

Appendix A

Development Approvals – Shire of Kojonup

Determination Date	Purpose	Approval Summary
21 Dec 2011	Original Approval	Approved subject to 28 conditions and 4 advice notes.
15 Sept 2015	Amendment	Approved subject to 28 conditions and 4 advice notes (no change to original conditions). Extension granted to 21 December 2019.
19 Jul 2016	Amendment	Approved subject to 28 conditions and 4 advice notes (no change to original conditions). Omitted lots added to determination.
1 Dec 2016	Amendment	Approved subject to 36 conditions and 3 advice notes.
28 Sept 2021	Amendment	Approved subject to 36 conditions and 3 advice notes.
1 November 2022	Amendment	Conditions 4, 21 and 29 amended.

21 December 2011 – Original Approval



Shire of Kojonup

93 Albany Highway, Kojonup
Postal Address: PO Box 163, Kojonup
Western Australia 6395

TELEPHONE: (08) 9831 2400
FACSIMILE: (08) 9831 1566
E-mail: council@kojonup.wa.gov.au
www.kojonup.wa.gov.au

Our Ref: DB.BDA.8
Enquiries: Stephen Gash/Phil Shephard

20 December 2011

Moonies Hill Energy Pty Ltd
78 Pensioner Road
KOJONUP WA 6395

Dear Sir/Madam

Re: Approved Wind Farm within the Shire of Kojonup.

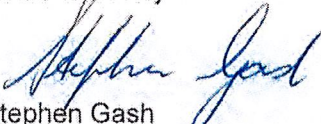
Further to your application of 10 November 2010, the Council of the Shire of Kojonup at its Special Meeting held on the 23rd of November 2011, resolved to approve your proposed wind farm subject to conditions.

Please find attached your planning consent approval form and approved Development Area Plan.

This decision is a discretionary decision of the Shire and you are advised that should you be aggrieved by the decision and/or any condition that relates to it, you have a right of appeal to the State Administrative Tribunal.

If you wish to discuss any of the requirements listed in the approval please do not hesitate to contact me on (08) 9831 2400. You are reminded that this approval is for planning consent only and no building construction may commence until the required Building Licence has been issued.

Yours sincerely


Stephen Gash
Chief Executive Officer

enc's: P/C approval form and approved Development Area Plan



SHIRE OF KOJONUP TOWN PLANNING SCHEME NO 3 PLANNING APPROVAL

Application Dated: 10 November 2010
Owner of Land: Michael Bilney as trustee for the AJ Bilney Family Trust; Dovercourt Pty Ltd; HM & JM Thorn as trustees for the Yantecup Trust, the John Maxwell Thorn Family Trust and the Hillary May Thorn Family Trust; and Rocky Creek Pty Ltd
Applicant: Moonies Hill Energy Pty Ltd
78 Pensioner Road, Kojonup WA 6395

Details of Land:

Lot No: Various **Street:** Various **Location No:** Includes 96, 4747, 781, 1158, 1748, 1017, 1016, 4429, 6315, 7362, 5187, 1790, 1641, 1085, 6932, 1028, 1111, 7725, 6474, 1107, 4386, 725, 1110, 6085, 1697, 5979, 6855 & 6854
Certificate of Title **Volume:** Various **Folio:** Various

Conditions of Approval (where applicable):

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), whichever 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.*

Signed


Chief Executive Officer

Date

21/12/2014

This Approval is valid for a period of 48 months only.

15 September 2015 - Amendment

12.3 REQUEST FOR EXTENSION OF PLANNING CONSENT APPROVAL PERIOD – MOONIES HILL ENERGY PTY LTD

AUTHOR: Phil Shephard – Town Planner
DATE: Thursday, 3 September 2015
FILE NO: DB.BDA.8
ATTACHMENT: 12.3 Application Letter

DECLARATION OF INTEREST

Nil.

SUMMARY

To consider the request to extend the planning consent for the approved windfarm for an additional 4-years until December 2019.

The recommendation is to grant the extension.

BACKGROUND

The windfarm was originally approved by Council at a Special Council Meeting held on the 23rd November 2011 with planning approval granted for a 4-year period up until 21 December 2015.

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.**
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 - 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.**
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- 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:
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 - 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:

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- 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

Following an approach from Moonies Hill to the Shire in August 2014 regarding the possibility of an extension to the approval period, a scheme amendment was completed in August 2015, including a number of updated standard provisions including one that would enable the Council to consider an extension to an existing approval.

COMMENT

Proposal

The Managing Director of Moonies Hill Energy Pty Ltd (Dr. Sarah Rankin) recently provided a briefing to Councillors regarding the progress made to date on developing the windfarm and to provide some background to the request for an extension.

The proponents have made solid progress through the financial and regulatory processes towards the construction of the windfarm and an extension is considered appropriate for an additional 4-years. Whilst the proposal has been refined and is likely to be smaller than originally proposed, none of the existing conditions of the approval are recommended to be changed.

