Department of Environment and Conservation for any proposed clearing.*
- A2 *The proponents are advised they are required to obtain approval from Main Roads WA for the transport of any oversized loads associated with the construction of the proposed wind farm on roads under their control such as Albany Highway.*
- A3 *The construction of the wind turbines and other supporting infrastructure such as sub-station and operations buildings shall not commence until the necessary Building Licence has been issued.*

- 3. All submitters be advised of the Shire's decision in writing accordingly.
- 4. The proposed Community Fund shall be the subject of a separate report to Council, following investigation by staff of the options available, including the example at the Collgar Wind Farm, Merredin.

AMENDED OFFICER RECOMMENDATION

1. That Council receive and note the submissions on the proposed Moonies Hill Energy Pty Ltd wind farm.
2. That Council approve the development of the Moonies Hill Energy Pty Ltd wind farm on those locations within the Shire of Kojonup shown within the attached Development Area plan subject to the following conditions:
 - i) This approval is for an overall development area within which the final detailed design and wind turbine siting will be completed. The final micro-siting of the wind turbines shall ensure that the altered site does not increase any impacts (in particular the noise levels) from those levels identified within the proponents reports at all times for adjoining properties not comprising part of the development area.
 - ii) The proponents providing detailed plans of the development area (including turbines (maximum of 30), crane hardstand areas, cabling, fencing, access/egress points and service roads and ancillary temporary or permanent buildings, concrete batching plant, construction compounds/materials storage, car parking areas, fire fighting equipment, water tanks, security lighting, landscaping/screening, directional/safety signs etc.) for endorsement by the Chief Executive Officer. The development shall comply with the detailed plans endorsed by the Chief Executive Officer. Minor modifications to the endorsed plans shall only be permitted where the modification is consistent with the terms of this approval and the proposed modification is ancillary or incidental to the operation and approved by the Chief Executive Officer.
 - iii) The maximum height of the turbines must not exceed:
 - 140m, relying upon the Landscape and Visual Assessment Report lodged with the application; or
 - 150m, after the lodgement of an updated Landscape and Visual Report, to be approved by the Chief Executive Officer.
 - iv) DELETE
 - v) DELETE
 - vi) The transformer associated with each turbine shall be located beside each tower or enclosed within the tower.
 - vii) The turbines and rotors to be constructed utilising light grey colour.
 - viii) The turbines towers to be fully enclosed (to prevent birds perching or nesting).
 - ix) The development (including turbines, cabling, fencing, access/egress points and service roads and ancillary buildings etc.) to be undertaken within existing cleared areas, unless it is demonstrated to the satisfaction of the Chief executive Officer that it is impracticable to do so. Impracticable includes situations where locating the development in a cleared area may impact adversely on noise requirements, landscape values, or the technical performance of the infrastructure.
 - x) All service roads etc to be located, designed, constructed and drained to minimise impact on local drainage systems, landscape and farming activities.
 - xi) Electricity reticulation/transmission powerlines:
 - Between groups of turbine towers (called “gangs”) shall be placed underground, unless it is demonstrated to the satisfaction of the Chief Executive Officer that it is impracticable to do so;
 - Between the “gangs”, preferably underground, but over-head in circumstances where it is impracticable or uneconomical to install underground. Details to be provided in the detailed plans in condition ii;
 - Shall not be placed on or over land outside the development area without the permission of that land owner.
 - xii) The assessment of compliance with noise standards in relation to this approval was based upon the use of the Vestas V100 1.8MW wind turbine. Where use of an alternative turbine is proposed, a revised Noise Impact report assessing the noise impact of the proposed alternative turbine shall be submitted to the Chief Executive Officer to confirm compliance with condition xiii can be met. If the proposed alternative turbine is likely to exceed the assessed noise levels for the Vestas V100 1.8MW wind turbine, the alternative turbines shall be relocated within the approved development area to reduce the noise impact to comply with condition xiii.
 - xiii) The operator shall ensure that the operation of the wind farm complies with the following noise levels at noise sensitive buildings as follows:
 - Will not exceed 40dB(A); or

