

Appendix B

Development Approvals – Shire of Broomehill-Tambellup

| Determination Date | Purpose | Approval Summary |
|--------------------|-------------------|---|
| 19 Jul 2013 | Original Approval | Approved subject to 27 conditions and 16 advice notes. |
| 7 Mar 2017 | Amendment | <p>Approved subject to 35 conditions and 12 advice notes.</p> <p>*all other conditions, footnotes and advice notes remain as per original DAP decision dated 26 July 2013.</p> |
| 6 Dec 2021 | Amendment | <p>Approved subject to 6 conditions and nil advice notes including new condition No. 36:</p> <p><i>36. Turbine 7 is to be located a minimum of 700m from the boundary location.</i></p> <p>*All other conditions, footnotes and advice notes detailed on the previous approval dated 22 May 2017 shall remain unless altered by this application.</p> |
| 6 December 2022 | Amendment | <p>Conditions 4, 21 and 29 amended.</p> <p>*All other conditions, footnotes and advice notes detailed on the previous approval dated 22 May 2017 shall remain unless altered by this application.</p> |

19 July 2013 – Original Approval



Government of **Western Australia**
Development Assessment Panels

POSTED
29/7/13

LG Ref: IPA12112235
DoP Ref: DP/12/01359
Enquiries: Development Assessment Panels
Telephone: (08) 6551 9919

State Administrative Tribunal
GPO Box U 1991
PERTH WA 6845

Dear Sir/Madam,

State Administrative Tribunal Review Outcome – DR 123 of 2013
31 lots known as Euvista, Intaba, Kinghurst, The Meadows and Yantecup
Proposed wind farm and ancillary development on various lots in Broomehill
West and Borderdale

Please be advised that the Great Southern Joint Development Assessment Panel reconsidered the above mentioned development application pursuant to section 31 of the *State Administrative Tribunal Act 2004* on 19 July 2013.

The Notice of Determination is attached.

Yours faithfully

DAP Secretariat

26/07/2013

Encl: Amended DAP determination notice

Cc: Dr Sarah Rankin
Moonies Hill Energy Pty Ltd
78 Pensioner Road
KOJONUP WA 6395

State Solicitors Officer
GPO Box F317
PERTH WA 6001

Ms Jo Trezona
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Planning and Development Act 2005

Shire of Broomehill-Tambellup Town Planning Scheme No.1

Great Southern Joint Development Assessment Panel

Determination on Development Assessment Panel Application for Planning Approval

Location: 31 lots known as Euvista, Intaba, Kinghurst, The Meadows and Yantecup

Description of proposed Development: Proposed wind farm and ancillary development on various lots in Broomehill West and Borderdale

Pursuant to Section 31 of the *State Administrative Tribunal Act 2004*, the Great Southern Joint Development Assessment Panel has reconsidered its decision dated 26 February 2013 (DP12/01359) (DR 123 of 2012) and resolves to:

- A. Determine that the 'wind farm' use as proposed on land known as 'Euvista', 'Intaba', 'Kinghurst', and 'The Meadows' (as provided for in Attachment 2 of the RAR) is consistent with the objectives and purposes of the Farming zone under the Shire of Broomehill Town Planning Scheme No 1, and on the land known as 'Yantecup' (as provided for in Attachment 2 of the RAR) is consistent with the objectives and purposes of the Farming zone under the Shire of Tambellup Town Planning Scheme No 2.
- B. Note all submissions lodged during public advertising as outlined in the 'Schedule of Submissions' – Attachment 5.
- C. APPROVE DAP Application reference DP 12/01359 for a wind farm on land known as 'Euvista', 'Intaba', 'Kinghurst', 'and 'The Meadows' in accordance with Clause 7.3.2 of Shire of Broomehill Town Planning Scheme No. 1, and land known as 'Yantecup' in accordance with Clause 8.6.1 of the Shire of Tambellup Town Planning Scheme No 2 subject to the following conditions and advice notes:
 - 1. The wind farm shall substantially commence within 4 years from the date of the issue of a building permit for the wind turbines. If the wind farm development does not substantially commence before expiration of the 4 year period, this approval becomes invalid and expires.
 - 2. This approval is for a maximum of 44 wind turbines.
 - 3. The location of the wind turbines will be generally in accordance with the attached plan dated 24 May 2013 and the application as submitted which includes the 'Flat Rocks Wind Farm Environmental Report' and Appendices.
 - 4. The wind turbines are to be micro-sited in accordance with the following restrictions:



- (a) All wind turbines shall be located a minimum distance of 1 kilometre from any residential dwelling / sensitive premises existing at the time of the issue of this planning approval as shown on the attached plan.
- (b) In relation to wind turbines 1, 2, 3, 19, 50, 56, 57 and 58, micro-siting must be undertaken in accordance with section 8.2 of the 'Flat Rocks Wind Farm Landscape and Visual Assessment' report. That report requires, in order to satisfy visual amenity considerations, the relocation of these turbines or the implementation of vegetation screening.

5. This approval is for the installation and use of the Vestas V100 1.8MW wind turbine.

Where the use of an alternative turbine is proposed, the applicant must prepare and lodge with the local government a revised Noise Impact report based upon the proposed alternative turbine, which demonstrates that the alternative turbine can comply with condition 22 below.

Any alternative turbine must otherwise comply with these conditions of approval.

6. The turbines and rotors to be constructed utilising a light grey colour.
7. All turbine towers to be fully enclosed (to prevent birds perching or nesting).
8. The maximum height of any wind turbines shall be 160 metres, (measured from the base of the tower to the rotor tip at its maximum elevation).
9. Prior to applying for a building permit, the applicant is to lodge a final development layout plan for endorsement by the local government.

The final development layout plan must include the following detail:

- the location of crane hardstand area, access/egress points and service roads;
- ancillary, temporary or permanent buildings;
- the location of the construction activities, including the construction workers' car parking areas, temporary concrete batching plant, construction compounds and material storage locations.
- temporary and permanent car parking areas.
- the final locations of the wind turbines, having regard to the restrictions as set out in condition 4 above.
- the location of any landscaping if required by condition 4(b).

The development shall comply with the detailed plans endorsed by the local government.

10. The applicant shall lodge a Fire Management Plan for approval by the local government prior to commencement of any on-site construction. The Fire Management Plan shall be prepared by a suitably qualified fire



consultant and in the context of the construction and operational phases of the development address the following matters:

- (a) Identification and clear mapping of firebreaks, emergency ingress and egress points, water points, turnaround areas for fire trucks, water sources, on site fire fighting equipment;
- (b) Identification of on-site tracks for access by emergency fire vehicles, and the requirement for these tracks to be maintained to a trafficable standard at all times;
- (c) Emergency procedures and personnel contacts;
- (d) Consideration of activities on fire ban days;
- (e) Notification for other agencies.

11. The applicant shall lodge a Traffic Management Plan for approval by the local government prior to commencement of any on-site construction.