TPS3 Scheme Controls

Clause 6.3.7 of TPS3 advises:

6.3.7 *Term of Planning Consent*

6.3.7.1 *Where the local government grants Planning Consent for the development of land:*

- (a) *The development approved is to be substantially commenced within 2 years, or such other period as specified in the approval, after the date of the determination; and*
- (b) *The approval lapses if the development has not substantially commenced before the expiration of that period.*
- 6.3.7.2 *A written request may be made to the local government for an extension of the term of Planning Consent at any time prior to the expiry of the approval period in clause 6.3.7.1.*

Alternate Options

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

1 *Not approve the extension*

The Council can choose to refuse to approve the extension and this would mean that the approval will lapse in December 2015. The proponents would then need to seek a new approval if they wanted to proceed with the windfarm.

2 *Approve the extension*

The Council can choose to approve the extension, with or without conditions.

3 *Defer the extension*

The Council can choose to defer the matter for a period of time and seek additional information, or seek public submissions, if deemed necessary to complete the assessment before proceeding to make a decision.

This is a discretionary decision and the applicant has a right to request a review of any decision and/or condition made by the Local Government to the State Administrative Tribunal if aggrieved by the decision and/or any condition.

CONSULTATION

Dr. Sarah Rankin (Managing Director of Moonies Hill Energy Pty Ltd) provided a briefing to Councillors on Tuesday 1 September 2015.

STATUTORY REQUIREMENTS

Planning and Development Act 2005 – Town Planning Scheme No. 3 is an operative local planning scheme under the Act.

POLICY IMPLICATIONS

Nil applicable.

FINANCIAL IMPLICATIONS

Nil applicable.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013 - 2023 Focus Area 1.8 – Building Prosperity

Corporate Business Plan 2013 – 2017

Strategy 1.8.1 Building local economic capacity to generate wealth and provide a variety of local employment opportunities

RISK MANAGEMENT IMPLICATIONS

The item covers several risk areas to Council including strategy and planning, community, environment and heritage, legal and political and services and functions. The organisational risk and proposed treatment or mitigation is summarised in the following table:

Risk Description	Risk Likelihood	Risk Consequence	Risk Classification	Risk Treatment
Council does not grant planning consent for the	Unlikely	Minor	Low	Manage by routine procedures, unlikely to need specific

Risk Description	Risk Likelihood	Risk Consequence	Risk Classification	Risk Treatment
extension to the planning approval period for the windfarm				application of resources. Grant the extension

ASSET MANAGEMENT IMPLICATIONS

Nil applicable.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION / OFFICER RECOMMENDATION

138/15 Moved Cr Sexton, seconded Cr Trethowan that Council pursuant to Clause 6.3.7 of Town Planning Scheme No. 3 grant a 4-year extension to the planning approval period for the Moonies Hill Energy Pty Ltd windfarm proposal until 21 December 2019 subject to the same conditions on the original planning approval determined by Council at its 23 November 2011 meeting.

CARRIED 7/0

Item 10.1 was considered after Item 12.3 but has been recorded in the order of the agenda.



Moonies Hill Energy Pty Ltd
 78 Pensioner Road Kojonup WA 6395 E: info@mhenergy.com.au
 PO Box 151 Kojonup WA 6395 W: www.mhenergy.com.au

2 September 2015

Mr Rick Mitchell-Collins
 Chief Executive Officer
 Shire of Kojonup
 93-95 Albany Highway
 Kojonup WA 6395

Dear Rick

RE: Extension of current development approval for Flat Rocks Wind Farm

The Shire of Kojonup granted development approval for the Flat Rocks Wind Farm at a Special Council Meeting 23rd November 2011 with final confirmation received by Moonies Hill Energy Pty Ltd (MHE) on 20 December 2011. Planning approval was granted for the construction of up to 30 wind turbine generators and associated infrastructure within a period of 48 months of the approval. This translates to the requirement of substantial commencement before the 21 December 2015.

Since granting the development approval MHE has worked very hard to ensure that this time period could be met. However due to circumstances beyond the control of MHE, the project development has been delayed and as a result MHE would like to request an extension of the current development approval for an additional 4 year period with the same conditions.