- Will not exceed the background noise ($L_{A90, 10\text{minutes}}$) by more than 5dB(A).
Which ever is greater
- xiv) The operator shall submit an acoustic compliance report prepared by a suitably qualified and independent acoustic engineer to demonstrate compliance with noise limits specified in condition xiii) as follows:
- Within 3-months of operating each gang of turbines; and
 - 12-months from commencing full operations;
 - At any other time where complaints are received and are considered by Council to warrant the preparation of a report.
- Acoustic testing will take place at the relevant noise-sensitive building. That is, the noise sensitive building shown in the Herring Storer Report as being most likely to be affected in dot points 1 and 2, and the location of the complaint in dot point 3.
- xv) The preparation, to the satisfaction of the Chief Executive Officer, and implementation of a satisfactory documented complaint receipt and resolution procedure during the operation of the wind farm. The complaint receipt and resolution procedure shall require the Shire to be advised of all complaints received, investigation process, communications with complainant and the measures in place to respond to the complaint/breach in an expeditious manner. Where, in the opinion of the Council, a complaint/breach is not resolved in a satisfactory manner, the Council may require an independent review of the process to be completed at the operator's cost to arbitrate the matter.
- xvi) DELETED
- xvii) The proponents to implement the recommendations from the 'Flat Rocks Wind Farm Landscape and Visual Assessment' report to the satisfaction of the Shire. The report will be required to be modified to incorporate any changes to the siting greater than 100 metres and the location of the sub station.
- xviii) The turbines to be unlit (unless required to comply with CASA regulations or the recommendations of the proponents risk management strategy).
- xix) The proponents to advise CASA, Airservices Australia, RFDS and the Royal Australian Air Force of the turbines construction to be included on aeronautical charts.
- xx) The proponents to advise (in writing) all known private airstrip owners within 20km of any wind turbine and known aerial agricultural operators (including the Aerial Agriculture Association of Australia) of the construction of the wind farm including timeframe for construction and tower/rotor height to assist flight planning.
- xxi) The turbine structures to be setback a minimum distance equal to total height (i.e. tower + rotor) of the wind turbine to any adjoining property boundary or road reserve.
- xxii) The preparation of a Decommissioning Plan for the wind farm showing the proposed works or actions to be undertaken, together with applicable time schedules.
- xxiii) The preparation and implementation of a Fire Management Plan covering all stages of the wind farm development including pre-construction, construction, commissioning, operational and decommissioning phases, in consultation with the Fire and Emergency Services Authority and to the satisfaction of the Chief Executive Officer.
- xxiv) The preparation and implementation of a Traffic Management Plan covering all stages of the wind farm development including construction, operational and decommissioning phases for the use of roads under the control of the Shire of Kojonup with any upgrading required to be funded by the proponents. The Plan shall be prepared in consultation with Main Roads WA, and to the satisfaction of the Chief Executive Officer of the Shire, and shall address haulage routes, inspections/maintenance program, heavy vehicle movements scheduling, speed limits, road upgrading requirements, use of escort vehicles, school bus routes and other relevant matters.
- The Proponents, prior to the commencement of constructions, are also required to provide a Road Condition Report ("pre-construction Road Condition Report") , documenting the condition of the roads within the Shire of Kojonup which will be used to transport the infrastructure to the development area. After the transportation of the infrastructure is completed, the Proponents are required to provide a further road condition report ("post-construction Road Condition Report").

Where any damage to the roads has occurred which is attributable to the transportation of the infrastructure or construction vehicles, the Proponent is to make-good the roads to the condition outlined in the pre-construction Road Condition Report.

The Road Condition Report can be provided in stages which reflect the staging of the development.

- xxv) The preparation and implementation of a Site Management Plan to the satisfaction of the Shire, which shall require:
- Any imported fill used in construction and/or road works to be obtained from disease and weed free sources.
 - All stormwater to be disposed of on-site.
 - Dust and other construction impacts shall be effectively managed.
 - Weed infestations to be effectively treated.
- xxvi) The preparation and implementation of a Landscaping Plan for the operational buildings/car park areas, to the satisfaction of the Chief Executive Officer.
- xxvii) The proponents 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 wind farm.
- xxviii) The proponents constructing a viewing area/platform and information/interpretative signage suitable for resident and visitor/tourist use at a turbine location to be agreed with the Shire.
- xxix) All habitable buildings shall require an adequate potable water supply and on-site effluent disposal system to be provided prior to the buildings being used.
- xxx) Submission of plans for the proposed electricity substation and associated infrastructure to the satisfaction of the Chief Executive Officer ensuring:
- Minimum set back of 100 metres from the perimeter of the substation to the boundary of the location within the nominated development area.
 - Maximum height of the substation building and infrastructure within the substation area to be less than 20 metres, excluding masts, poles, or infrastructure required by a separate regulatory authority.
 - 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.
 - The substation will not exceed 150MW power transfer to the grid.
- xxxi) The development must be substantially commenced within 4 years of the date of the approval