The Traffic Management Plan is to be prepared by a suitably qualified traffic consultant and in the context of the construction and operational phases of the development is to include, but not be limited to the following matters:

- (a) haulage routes
- (b) heavy vehicle movements scheduling
- (c) use of escort vehicles
- (d) interaction with other road users, for example, school bus routes.
- (e) the requirement for a pre and post construction Road Condition Report.

12. The applicant shall lodge a Noise Impact Mitigation Management Plan to the local government prior to the commencement of any on-site construction.

The Noise Impact Mitigation Management Plan is to outline the process by which the applicant will:

- (a) make arrangements with adjoining landholders regarding the construction of noise sensitive premises on land;
- (b) modify micro-siting to ensure compliance with condition 22;
- (c) modify the operation of the turbines to ensure compliance with condition 22.
- (d) deal with complaints regarding noise impact during the operational phase of the development.

13. The following condition applies where the applicant, in relation to any of turbines 1, 2, 3, 19, 50, 56, 57 and 58 decides to undertake landscape screening to satisfy the micro-siting requirements in condition 4(b).

The applicant shall lodge a Landscaping Plan for approval by the local government prior to commencement of any on-site construction.

The Landscaping Plan is to be prepared by a suitably qualified landscape architect, and address the following matters:



- (a) identify, by numerical code, the species, quantity and anticipated mature dimensions of all plant types.
 - (b) identify a schedule of maintenance required to ensure that the landscaping grows to its mature dimensions and can be maintained at that level.
14.
 - (a) Where the development is proposed to be staged, the final development layout plan and management plans as referred to above may be provided in stages.
 - (b) If the development is proposed to be staged, the applicant is to lodge a staging plan with the local government. The purpose of this plan is to determine the level of detail required in order to satisfy the conditions of approval as it relates to that stage.
15. This planning approval also grants temporary approval for a concrete batching plant and construction compounds/materials storage that are exclusively associated with construction of the wind farm. The concrete batching plant and construction compound / materials storage areas shall operate from the site during construction only and shall cease and be removed on completion of the development.
16. Any concrete batching plant shall be setback a minimum distance of 500 metres from any boundary shared with lots outside of the development sites.
17. The applicant to undertake adequate measures to ensure no adverse dust nuisance occurs during construction of the development and from concrete batching activities.
18. All fill placed on the land must be free of disease and weeds.
19. The applicant is to implement the approved Fire Management Plan during the life of this development approval.
20. The applicant is to implement the approved Traffic Management Plan during the life of this development approval.
21. Where a Landscaping Plan has been approved, the applicant is to implement the Landscaping Plan during the life of this development approval.

All landscaping is to be installed within 2 years from the date of issue of a building permit, or such alternative time period approved in writing by the local government.
22. The applicant shall ensure at all times that the operation of the wind farm complies with the following noise levels at noise sensitive buildings:
 - Will not exceed 35dB(A); or
 - Will not exceed the background noise (LA90, 10 minutes) by more than 5dB(A)

whichever is greater.



23. The turbines are to be decommissioned when they are disconnected from the power grid or when they no longer generate energy into the power grid.

This condition does not apply where the wind farm or any individual turbine is disconnected temporarily from the power grid, or is not generating energy for maintenance.

24. All lots subject of this application shall be returned to pre-development state following decommissioning, with the exception that underground infrastructure (such as footings and cables) may be retained below normal ploughing levels where retention allows for continued agricultural use.
25. A detailed decommissioning and rehabilitation plan shall be submitted to the local government for separate written approval and shall include:
- (a) A detailed decommissioning schedule of works with timeframes for each stage.
 - (b) A Traffic Management Plan.
 - (c) A Fire Management Plan.
 - (d) Sufficient information that clearly outlines any below ground infrastructure to be retained on site and its treatment to allow for continued agricultural use.
 - (e) Implementation of suitable mechanisms to alert future prospective purchasers of retention of any below ground infrastructure which may affect future building locations or development.

A decommissioning plan is required to be lodged and approved prior to undertaking any decommissioning works.

26. The applicant shall implement any decommissioning and rehabilitation plan approved by the local government.
27. If any below ground infrastructure is retained on site following decommissioning, Notifications are to be placed on the affected Certificate/s of Title to alert prospective purchasers that there are underground cables and or infrastructure on the land which may impact on future development or building locations within 3 months of the wind farm being decommissioned. Any Notification shall be at the applicant's cost.

Advice Notes:

- a. Planning consent is not an approval to start site works or construction. A building permit must be obtained for all works.
- b. The timeframes outlined in Condition 1 will be taken from the issue of the first building licence date for any wind turbines, even if the development is staged.



- c. In regards to Condition 4(b), it is noted that the 'Flat Rocks Wind Farm Landscape and Visual Assessment' included recommendations that landscaping be conducted on some neighbouring lots, which involves land owned by non participating stakeholders. Valid planning conditions cannot be imposed on this development to require landscaping on lots that do not form part of this development application, and which need third party owner approvals.

Notwithstanding the above, the applicant is encouraged to pursue this separately in consultation with adjacent owners.

- d. In regards to Condition 5, the local government may accept written confirmation from a suitably qualified noise consultant that any alternative turbine model will not exceed the levels projected for the Vesta V100, instead of a complete new noise report.

The Shire will refer any revised noise report or supplementary information to the Department of Environment Regulation: Noise Regulation Branch for written advice.

- e. In regards to Condition 10, the applicant should have regard to the fire management guidelines contained in the 'Auswind Best Practice Guidelines for implementation of wind energy projects in Australian (2006)'. Fire management should address both the construction and operation phases of the wind farm.
- f. In regards to Condition 11, it is recommended that the applicant lodge a Traffic Management Plan to the local government at least 4-5 months prior to scheduled construction to allow for suitable consultation with Main Roads WA.

The local government is prepared to accept separate Traffic Management Plans for the construction stage, and any future decommissioning stage.

The Traffic Management Plan needs to address arrangements to repair any roads damaged during construction.

- g. In regards to Condition 13, a landscaping plan will not be required if the applicant pursues relocation of wind turbines to implement the recommendations of the 'Flat Rocks Wind Farm Landscape and Visual Assessment'.
- h. Condition 16 is imposed as the Environmental Protection Authority (EPA) 'Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses' recommends a 300-500 buffer for concrete batching.
- i. In regards to Condition 22, the applicant is advised that:
 - (i) There is potential for vacant lots adjacent to the proposed wind farm to be further developed with sensitive buildings and residential dwellings.
 - (ii) Legislation in Western Australia requires that the wind farm comply with the Environmental Protection (Noise) Regulations 1997.