Below I have outlined a brief explanation of events which have led to delays in the project;

- Delayed planning approval process in Shire of Broomehill-Tambellup;
 - MHE withdrew the Flat Rocks wind farm planning application in Broomehill-Tambellup (July 2011) when a conflict in Town Planning Scheme land use classification was identified
 - This action triggered the need for a scheme amendment process in Broomehill-Tambellup to allow re-lodgement of planning application – scheme amendment passed 31 May 2012
 - Joint Great Southern Development Assessment Panel (GSDAP) assessed and rejected planning application – no grounds given – 26 February 2013
 - MHE attended SAT proceedings with GSDAP requesting reconsideration of planning application – reconsideration meeting held 12 July 2013
 - JGSDAP unanimously granted development approval for up to 44 wind turbines and associated infrastructure on 26 July 2013
- Federal Government review of the Renewable Energy Target (RET);
 - Despite an election promise to maintain the current RET, the Abbott Government called for a review and scrapping of the RET in February 2014
 - This created a significant level of uncertainty across the renewable energy industry which resulted in an Australia wide stalling of project finance negotiations
 - Since the renewed bipartisan support for the RET, project finance discussions have recommenced



Moonies Hill Energy Pty Ltd
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- WA State Government review of the WA Energy Market;
 - WA Energy Minister called for review of the WA Energy Market in March 2014 with possible reform to capacity market, management of the market and network access
 - The review created an additional level of uncertainty in the WA energy market and stalled power offtake negotiations and further confused project finance discussions
 - Western Power was forced to stall ongoing connection works due to uncertainty as to how a "new" WA electricity market would operate – ongoing connection path stalled
 - In July 2015 the connection process was reopened and a path to connection is now clear

MHE has worked tirelessly through this period of political and project uncertainty and is pleased to inform the Shire we have made excellent progress since the barriers have been removed. The board is now very confident of the project reaching financial close and bringing the Flat Rocks wind farm to fruition. It is hoped the Shire Council will continue to support the development of the Flat Rocks wind farm and the hard work undertaken to date by granting an extension to the current development approval with the same conditions and allow this exciting project to be realised.

Yours sincerely

Dr Sarah Rankin
Managing Director
Moonies Hill Energy Pty Ltd

19 July 2016 - Amendment

SHIRE OF KOJONUP



MINUTES

Ordinary Council Meeting

19 July 2016

SHIRE OF KOJONUP**MINUTES FOR THE COUNCIL MEETING HELD ON 19 JULY 2016****TABLE OF CONTENTS**

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MINUTES

1 **DECLARATION OF OPENING AND ANNOUNCEMENT OF GUESTS**

The Shire President declared the meeting open at 3:02pm and alerted the meeting of the procedures for emergencies including evacuation, designated exits and muster points and drew the meeting's attention to the disclaimer below:

Disclaimer

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

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

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

2 **ATTENDANCE & APOLOGIES**

Cr Ronnie Fleay	Shire President
Cr Frank Pritchard	
Cr Ian Pedler	
Cr Graeme Hobbs	
Cr Ned Radford	
Cr Jill Mathwin	

Mr Rick Mitchell-Collins	Chief Executive Officer
Mr Anthony Middleton	Manager Corporate Services
Mr Mort Wignall	Manager Regulatory Services
Mr Craig McVee	Manager Works & Services
Mr Phil Shephard	Town Planner
Mrs Michelle Dennis	Development Services Coordinator
Miss Miranda Wallace	Executive Assistant
Mrs Dominique Magini	Records Officer

Members of the Gallery	2
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APOLOGIES

Nil

LEAVE OF ABSENCE

Cr Robert Sexton
Cr Judith Warland

3 SUMMARY OF RESPONSE TO PREVIOUS QUESTIONS TAKEN ON NOTICE

Nil

4 PUBLIC QUESTION TIME

Nil

5 PETITIONS, DEPUTATIONS & PRESENTATIONS

Nil

6 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

7 CONFIRMATION OF MINUTES

ORDINARY MEETING 21 JUNE 2016

COUNCIL DECISION

92/16 Moved Cr Pritchard, seconded Cr Radford that the Minutes of the Ordinary Meeting of Council held on 21 June 2016 be confirmed as a true record.

CARRIED 6/0

8 ANNOUNCEMENTS by the Presiding Member without discussion

Nil

9 DECLARATIONS OF INTEREST

Item 10.3

- Cr Pritchard declared a ‘Closely Associated Persons’ interest.

Item 12.2

- Cr Mathwin declared a ‘Financial’ interest.
- Councillors Fleay, Sexton, Mathwin and Radford have all declared a previous interest for this item. Councillors Fleay, Radford & Hobbs have been granted ‘permission to participate’ in this item under section 5.69(3)(a) of the *Local Government Act 1995* by the Department of Local Government & Communities.

Item 13.2

- Cr Hobbs declared an ‘Impartiality’ interest as he is a member of the APEX Club, the Returned & Services League and the Men’s Shed.

Item 12.3 was considered after Item 9 (for the purpose of the members of the gallery) but has been recorded in the order of the Agenda.

Item 12.3 was considered after Item 9 but has been recorded in the order of the Agenda.

12.3 REQUEST TO AMEND DEVELOPMENT APPROVAL FOR MOONIES HILL ENERGY PTY LTD – WINDFARM DEVELOPMENT

AUTHOR: Phil Shephard – Town Planner
 DATE: Sunday, 10 July 2016
 FILE NO: DB.BDA.8
 ATTACHMENT: 12.3.1 Original Approved Development Area Plan
 12.3.2 New Development Area Plan

DECLARATION OF INTEREST

Nil

SUMMARY

The original approval notice issued by the Shire in November 2011 to Moonies Hill Energy Pty Ltd did not contain all of the properties that formed the application. This report identifies those properties and recommends they be added to the approval accordingly.