Advice Notes:

- A1 *The proponents are advised they should seek permission and/or a Clearing Permit from the Department of Environment and Conservation for any proposed clearing.*
- A2 *The proponents are advised they are required to obtain approval from Main Roads WA for the transport of any oversized loads associated with the construction of the proposed wind farm on roads under their control such as Albany Highway.*
- A3 *The construction of the wind turbines and other supporting infrastructure such as sub-station and operations buildings shall not commence until the necessary Building Licence has been issued.*
- A4 *The use of the substation is ancillary to the wind farm development and should not be extended to electricity generators outside the Flat Rocks Wind Farm development area without the approval of Council.*

3. All submitters be advised of the Shire's decision in writing accordingly.
4. The proposed Community Fund shall be the subject of a separate report to Council, following investigation by staff of the options available, including the example at the Collgar Wind Farm, Merredin.

REASON FOR AMENDED OFFICER RECOMMENDATION

To reflect the long time frame of the development, incorporate the discussion clarifying conditions that was held in the public forum of the meeting.

It was accepted that the officers recommendation maintained the previous numbering for cross referencing and that deleted lines would be removed and conditions renumbered accordingly.

COUNCIL DECISION

108/11 MOVED Cr Pedler seconded Cr Hewson that Council receive and note the submissions on the proposed Moonies Hill Energy Pty Ltd wind farm.

CARRIED

6/0

COUNCIL DECISION

109/11 MOVED Cr Benn seconded Cr Mathwin that Council approve the development of the Moonies Hill Energy Pty Ltd wind farm on those locations within the Shire of Kojonup shown within the attached Development Area plan subject to the following conditions:

- i) This approval is for an overall development area within which the final detailed design and wind turbine siting will be completed. The final micro-siting of the wind turbines shall ensure that the altered site does not increase any impacts (in particular the noise levels) from those levels identified within the proponents reports at all times for adjoining properties not comprising part of the development area.
- ii) The proponents providing detailed plans of the development area (including turbines (maximum of 30), crane hardstand areas, cabling, fencing, access/egress points and service roads and ancillary temporary or permanent buildings, concrete batching plant, construction compounds/materials storage, car parking areas, fire fighting equipment, water tanks, security lighting, landscaping/screening, directional/safety signs etc.) for endorsement by the Chief Executive Officer. The development shall comply with the detailed plans endorsed by the Chief Executive Officer. Minor modifications to the endorsed plans shall only be permitted where the modification is consistent with the terms of this approval and the proposed modification is ancillary or incidental to the operation and approved by the Chief Executive Officer.
- iii) The maximum height of the turbines must not exceed:
 - 140m, relying upon the Landscape and Visual Assessment Report lodged with the application; or
 - 150m, after the lodgement of an updated Landscape and Visual Report, to be approved by the Chief Executive Officer.
- iv) The transformer associated with each turbine shall be located beside each tower or enclosed within the tower.
- v) The turbines and rotors to be constructed utilising light grey colour.
- vi) The turbines towers to be fully enclosed (to prevent birds perching or nesting).
- vii) The development (including turbines, cabling, fencing, access/egress points and service roads and ancillary buildings etc.) to be undertaken within existing cleared areas, unless it is demonstrated to the satisfaction of the Chief Executive Officer that it is impracticable to do so. Impracticable includes situations where locating the development in a cleared area may impact adversely on noise requirements, landscape values, or the technical performance of the infrastructure.
- viii) All service roads etc to be located, designed, constructed and drained to minimise impact on local drainage systems, landscape and farming activities.
- ix) Electricity reticulation/transmission powerlines:
 - Between groups of turbine towers (called “gangs”) shall be placed underground, unless it is demonstrated to the satisfaction of the Chief Executive Officer that it is impracticable to do so;
 - Between the “gangs”, preferably underground, but over-head in circumstances where it is impracticable or uneconomical to install underground. Details to be provided in the detailed plans in condition ii;
 - Shall not be placed on or over land outside the development area without the permission of that land owner.