- (iii) The applicant takes the commercial risk that future wind farm operations may need to be altered or modified to continue to comply with Condition 22 and / or the 1997 Regulations (if new dwellings are built on surrounding landholdings).
 - (iv) It is recommended that the applicant prepare and submit acoustic compliance reports by a suitably qualified and independent acoustic engineer to demonstrate compliance with Condition 22 at key stages of development. This would provide compliance assurances to both the local government and surrounding landowners.
- j. It is recommended that the applicant gain participating owners agreement and consent 'up front' for any future Notifications in regards to Condition 27. If any owner proposes to build new structures on the development lots, then the local government may require a geotechnical report to ensure stability for future building construction in case it is affected by below ground infrastructure.
- k. The local government recommends that the applicant maintain post development monitoring with records of any bird collisions with turbines.
- l. The proponents should advise the following authorities of the wind construction timeframe and the location of any cranes to assist flight planning;
 - Civil Aviation Safety Authority
 - Airservices Australia
 - Royal Australian Air Force
 - Royal Flying Doctors Service
 - all known private airstrip owners within 20 km of any wind turbine and known aerial agricultural operators (including the Aerial Agriculture Association of Australia)
 - Shires of Kojonup and Katanning
- m. Any clearing may necessitate separate approval or a clearing permit from the Department of Environment Regulation.
- n. This planning consent is not an approval for any viewing platform / areas or extractive industry.
- o. It is acknowledged that the applicant intends to pay for the costs associated with changing procedures for the Katanning Aerodrome. This will need to be a private arrangement with the Shire of Katanning. A condition cannot be imposed on this development to require payment of moneys to a third party for the aerodrome which is located outside of the development site. It is recommended the applicant continue to liaise with Airservices Australia as more detailed planning occurs for final turbine locations.
- p. The applicant is advised that cabling should be installed underground where possible to minimise visual impact.



Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the *Development Assessment Panel Regulations 2011*.

7 March 2017 - Amendment



LG Ref: IPA12112235
DoP Ref: DP/12/01359

Dr Sarah Rankin
Moonies Hill Energy Pty Ltd
PO Box 151,
Kojonup WA 6395

Dear Dr Rankin

**Southern JDAP – Shire of Broomehill-Tambellup – DAP Application
IPA12112235 Determination
31 lots known as Euvista, Intaba, Kinghurst, The Meadows and Yantecup
Proposed wind farm and ancillary development on various lots in Broomehill
West and Borderdale**

Thank you for your application and plans submitted to the Shire of Broomehill-Tambellup on 9 December 2016 for the above development at the abovementioned site.

This application was considered by the Southern Joint Development Assessment Panel at its meeting held on 7 March 2017, where in accordance with the provisions of the Shire of Broomehill-Tambellup Shire of Broomehill Town Planning Scheme No. 1 and Shire of Tambellup Town Planning Scheme No. 2, it was resolved to approve the application as per the attached notice of determination.

Should the applicant not be satisfied by this decision, a DAP Form 2 application may be made to amend or cancel this planning approval in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

Please also be advised that there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. Such an application must be made within 28 days of the determination, in accordance with the *State Administrative Tribunal Act 2004*.

Should you have any queries with respect to the conditions of approval, please contact Ms Liz Bushby on behalf of the Shire of Broomehill-Tambellup on (08) 9474 1722 or 0488 910 869.

Yours sincerely,

DAP Secretariat

22/05/2017

Encl. DAP Determination Notice
Approved plans

Cc: Ms Liz Bushby
Shire of Broomehill-Tambellup





Planning and Development Act 2005

Shire of Broomehill Town Planning Scheme No. 1 and Shire of Tambellup Town Planning Scheme No. 2

Southern Joint Development Assessment Panel

Determination on Development Assessment Panel Application for Planning Approval

Location: 31 lots known as Euvista, Intaba, Kinghurst, The Meadows and Yantecup

Description of Proposed Development: Proposed wind farm and ancillary development on various lots in Broomehill West and Borderdale

In accordance with regulation 8 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, the above application for planning approval was **granted** on 7 March 2017, subject to the following:

- A. **Accept** that the DAP Application reference DP/12/01359 as detailed on the DAP Form 2 dated 4 November 2016 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
- B. **Approve** the DAP Application reference DP/12/01359 as detailed on the DAP Form 2 date 4 November 2016 and accompanying plans (Attachment 3) in accordance with the provisions of the Shire of Broomehill Town Planning Scheme No 1 and the Shire of Tambellup Town Planning Scheme No 2, for the proposed minor amendment to the approved wind farm on land known as 'Euvista', 'Intaba', 'Kinghurst', and 'the Meadows' with amendments to the conditions as agreed by the Responsible Authority subject to the following conditions:

Amended Conditions

Substantial commencement

- 1. The wind farm shall substantially commence within 5 years of the date of this approval.

Wind turbine location and micro-siting

- 2. This approval is for a maximum of 27 wind turbines.
- 3. The location of the wind turbines shall be generally in accordance with the attached plan dated 22 February 2017, and the application as submitted which includes the 'Flat Rocks Wind Farm Environmental Report' and Appendices.
- 4. The wind turbines are to be micro-sited in accordance with the following restrictions -
 - (a) All wind turbines shall be located a minimum distance of 1 kilometre from any residential dwelling / sensitive premises existing at the time of the issue of this planning approval unless approval in writing is first granted



from the owner of that residential dwelling / sensitive premises to a closer location;

- (b) The wind turbines shall be located in accordance with the 'Flat Rocks Wind Farm Landscape and Visual Assessment'. This report requires, in order to satisfy visual amenity considerations, either relocation of specified wind turbines or in the alternative, the implementation of vegetation screening.

Turbine specifications

- 5. This approval is for Vestas V126 3.45MW wind turbine.

Where the use of an alternative wind turbine is proposed, the Applicant must prepare and lodge with the local government a revised Noise Impact Assessment based upon the proposed alternative turbine, which demonstrates that the alternative turbine can comply with condition 32 below.

- 6. The transformer associated with each wind turbine shall be located beside each tower or enclosed within the tower.
- 7. The wind turbines and rotors are to be constructed utilising a light grey colour.
- 8. All wind turbine towers are to be fully enclosed (to prevent birds perching or nesting).
- 9. All wind turbine towers to be unlit, unless required to comply with CASA regulations or the recommendations of the Applicant's risk management strategy.
- 10. The maximum height of each wind turbine shall be 180 metres, measured from the base of the tower to the rotor tip at its maximum elevation.

Temporary development

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

Ancillary development

- 13. The development approval also grants development approval for the following -
 - (a) service roads;
 - (b) cabling, whether above or below ground;



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

Pre-construction conditions

17. Prior to commencing any works, the Applicant is to lodge a Development Layout Plan for approval by the local government. The Development Layout Plan must include the following detail -
- (a) The location of access / egress points and service roads;
 - (b) The location of any cabling between wind turbines;
 - (c) The location of any fencing;
 - (d) Permanent buildings;
 - (e) Permanent car parking areas;
 - (f) Locations of the wind turbines, having regard to the restrictions in conditions 3 and 4 above, with all turbine towers to have a minimum distance of 60 metres from a boundary that is not an internal boundary within the development site;
 - (g) The location of any landscaping if required by condition 4(b).
18. Prior to commencing any works, the Applicant is to lodge a Construction Management Plan for approval by the local government. The Construction Management Plan must include the following detail -
- (a) The location of temporary access / egress points and temporary service roads;