BACKGROUND

The Council at its 21 November 2011 Special Meeting (Resolution 109/11) resolved to approve the windfarm with 28 conditions attached. Following the meeting, staff prepared the formal approval notice which listed these conditions and advice and stamped a development area plan.

As Moonies Hill Energy have progressed with the development of the windfarm it was noticed that not all of the properties that formed the application had been included on the notice form and/or plan and requested the Shire investigate the matter.

COMMENT

Staff have completed an investigation into the missing properties and it is clear that they were part of the application and have been missed from the approval notice without reason (i.e. it is an administrative error) and should be shown on the notice and/or plan

The lots and locations in question are each dealt with below:

Lot/Location	Landowner	Comment
Lot 4787 (P128148)	HM & JM Thorn	This lot was part of the original application. The lot has not been included in the list of properties on the approval form. It is included within the approved Development Area plan. Action: Lot 4787 to be included in the list of approved properties on approval form.
Lot 1 (Location 8782)	AJ Cant	This lot formed part of the original application. The lot is not within the Shire of Kojonup and has not been included in the list of properties on the approval form or included within the approved Development Area plan. Action: None required.
Location 8783	AJ Cant	This lot formed part of the original application. The lot is not within the Shire of Kojonup and has not been included in the list of properties on the

Lot/Location	Landowner	Comment
		approval form or included within the approved Development Area plan. Action: None required.
Lot 1 (D50672)	CC Cant	This lot was part of the original application. The lot has not been included in the list of properties on the approval form or included within the approved Development Area map. Action: Lot 1 to be included in the list of approved properties on approval form and shown within the approved area on the stamped approved Development Area plan.
Lot 2 (D61953)	CC Cant	This lot was part of the original application. The lot has not been included in the list of properties on the approval form or included within the approved Development Area map. Action: Lot 2 to be included in the list of approved properties on approval form and shown within the approved area on the stamped approved Development Area plan.
Locations 1000 and 4224	CC Cant	These locations were part of the original application. They have not been included in the list of properties on the approval form or included within the approved Development Area map. Action: Locations 1000 and 4224 to be included in the list of approved properties on approval form and shown within the approved area on the stamped approved Development Area plan.
Lot 3936 (DP124135)	CC Cant	This lot was part of the original application. The lot has not been included in the list of properties on the approval form or included within the approved Development Area map. Action: Lot 3936 to be included in the list of approved properties on approval form and shown within the approved area on the stamped approved Development Area plan.
Lot 1001 (DP101263)	CC Cant	This lot was part of the original application. The lot has not been included in the list of properties on the approval form or included within the approved Development Area map. Action: Lot 1001 to be included in the list of approved properties on approval form and shown within the approved area on the stamped approved Development Area plan.

The properties that were missed were mainly from the Northern end of the windfarm development area and are shown in the attached New Development Area Plan.

Alternate Options

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

1 Approve the amendment to the approval.

The Council can choose to support the amendment to the approval without, or without, conditions. This would see the approval amended to include all properties that formed the application and should have been included on the approval.

2 Refuse to approve the amendment to the approval

The Council can choose to refuse the amendment to the approval. This would be against the advice of staff and inconsistent with the decision of the Council in November 2011.

3 Defer the application

The Council can choose to defer the application and seek additional information if considered necessary to determine the request.

This is a discretionary decision and the applicant has a right to request a review of any decision and/or condition made by the Local Government to the State Administrative Tribunal if aggrieved by the decision and/or any condition.

CONSULTATION

Moonies Hill Energy Pty Ltd.

Development Assessment Panels

STATUTORY REQUIREMENTS

Officers from the Development Assessment Panels at the Department of Planning have confirmed that as the Shire issued the original development approval, the approval granted would not be a DAP approval under the *Planning and Development (Development Assessment Panels) Regulations 2011*. The Shire is therefore the relevant authority for any modifications to the approval.

The amending or cancelling of a development approval is governed by clause 77 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. The inclusion of the additional lots/locations is considered to be a minor change (as they always formed part of the application) and Council is requested to waive the application requirements due to the administrative error uncovered.

POLICY IMPLICATIONS

There are no local planning policies affecting the proposal.

FINANCIAL IMPLICATIONS

There is no application fee for amending/cancelling a development approval included within the Shire's 2015/2016 Schedule of Fees and Charges.

STRATEGIC/CORPORATE IMPLICATIONS

Community Strategic Plan 2013 – 2023

Outcomes:

- E2 – Building Prosperity
- G1 – Being Well Governed

Corporate Business Plan 2013 – 2017

Objectives:

- E2.1 – Building local economic capacity to generate wealth and provide a variety of employment opportunities.
- G1.3 – Support regional collaboration and resource sharing.