- x) The assessment of compliance with noise standards in relation to this approval was based upon the use of the Vestas V100 1.8MW wind turbine. Where use of an alternative turbine is proposed, a revised Noise Impact report assessing the noise impact of the proposed alternative turbine shall be submitted to the Chief Executive Officer to confirm compliance with condition xi can be met. If the proposed alternative turbine is likely to exceed the assessed noise levels for the Vestas V100 1.8MW wind turbine, the alternative turbines shall be relocated within the approved development area to reduce the noise impact to comply with condition xi.
- xi) The operator shall ensure that the operation of the wind farm complies with the following noise levels at noise sensitive buildings as follows:
- Will not exceed 40dB(A); or
 - Will not exceed the background noise ($L_{A90, 10\text{minutes}}$) by more than 5dB(A), which ever is greater.
- xii) The operator shall submit an acoustic compliance report prepared by a suitably qualified and independent acoustic engineer to demonstrate compliance with noise limits specified in condition xiii) as follows:
- Within 3-months of operating each gang of turbines; and
 - 12-months from commencing full operations;
 - At any other time where complaints are received and are considered by Council to warrant the preparation of a report.
- Acoustic testing will take place at the relevant noise-sensitive building. That is, the noise sensitive building shown in the Herring Storer Report as being most likely to be affected in dot points 1 and 2, and the location of the complaint in dot point 3.
- xiii) The preparation, to the satisfaction of the Chief Executive Officer, and implementation of a satisfactory documented complaint receipt and resolution procedure during the operation of the wind farm. The complaint receipt and resolution procedure shall require the Shire to be advised of all complaints received, investigation process, communications with complainant and the measures in place to respond to the complaint/breach in an expeditious manner. Where, in the opinion of the Council, a complaint/breach is not resolved in a satisfactory manner, the Council may require an independent review of the process to be completed at the operator's cost to arbitrate the matter.
- xiv) The proponents to implement the recommendations from the 'Flat Rocks Wind Farm Landscape and Visual Assessment' report to the satisfaction of the Shire. The report will be required to be modified to incorporate any changes to the siting greater than 100 metres and the location of the sub station.
- xv) The turbines to be unlit (unless required to comply with CASA regulations or the recommendations of the proponents risk management strategy).
- xvi) The proponents to advise CASA, Airservices Australia, RFDS and the Royal Australian Air Force of the turbines construction to be included on aeronautical charts.
- xvii) The proponents to advise (in writing) all known private airstrip owners within 20km of any wind turbine and known aerial agricultural operators (including the Aerial Agriculture Association of Australia) of the construction of the wind farm including timeframe for construction and tower/rotor height to assist flight planning.
- xviii) The turbine structures to be setback a minimum distance equal to total height (i.e. tower + rotor) of the wind turbine plus 20 metres to any adjoining property boundary or road reserve.
- xix) The preparation of a Decommissioning Plan for the wind farm showing the proposed works or actions to be undertaken, together with applicable time schedules.
- xx) The preparation and implementation of a Fire Management Plan covering all stages of the wind farm development including pre-construction, construction, commissioning, operational and decommissioning phases, in consultation with the Fire and Emergency Services Authority and to the satisfaction of the Chief Executive Officer.