- (b) The location of crane hardstand areas;
 - (c) Temporary buildings;
 - (d) Temporary car parking areas;
 - (e) The location of the concrete batching plant, water tanks and any construction compounds and materials storage / laydown areas;
 - (f) The location and extent of excavation required for the purpose of laying cabling;
 - (g) A timetable for the removal of temporary development after completion of the construction phase;
 - (h) The management of dust and other construction impacts;
 - (i) The management of weed infestations.
19. Prior to commencing any works, the Applicant is to lodge a Fire Management Plan for approval by the local government. The Fire Management Plan shall be prepared by a suitably qualified consultant and in the context of the construction and operational phases of the development address the following matters –
- (a) Identification and clear mapping of firebreaks, emergency ingress and egress points, water points, turnaround areas for fire trucks, water sources, on site fire-fighting equipment;
 - (b) Identification of on-site tracks for access by emergency fire vehicles, and the requirement for these tracks to be maintained to a trafficable standard at all times;
 - (c) Emergency procedures and personnel contacts;
 - (d) Consideration of activities on fire ban days;
 - (e) Notification for other agencies.
20. Prior to commencing any works, the Applicant is to lodge a Traffic Management Plan for approval by the local government. The Traffic Management Plan is to be prepared by a suitably qualified traffic consultant and in the context of the construction phase of the development is to include -
- (a) Haulage routes;
 - (b) Heavy vehicle movements scheduling;
 - (c) Use of escort vehicles;
 - (d) Interaction with other road uses, for example, school bus routes;
 - (e) A Pre-Construction Road Condition Report along the proposed haulage routes, and the obligation to prepare a Post-Construction Road Condition Report once construction is complete.
21. Prior to commencing any works, the Applicant is to lodge a Noise Impact Mitigation Management Plan for approval by the local government. The Noise Impact Mitigation Management Plan is to outline the process by which the Applicant will -
- (a) Undertake post-commissioning testing to ensure compliance with condition 29, including testing at existing noise sensitive premises;
 - (b) Make arrangements with adjoining landowners regarding the construction of noise sensitive premises on land;
 - (c) Modify micro-siting to ensure compliance with condition 29;
 - (d) Modify the operation of the wind turbines to ensure compliance with condition 29;
 - (e) Manage complaints regarding noise impact during the operational phase of the development.
22. Prior to commencing any works, the Applicant is to lodge a Landscaping Plan for approval by the local government, in relation to the permanent buildings, and



car parking areas, and where vegetation screening is required by condition 4(b). The Landscaping Plan is to be prepared by a suitably qualified landscape architect, and address the following matters -

- (a) Identify, by numerical code, the species, quantity and anticipated mature dimensions of all plant types;
 - (b) Identify a schedule of maintenance required to ensure that the landscaping grows to its mature dimensions and can be maintained at that level.
23. Where the Applicant intends undertaking the development in stages, a Staging Plan must be lodged with the local government at the same time as the Management Plans referred to in conditions 17, 18, 19 and 20. The purpose of the Staging Plan is to determine the scope of information required in order to satisfy the conditions of approval as it relates to that stage.
24. Prior to commencing any works, the Applicant is to advise the following entities regarding the construction of the wind turbines, including estimated dates of installation, details of exact locations and heights -
- Civil Aviation Safety Authority (CASA);
 - Airservices Australia;
 - Royal Flying Doctor Service;
 - Royal Australian Air Force;
 - All known private airstrip owners within 20km of any wind turbine;
 - All known aerial agriculture operators, including the Aerial Agriculture Association of Australia;
 - The Shire of Kojonup.

Construction conditions

25. Prior to commencing any works the Applicant is to acknowledge in writing to the satisfaction of the Shire that they are responsible for the remedying of any electromagnetic interference to pre-construction quality of signals directly attributable to the operation of the wind farm.
26. The Applicant is to implement the following approved plans, as they relate to the construction phase of the development, during construction -
- (a) the Construction Management Plan, required by condition 18; and
 - (b) the Traffic Management Plan, required by condition 20.
27. All fill placed on the land must be free of disease and weeds.
28. Any damage caused to the roads attributable to the construction phase of the development is to be rectified by the Applicant to the standard identified in the Pre-Construction Road Condition Report.

Operational conditions

29. The Applicant shall ensure at all times that the operation of each wind turbine complies with the following noise levels at **noise sensitive premises** -
- (a) Will not exceed 35dB(A); or
 - (b) Will not exceed the background noise ($L_{A90, 10 \text{ minutes}}$) by more than 5dB(A); whichever is the greater.



30. The Applicant is to implement the following approved plans, as they relate to the operational phase of the development, during the life of this development approval -
- (a) the Fire Management Plan, required by condition 19;
 - (b) the Traffic Management Plan, required by condition 20;
 - (c) the Noise Impact Mitigation Plan, required by condition 21; and
 - (d) the Landscape Management Plan, required by condition 22.

Decommissioning conditions

31. The wind turbines are to be decommissioned when they are disconnected from the power grid or when they no longer generate energy into the power grid. This condition does not apply where the wind farm or individual wind turbines is disconnected temporarily from the power grid, or is not generating energy, for maintenance.
32. Prior to decommissioning the windfarm, or any wind turbines in the wind farm, the Applicant is to lodge a Decommissioning and Rehabilitation Management Plan for approval by the local government. The Decommissioning and Rehabilitation Management Plan is to include -
- (a) a detailed decommissioning schedule or works with timeframes for each stage;
 - (b) a Traffic Management Plan;
 - (c) a Fire Management Plan;
 - (d) sufficient information that clearly outlines any below ground infrastructure to be retained on site and its treatment to allow for continued agricultural use;
 - (e) implementation of suitable mechanisms to alert prospective purchasers of retention of any below ground infrastructure which may affect future building locations or development.
33. The Applicant is to implement the Decommissioning and Rehabilitation Management Plan during the decommissioning and rehabilitation process.
34. All lots the subject of this development approval shall be returned to pre-development state following decommissioning, with the exception that underground infrastructure (such as footings and cables) may be retained below normal ploughing levels where retention allows for continued agricultural use.
35. If any below ground infrastructure is retained on site following decommissioning, notifications are to be placed on the affected Certificates of Title to alert prospective purchasers that there are underground cables and or infrastructure on the land which may impact on future development or building locations, within 3 months of the wind farm being decommissioned. The Notifications are to be prepared and lodged at the cost of the Applicant.

Advice Notes

- a. It is noted that the 'Flat Rocks Wind Farm Landscape and Visual Assessment' included recommendations that landscaping be conducted on some neighbouring lots, which involves land owned by non-participating stakeholders. Valid planning conditions cannot be imposed on this development to require landscaping on lots that do not form part of this development application, and which need third party owner approvals.



Notwithstanding the above, the applicant is encouraged to pursue this separately in consultation with adjacent owners.