RISK MANAGEMENT IMPLICATIONS

The item covers several risk areas to Council including strategy and planning, compliance and reputation functions. The organisational risk and proposed treatment or mitigation is summarised in the following table from the Shire's Risk Management Plan:

Risk Description	Risk Likelihood	Risk Consequence	Risk Classification	Risk Treatment
Council does not approve the proposed amendment	Unlikely	Major	Medium	Manage by specific monitoring or response procedures.

ASSET MANAGEMENT IMPLICATIONS

There are no asset management implications arising from this report.

SOUTHERN LINK VROC (VOLUNTARY REGIONAL ORGANISATION OF COUNCILS) STRATEGIC PLAN IMPLICATIONSSouthern Link VROC Strategic Directions 2015 – 2020

Regional Economic Development:

Goal One – Stimulate economic growth and business opportunity:

Regional Community Development:

Goal Five – Build capacity to enable communities to achieve.

VOTING REQUIREMENTS

Simple Majority

The Town Planner tabled several copies of Attachment 12.3.2.

COUNCIL DECISION/OFFICER RECOMMENDATION

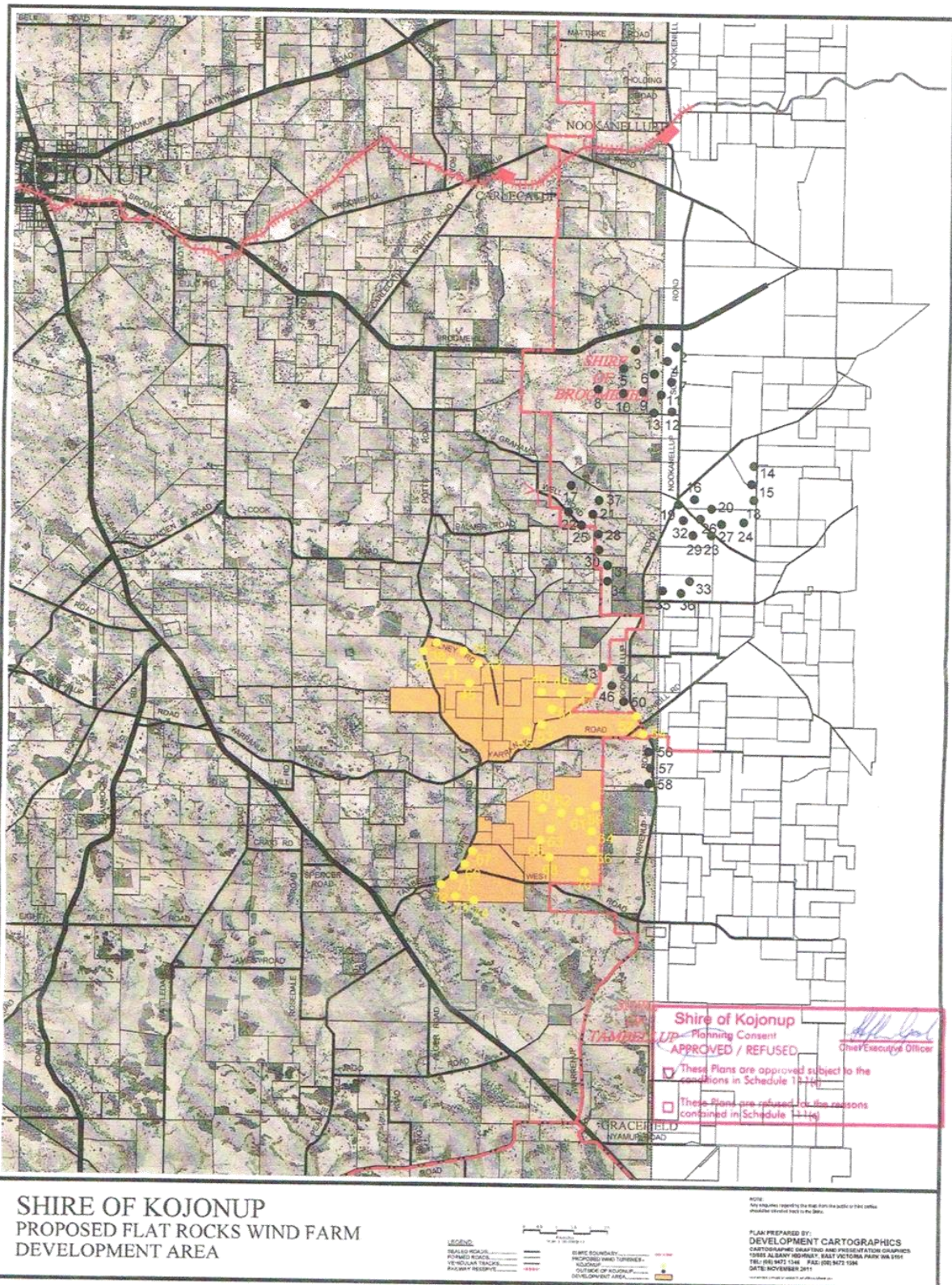
93/16 Moved Cr Mathwin, seconded Cr Radford that Council in accordance with Regulation 77 of the *Planning and Development (Local Planning Schemes) Regulations 2015* approve the amendment of the development approval to Moonies Hill Energy Pty Ltd by including:

- **Lot 4787 (P128148) in the list of approved properties on approval form; and**
- **Lot 1 (D50672), Lot 2 (D61953), Locations 1000 and 4224, Lot 3936 (DP125135) and Lot 1001 (DP101263) in the list of approved properties on approval form and shown within the approved area on the stamped approved Development Area plan.**

CARRIED 6/0

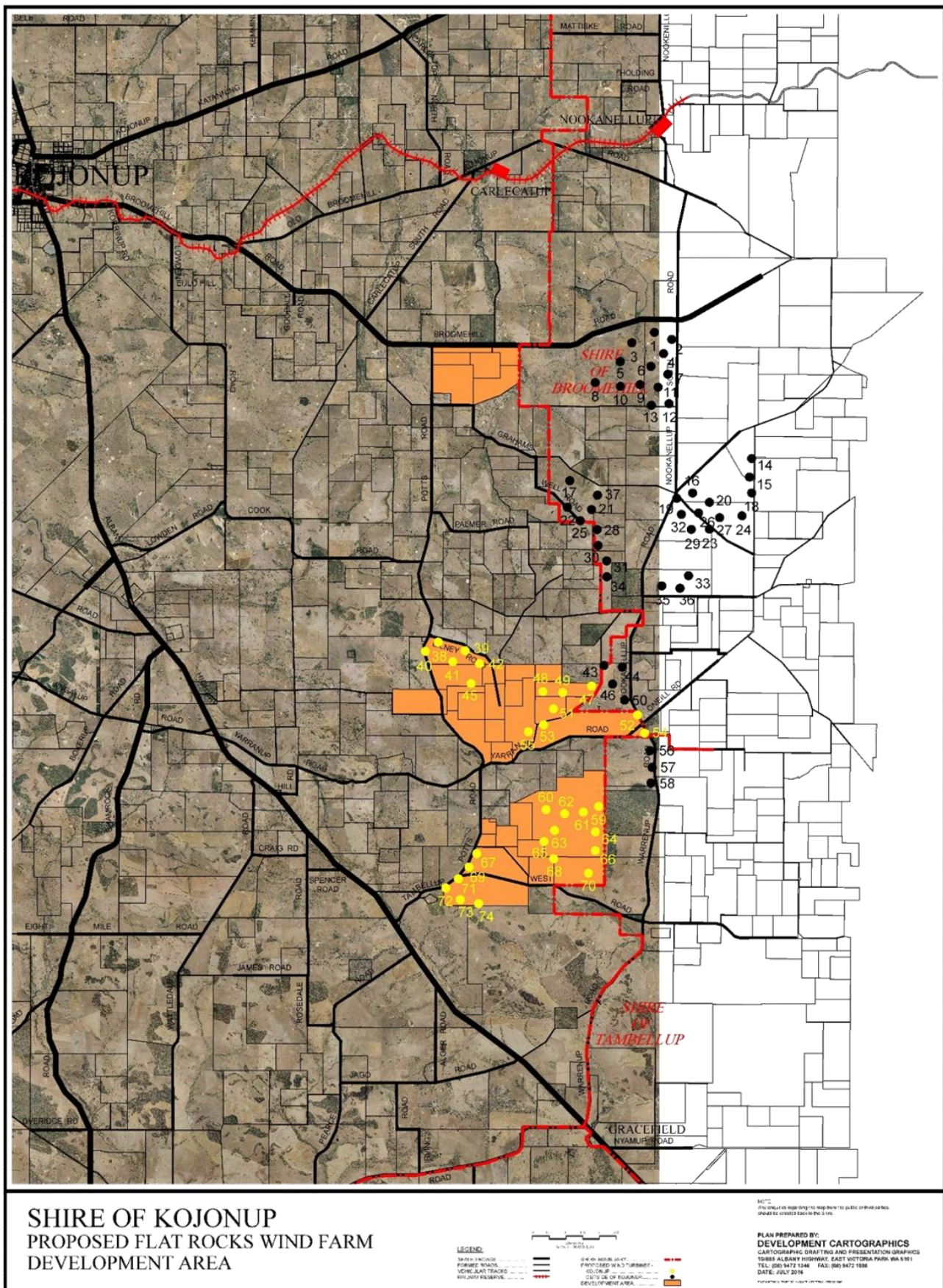
3:06pm – The members of the gallery departed from the Chamber.