- xxi) The preparation and implementation of a Traffic Management Plan covering all stages of the wind farm development including construction, operational and decommissioning phases for the use of roads under the control of the Shire of Kojonup with any upgrading required to be funded by the proponents. The Plan shall be prepared in consultation with Main Roads WA, and to the satisfaction of the Chief Executive Officer of the Shire, and shall address haulage routes, inspections/maintenance program, heavy vehicle movements scheduling, speed limits, road upgrading requirements, use of escort vehicles, school bus routes and other relevant matters. The Proponents, prior to the commencement of constructions, are also required to provide a Road Condition Report (“pre-construction Road Condition Report”), documenting the condition of the roads within the Shire of Kojonup which will be used to transport the infrastructure to the development area. After the transportation of the infrastructure is completed, the Proponents are required to provide a further road condition report (“post-construction Road Condition Report”). Where any damage to the roads has occurred which is attributable to the transportation of the infrastructure or construction vehicles, the Proponent is to make-good the roads to the condition outlined in the pre-construction Road Condition Report. The Road Condition Report can be provided in stages which reflect the staging of the development.
- xxii) The preparation and implementation of a Site Management Plan to the satisfaction of the Shire, which shall require:
- Any imported fill used in construction and/or road works to be obtained from disease and weed free sources.
 - All stormwater to be disposed of on-site.
 - Dust and other construction impacts shall be effectively managed.
 - Weed infestations to be effectively treated.
- xxiii) The preparation and implementation of a Landscaping Plan for the operational buildings/car park areas, to the satisfaction of the Chief Executive Officer.
- xxiv) The proponents 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 wind farm.
- xxv) The proponents constructing a viewing area/platform and information/interpretative signage suitable for resident and visitor/tourist use at a turbine location to be agreed with the Shire.
- xxvi) All habitable buildings shall require an adequate potable water supply and on-site effluent disposal system to be provided prior to the buildings being used.
- xxvii) Submission of plans for the proposed electricity substation and associated infrastructure to the satisfaction of the Chief Executive Officer ensuring:
- Minimum set back of 100 metres from the perimeter of the substation to the boundary of the location within the nominated development area.
 - Maximum height of the substation building and infrastructure within the substation area to be less than 20 metres, excluding masts, poles, or infrastructure required by a separate regulatory authority.
 - 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.
 - The substation will not exceed 150MW power transfer to the grid.
- xxviii) The development must be substantially commenced within 4 years of the date of the approval.

Advice Notes:

- A1** *The proponents are advised they should seek permission and/or a Clearing Permit from the Department of Environment and Conservation for any proposed clearing.*

- A2** *The proponents are advised they are required to obtain approval from Main Roads WA for the transport of any oversized loads associated with the construction of the proposed wind farm on roads under their control such as Albany Highway.*
- A3** *The construction of the wind turbines and other supporting infrastructure such as sub-station and operations buildings shall not commence until the necessary Building Licence has been issued.*
- A4** *The use of the substation is ancillary to the wind farm development and should not be extended to electricity generators outside the Flat Rocks Wind Farm development area without the approval of Council.*

CARRIED 6/0

REASON FOR CHANGE: Condition (xviii) was changed so that in the event of a turbine falling the additional 20m setback would ensure safe passage to vehicular movement on either internal property or public road ways.

COUNCIL DECISION

110/11 MOVED Cr Pedler seconded Cr Mathwin that all submitters be advised of the Shire's decision in writing accordingly.

CARRIED 6/0

COUNCIL DECISION

111/11 MOVED Cr Benn seconded Cr Hewson the proposed Community Fund shall be the subject of a separate report to Council, following investigation by staff of the options available, including the example at the Collgar Wind Farm, Merredin.

CARRIED 6/0

The Shire President thanked all present at the meeting for their attendance, passion and interest.

The Shire President thanked the Chief Executive Officer and Town Planning Officer for their tireless efforts with respect to the approval process and the professional manner in which they ensured quality of information provided to Council.

The Shire President thanked Councillors for their huge efforts in assessing all information in order to arrive at their decision.

6 **CLOSURE**

There being no further notice of business for the Special Meeting under section 5.5 of the Local Government Act 1995, the President declared the meeting closed at 3:05pm.

7 **APPENDICES AND TABLED DOCUMENTS**

- Meeting Procedures for conduct of the meeting
- Correspondence from Mrs Jo Goodall
- Flint Moharich Report (Proposed changes to conditions)
- New Development Area Map
- Chief Executive Officer Memo, dated 23 November 2011 to Councillors – Officers Comments to Flint Moharich Letter

8 **ATTACHMENTS**

1	Moonies Hill Energy Application & Consultants Reports
2	Summary of Submissions
3	Copy of Submissions
4	Proponents Response to Summary of Submissions
5	Other Agency Referral Responses
6	Development Area Map
7	Addendum – to Agenda dated 10 November 2011

Presiding Member

Date