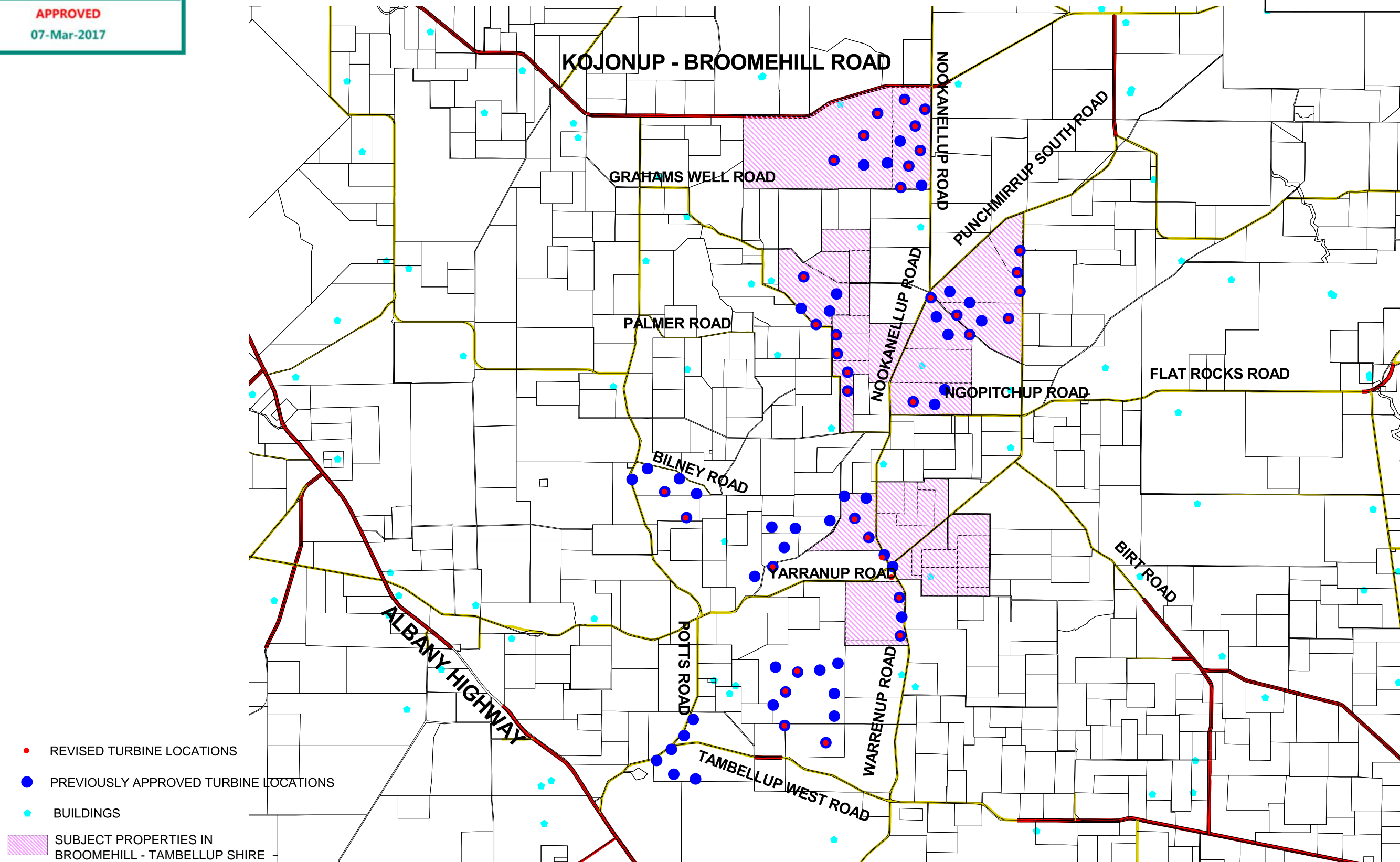
- b. The Shire will refer any revised noise report or supplementary information to the Department of Environment Regulation: Noise Regulation Branch for written advice.
- c. The applicant should have regard to the fire management guidelines contained in the 'Auswind Best Practice Guidelines for implementation of wind energy projects in Australia (2006)'. Fire management should address both the construction and operation phases of the wind farm.
- d. Any Traffic Management Plan will be referred to Main Roads WA.
- e. A landscaping plan will not be required if the applicant pursues relocation of wind turbines to implement the recommendations of the 'Flat Rocks Wind Farm Landscape and Visual Assessment'.
- f. The Environmental Protection Authority (EPA) 'Guidance for the Assessment of Environmental Factors - Separation Distances between Industrial and Sensitive Land Uses' recommends a 300-500 buffer for concrete batching.
- g. The applicant is advised that:
 - (i) There is potential for vacant lots adjacent to the proposed wind farm to be further developed with sensitive buildings and residential dwellings.
 - (ii) Legislation in Western Australia requires that the wind farm comply with the Environmental Protection (Noise) Regulations 1997.
 - (iii) The applicant takes the commercial risk that future wind farm operations may need to be altered or modified to continue to comply with noise limitations.
 - (iv) It is recommended that the applicant prepare and submit acoustic compliance reports by a suitably qualified and independent acoustic engineer to demonstrate compliance with Condition 29 at key stages of development. This would provide compliance assurances to both the local government and surrounding landowners.
- h. The local government recommends that the applicant maintain post development monitoring with records of any bird collisions with turbines.
- i. Any clearing may necessitate separate approval or a clearing permit from the Department of Environment Regulation.
- j. This planning consent is not an approval for any viewing platform / areas or extractive industry.
- k. It is acknowledged that the applicant intends to pay for the costs associated with changing procedures for the Katanning Aerodrome. This will need to be a private arrangement with the Shire of Katanning. A condition cannot be imposed on this development to require payment of moneys to a third party for the aerodrome which is located outside of the development site. It is recommended the applicant continue to liaise with Airservices Australia as more detailed planning occurs for final turbine locations.



- I. The applicant is advised that cabling should be installed underground where possible to minimise visual impact.

All other conditions, footnotes and advice notes remain as per the DAPs' original decision dated 26 July 2013.

Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the *Planning and Development (Development Assessment Panels) Regulations 2011*.



- REVISED TURBINE LOCATIONS
- PREVIOUSLY APPROVED TURBINE LOCATIONS
- BUILDINGS
- SUBJECT PROPERTIES IN BROOMEHILL - TAMBELLUP SHIRE

Note: Turbines on lots that are not shaded are proposed in the Shire of Kojonup and do not form part of this application