Attachment 12.3.1



ATTACHMENT 1 – ORIGINAL APPROVED DEVELOPMENT PLAN AREA

Attachment 12.3.2



Attachment 2 – New Development Area Plan

1 December 2016 - Amendment



Kojonup

One community, many choices

Our Ref: OCR8220 – DB.BDA.8

Sarah Rankin
Moonies Hill Energy Pty Ltd
PO Box 108
KOJONUP WA 6395

7 December 2016

Dear Sarah,

**MOONIES HILL ENERGY PTY LTD REQUEST TO INCLUDE REVISED WIND
TURBINE MODEL/LAYOUT & HARMONISE DEVELOPMENT APPROVAL
CONDITIONS FOR APPROVED WINDFARM**

The Shire of Kojonup at its 1 December 2016 Special Meeting considered your above request and resolved to approve the new wind turbine (Vestas V126 3.45MW) and issue a revised development approval including the harmonised conditions as listed in the attached development approval form.

As this application represents a discretionary decision made by the Shire of Kojonup, should you be aggrieved by any part of this decision, or any condition of the approval you have a right to apply for a review of the decision in accordance with the *Planning and Development Act 2005* to the State Administrative Tribunal.

If you have any questions or queries regarding this matter, please do not hesitate to contact Rick Mitchell-Collins (CEO) or Phil Shephard through the Shire Office on (08) 9831 2400.

Yours Sincerely,



Phil Shephard
Shire Planner

enc: *Planning Approval Form & Stamped Plan*

Shire of Kojonup

93-95 Albany Highway, Kojonup WA 6395

Postal address: PO Box 163, Kojonup WA 6395

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

Shire of Kojonup

Notice of determination on application for development approval

Location: *Various including 4787, 1, 2, 1000, 1001, 4224, 3936, 96, 4747, 781, 1158, 1748, 1017, 1016, 4429, 6315, 7362, 5187, 1790, 1641, 1085, 6932, 1028, 1111, 7725, 6474, 1107, 4386, 725, 1110, 6085, 1697, 5979, 6855 & 6854*

Lot: *Various* Plan/Diagram: *Various*

Vol. No: *Various* Folio No: *Various*

Application date: *15 November 2016*

Received on: *15 November 2016*

Description of proposed development:
Windfarm

The application for development approval is:

Approved subject to the following 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 9 wind turbines.

3) The location of the wind turbines shall be generally in accordance with the attached plan, 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 that the alternative turbine can comply with condition 29 below.

6) The transformer associated with each wind turbine shall be located beside each tower or enclosed within the tower.

7) The wind turbines and rotors are to be constructed utilising a light grey colour.

8) All wind turbine towers are to be fully enclosed (to prevent birds perching or nesting).

9) All wind turbine towers to be unlit, unless required to comply with CASA regulations or the recommendations of the Applicant's risk management strategy.

10) The maximum height of each wind turbine shall be 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;
 - (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, 20, 21, and 22. The purpose of the Staging Plan is to determine the scope of information required in order to satisfy the conditions of approval as it relates to that stage.*
- 24) *Prior to commencing any works, the Applicant is to advise the following entities regarding the construction of the wind turbines, including estimated dates of installation, details of exact locations and heights –*
 - 24.1 *Civil Aviation Safety Authority (CASA);*
 - 24.2 *Airservices Australia;*
 - 24.3 *Royal Flying Doctor Service;*
 - 24.4 *Royal Australian Air Force;*
 - 24.5 *All known private airstrip owners within 20km of any wind turbine;*
 - 24.6 *All known aerial agriculture operators, including the Aerial Agriculture Association of Australia.*
- 25) *Prior to commencing any works the Applicant is to acknowledge in writing to the satisfaction of the Shire that they are responsible for the remedying of any electromagnetic interference to pre-construction quality of signals directly attributable to the operation of the wind farm.*

Construction conditions

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

Operational conditions

- 29) *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 (LA90, 10 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.*

Additional development

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

Date of determination: **6 December 2016**

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.

Note 2: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

Note 3: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.



Signed: _____ Dated: **6 December 2016**
for and on behalf of the Shire of Kojonup