FLAT ROCKS WIND FARM

1000 0 1000 2000 3000 4000 5000 6000 7000 8000 9000 10000 Meters



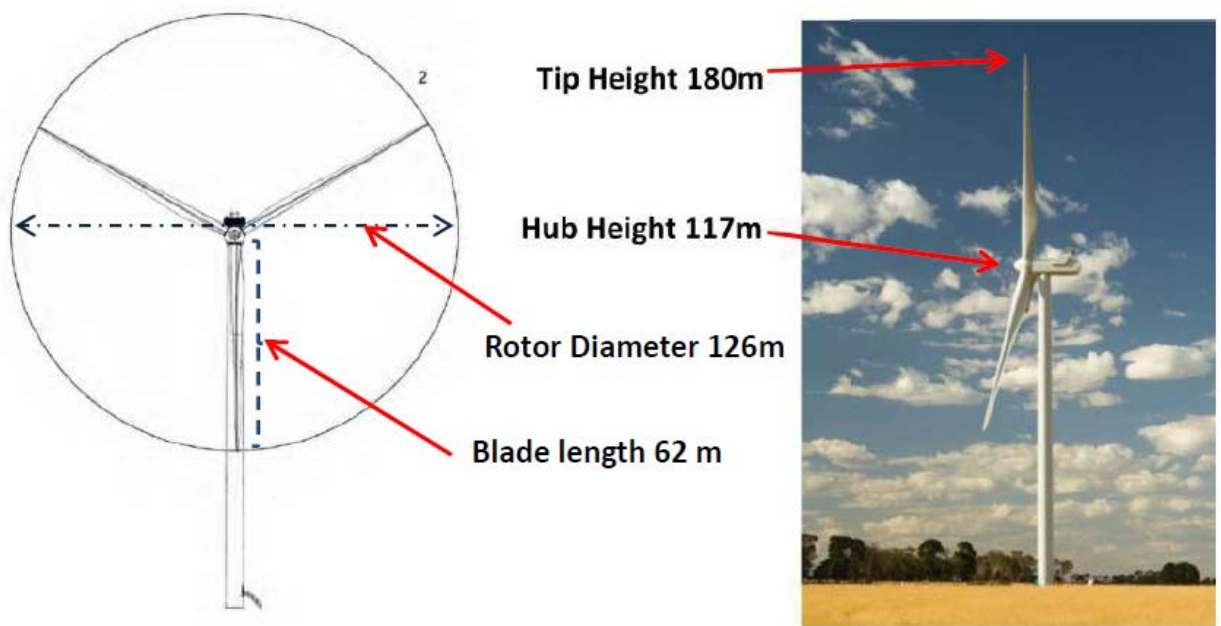
TURBINE LAYOUT 2017 WITH PREVIOUSLY APPROVED LOCATIONS

WILLIAM JAMES LANDSCAPE ARCHITECT

22 FEBRUARY 2017

ELEVATION OF VESTA V126 3.45MW WIND TURBINE

Figure 9: Vestas V126 3.45 MW Wind Turbine Specifications



6 December 2021 - Amendment



LG Ref: IPA12112235
DAP Ref: DP/12/01359
Enquiries: (08) 6551 9919

Dr Sarah Rankin
Moonies Hill Energy Pty Ltd
PO Box 151,
Kojonup WA 6395

Dear Dr Rankin

**REGIONAL JDAP - SHIRE OF BROOMEHILL-TAMBELLUP - DAP APPLICATION -
IPA12112235 - DETERMINATION**

| | |
|----------------------|--|
| Property Location: | Flat Rocks Wind Farm - Various Lots in Intaba, Kinghurst and The Meadows Sites, Broomehill and Euvista and Yantecup Sites, Kojonup |
| Application Details: | 74 Wind Turbines and Associated Infrastructure |
| Amendment Details: | Form 2.2 - Amendment of conditions 1, 2, 3, 5 & 10, extension of time and update wind turbine model |

Thank you for your Form 2.2 Development Assessment Panel (DAP) application and plans submitted to the Shire of Broomehill-Tambellup on 25 August 2021 for the above-mentioned development.

The application was considered by the Regional JDAP at its meeting held on 6 December 2021, where in accordance with the provisions of the Shire of Broomehill Town Planning Scheme No.1 and Shire of Tambellup Town Planning Scheme No.2, it was resolved to **approve** the application as per the attached notice of determination.

Should the applicant not be satisfied by this decision, an application may be made to amend or cancel this planning approval in accordance with regulation 17 and 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

Please also be advised that there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. Such an application must be made within 28 days of the determination, in accordance with the *State Administrative Tribunal Act 2004*.



Should you have any queries with respect to the conditions of approval, please contact Ms Liz Bushby on behalf of the Shire of Broomehill-Tambellup on 0488910869.

Yours sincerely,

DAP Secretariat

8 December 2021

Encl. DAP Determination Notice
 Approved Plans

Cc: Ms Liz Bushby
 Shire of Broomehill-Tambellup



Planning and Development Act 2005

**Shire of Broomehill-Tambellup Shire of Broomehill Town Planning Scheme
No.1 and Shire of Tambellup Town Planning Scheme No.2**

Regional Joint Development Assessment Panel

**Determination on Development Assessment Panel
Application for Planning Approval**

Property Location: Flat Rocks Wind Farm - Various Lots in Intaba, Kinghurst and The Meadows Sites, Broomehill and Euvista and Yantecup Sites, Kojonup

Application Details: 74 Wind Turbines and Associated Infrastructure

Amendment Details: Form 2.2 - Amendment of conditions 1, 2, 3, 5 & 10, extension of time and update wind turbine model

In accordance with regulation 8 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, the above application for planning approval was **granted** on 6 December 2021, subject to the following:

1. **Accept** that the DAP Application reference DP/12/01359 as detailed on the DAP Form 2 dated 25 August 2021, and amended DAP Form 2 dated 12 October 2021 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Note** the submissions in Attachment 7 and that the issues raised have been substantially addressed.
3. **Approve** DAP Application reference DP/12/01359 and accompanying plans (Attachment 3) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015 25 August*, and the with the provisions of the Shire of Broomehill Town Planning Scheme No 1 and the Shire of Tambellup Town Planning Scheme No 2, for the proposed minor amendment to the approved wind farm on land known as 'Euvista', 'Intaba', 'Kinghurst', and 'the Meadows' subject to the following modified conditions:
 1. The wind farm shall substantially commence **by the 6 March 2024**. ~~within 5 years of the date of this approval.~~
 2. This approval is for a maximum of **35** ~~27~~ wind turbines.
 3. The location of the wind turbines shall be generally in accordance with the attached plan dated **22 April 2021** ~~22 February 2017~~, and the application as submitted which includes the 'Flat Rocks Wind Farm Environmental Report' and Appendices.



5. This approval is for Vestas **V150 402MW** ~~V126 3.45MW~~ wind turbine, with serrated trailing edges mounted on the blades.

Where the use of an alternative wind turbine is proposed, the Applicant must prepare and lodge with the local government a revised Noise Impact Assessment based upon the proposed alternative turbine, which demonstrates that the alternative turbine can comply with condition ~~32~~ 29 below.

10. The maximum height of each wind turbine shall be **200** ~~180~~ metres, measured from the base of the tower to the rotor tip at its maximum elevation.

New Condition

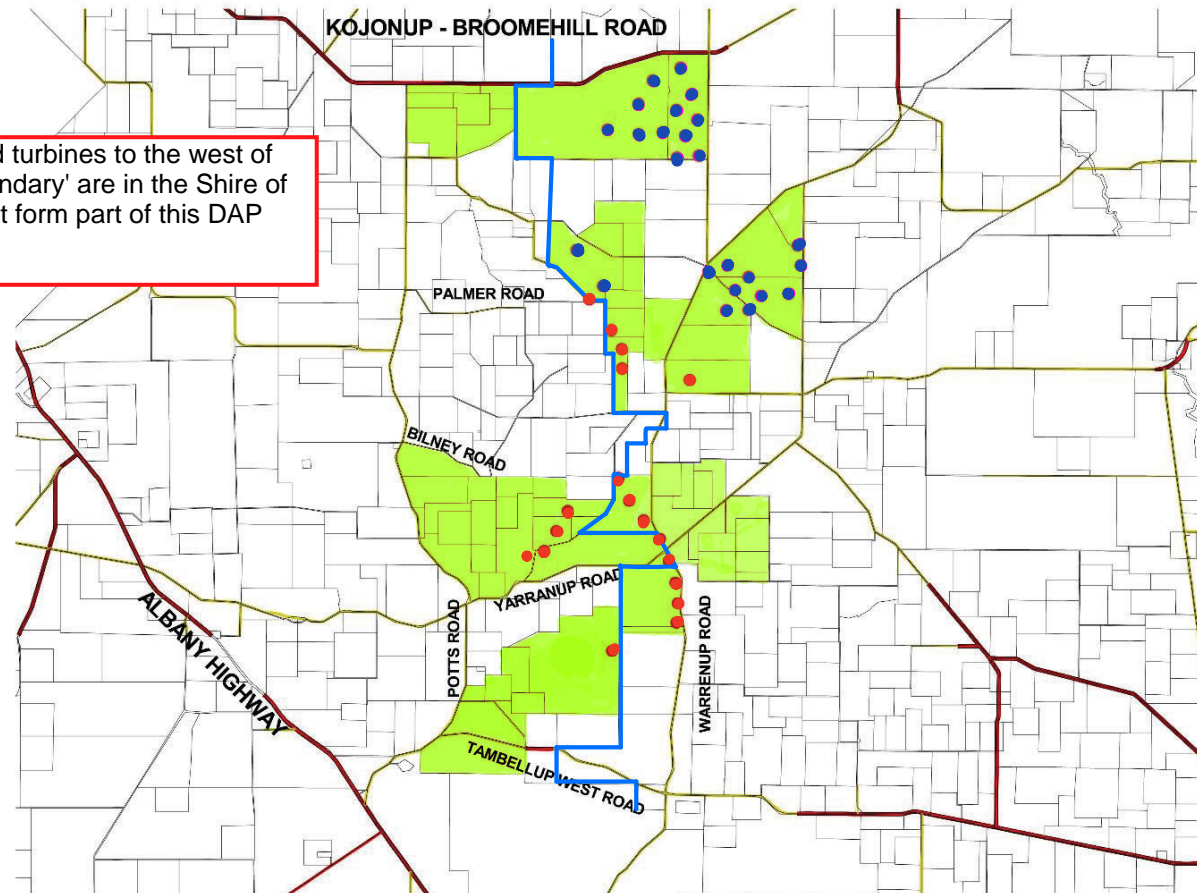
36. Turbine 7 is to be located a minimum of 700m from the boundary location.

All other conditions, footnotes and advice notes detailed on the previous approval dated 22 May 2017 shall remain unless altered by this application. The conditions and advice notes detailed on the original approval dated 26 July 2013 have all been replaced by revised re-numbered conditions and advice notes on the 2017 approval.

Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) or local government approval under regulation 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

TPI Note: The wind turbines to the west of the blue 'Shire boundary' are in the Shire of Kojonup and do not form part of this DAP Application.

- Turbines 2021 layout Stage 2
- Turbines 2021 layout Stage 1
- Shire Boundary
- Development Area



FLAT ROCKS WIND FARM

1000 0 1000 2000 3000 4000 5000 6000 7000 8000 9000 10000 Meters

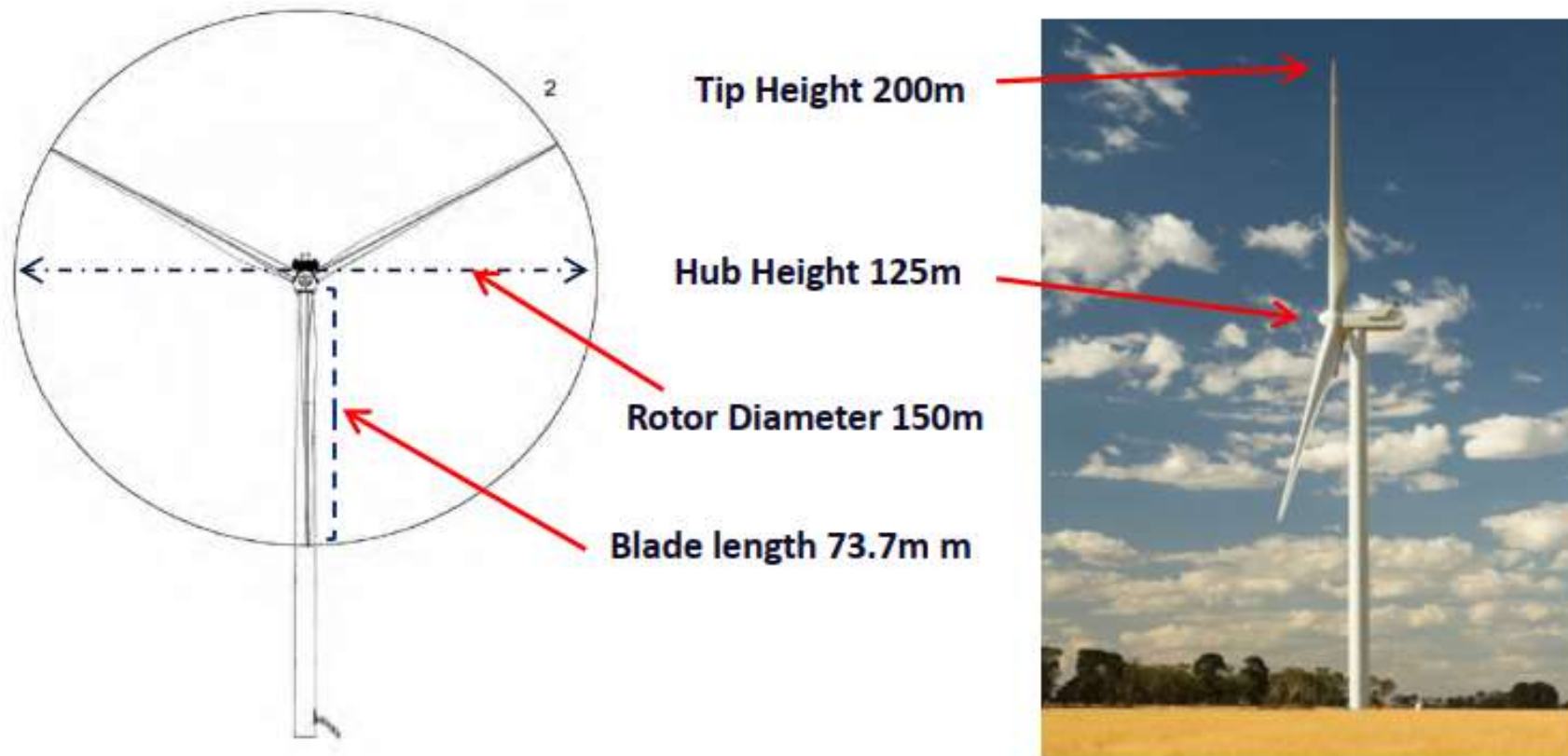


TURBINE LAYOUT 2021

WILLIAM JAMES LANDSCAPE ARCHITECT

22 APRIL 2021

FIGURE 7: Vestas V150 4.2 MW Wind Turbine Specifications



6 December 2022 - Amendment



LG Ref: IPA12112235
DAP Ref: DP/12/01359
Enquiries: (08) 6551 9919

Dr Sarah Rankin
Moonies Hill Energy Pty Ltd
PO Box 151,
Kojonup WA 6395

Dear Dr Rankin

REGIONAL JDAP - SHIRE OF BROOMEHILL-TAMBELLUP - DAP APPLICATION - IPA12112235 - DETERMINATION

| | |
|----------------------|--|
| Property Location: | Flat Rocks Wind Farm - Various Lots in Intaba, Kinghurst and The Meadows Sites, Broomehill and Euvista and Yantecup Sites, Kojonup |
| Application Details: | 74 Wind Turbines and Associated Infrastructure |
| Amendment Details: | Amend Conditions 4, 21, 29 & advice note 9 |

Thank you for your Form 2.3 Development Assessment Panel (DAP) application and plans submitted to the Shire of Broomehill-Tambellup on 27 October 2022 for the above-mentioned development.

The application was considered by the Regional JDAP at its meeting held on 6 December 2022, where in accordance with the provisions of the Shire of Broomehill-Tambellup Shire of Broomehill Town Planning Scheme No.1 and Shire of Tambellup Town Planning Scheme No.2, it was resolved to **approve** the application as per the attached notice of determination.

Should the applicant not be satisfied by this decision, an application may be made to amend or cancel this planning approval in accordance with regulation 17 and 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

Please also be advised that there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. Such an application must be made within 28 days of the determination, in accordance with the *State Administrative Tribunal Act 2004*.

Should you have any queries with respect to the conditions of approval, please contact Ms Liz Bushby on behalf of the Shire of Broomehill-Tambellup on 0488 910 869.

Yours sincerely,

DAP Secretariat

8 December 2022

Encl. DAP Determination Notice
Approved Plans

Cc: Ms Liz Bushby
Shire of Broomehill-Tambellup



Planning and Development Act 2005

**Shire of Broomehill-Tambellup Shire of Broomehill Town Planning Scheme
No.1 and Shire of Tambellup Town Planning Scheme No.2**

Regional Joint Development Assessment Panel

**Determination on Development Assessment Panel
Application for Planning Approval**

Property Location: Flat Rocks Wind Farm - Various Lots in Intaba, Kinghurst and The Meadows Sites, Broomehill and Euvista and Yantecup Sites, Kojonup

Application Details: 74 Wind Turbines and Associated Infrastructure

Amendment Details: Amend Conditions 4, 21, 29 & advice note 9

In accordance with regulation 8 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, the above application for planning approval was **granted** on 6 December 2022, subject to the following:

1. **Accept** that the DAP Application reference DP/12/01359 as detailed on the DAP Form 2 dated 27 October 2022 is appropriate for consideration in accordance with regulation 17 of the *Planning and Development (Development Assessment Panels) Regulations 2011*;
2. **Approve** DAP Application reference DP/12/01359 in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and with the provisions of the Shire of Broomehill Town Planning Scheme No 1 and the Shire of Tambellup Town Planning Scheme No 2, for the proposed minor amendment to the approved wind farm on land known as 'Euvista', 'Intaba', 'Kinghurst', and 'the Meadows' subject to the following modified conditions:
 4. The wind turbines are to be micro-sited in accordance with the following restrictions –
 - (a) All wind turbines shall be located a minimum distance of 1 kilometre from any ~~residential dwelling / sensitive premises~~ existing at the time of the issue of this planning approval. unless approval in writing is first granted from the owner of that ~~residential dwelling / sensitive premises~~ to a closer location;
 - (b) The wind turbines shall be located in accordance with the 'Flat Rocks Wind Farm Landscape and Visual Assessment'. This report requires, in order to satisfy visual amenity considerations, either relocation of specified wind turbines or in the alternative, the implementation of vegetation screening.



21. Prior to commencing any works, the Applicant is to lodge a Noise Impact Mitigation Management Plan for approval by the local government. The Noise Impact Mitigation Management Plan is to outline the process by which the Applicant will –
- (a) Undertake post-commissioning testing to ensure compliance with condition 29, including testing at existing dwellings, based upon the testing procedures and analysis contained in the South Australian EPA Wind Farms Environmental Noise Guidelines (2021) ~~noise sensitive premises~~;
 - (b) Make arrangements with adjoining landowners regarding the construction of dwellings ~~noise sensitive premises~~ on land;
 - (c) Modify micro-siting to ensure compliance with condition 29;
 - (d) Modify the operation of the wind turbines to ensure compliance with condition 29;
 - (e) Manage complaints regarding noise impact during the operational phase of the development.
29. The Applicant shall ensure at all times that the operation of ~~each~~ the wind turbine farm complies with the following noise levels at dwellings ~~noise sensitive premises~~ –
- (a) Will not exceed 35dB(A) (LA90, 10 minutes) ; or
 - (b) Will not exceed the background noise (LA90, 10 minutes) by more than 5dB(A);

whichever is the greater. Assessment of noise impact is to be performed in accordance with South Australian EPA wind farms environmental noise guidelines (2021).

Amended Advice Notes

- g. The applicant is advised that:
- (i) There is potential for vacant lots adjacent to the proposed wind farm to be further developed with ~~sensitive buildings and residential dwellings~~.
 - (ii) Legislation in Western Australia requires that the wind farm comply with the Environmental Protection (Noise) Regulations 1997.
 - (iii) The applicant takes the commercial risk that future wind farm operations may need to be altered or modified to continue to comply with noise limitations.
 - (iv) It is recommended that the applicant prepare and submit acoustic compliance reports by a suitably qualified and independent acoustic engineer to demonstrate compliance with Condition 29 at key stages of development. This would provide compliance assurances to both the local government and surrounding landowners.

New Advice Notes (applicant)

- m. The term 'dwelling' in this approval has the same meaning as the Residential Design Codes Volume 1.



New Advice Notes (TPI)

- n. All other conditions and requirements detailed on the previous approval dated 22 May 2017 shall remain unless altered by this application. The conditions and advice notes detailed on the original approval dated 26 July 2013 have all been replaced by revised re-numbered conditions and advice notes on the 2017 approval.

The advice note on the previous approval dated 22 May 2017 that refers to conditions and advice notes on the original approval dated 26 July 2013 is to be disregarded, and is replaced with advice note n.

All other conditions, footnotes and advice notes remain as per the DAPs' original decision from the SAT application finalised on 22 July 2013.

Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) or local government approval under regulation 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*.