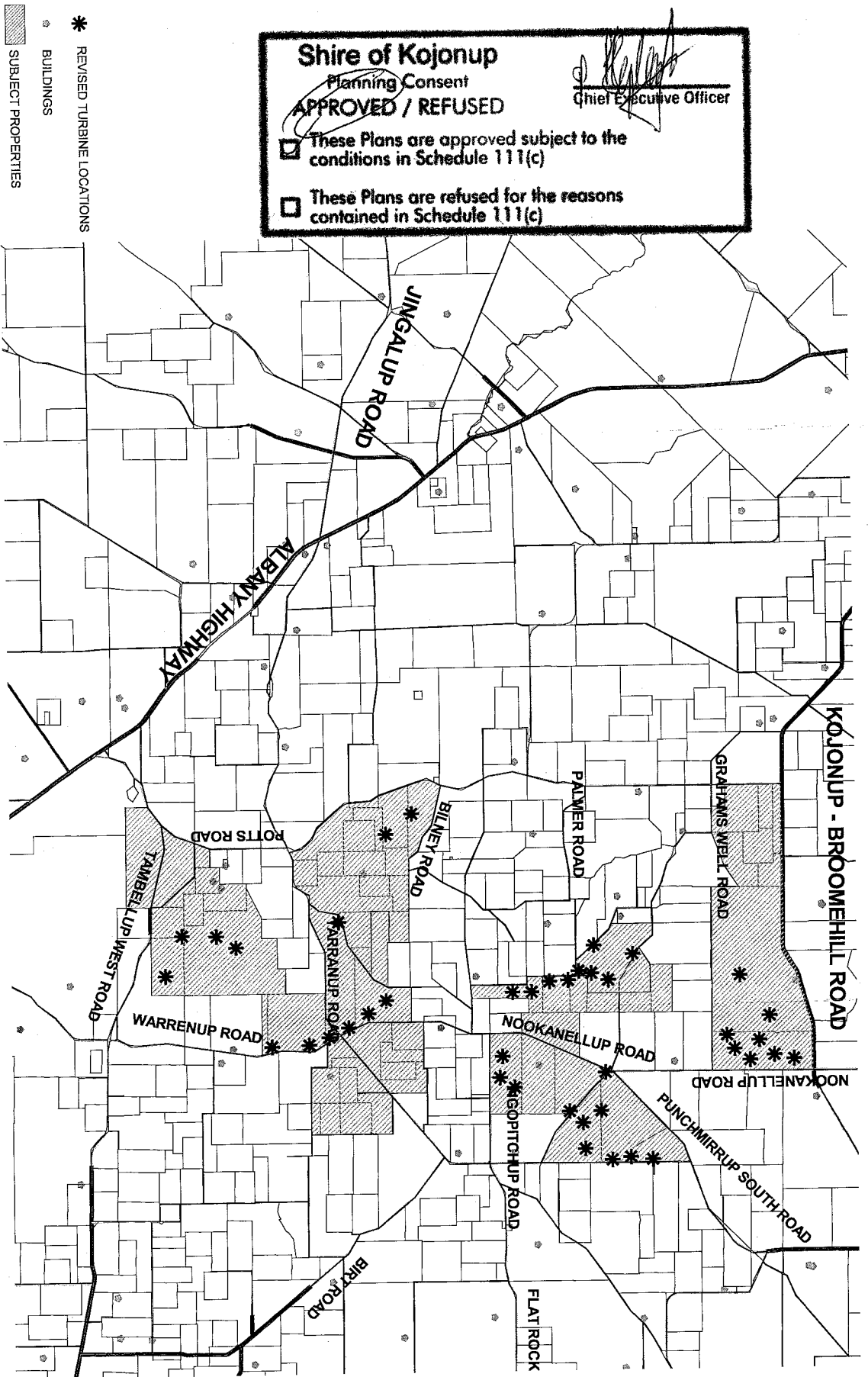
FLAT ROCKS WIND FARM



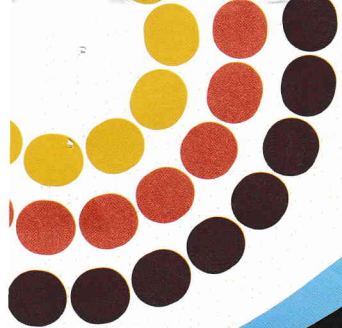
WILLIAM JAMES LANDSCAPE ARCHITECT

16 NOVEMBER 2016

REVISED TURBINE LAYOUT



28 September 2021 - Amendment



Our Ref: DB.BDA.8

Dr Sarah Rankin – Managing Director
Moonies Hill Energy Pty Ltd
5 Barnfield Road
CLAREMONT WA 6010

Dear Sarah,

**MOONIES HILL ENERGY PTY LTD REQUEST TO AMEND CONDITIONS OF DEVELOPMENT
APPROVAL FOR THE FLAT ROCKS WIND FARM.**

The Shire of Kojonup considered your above request and resolved at its 28 September 2021 meeting to approve the request and amend the conditions.

Please find enclosed the Notice of determination on application for development approval form. The proposal may now proceed in accordance with the conditions set out in the attached approval form and plans.

This is a discretionary decision by the Shire, and you have a right to request a review of any decision and/or condition made by the Local Government to the State Administrative Tribunal if you are aggrieved by the decision and/or any condition. Appeals must be lodged within 28-days of receiving this advice.

If you have any questions or queries regarding this matter, please do not hesitate to contact Grant Thompson (Chief Executive Officer) or Phil Shephard (Town Planner) through the Shire Office on (08) 9831 2400.

Yours sincerely,



Phil Shephard
Town Planner

5/10/2021

Enc.

Shire of Kojonup

93-95 Albany Highway, Kojonup WA 6395

Postal address: PO Box 163, Kojonup WA 6395

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

Planning and Development Act 2005

Shire of Kojonup

Notice of determination on application for development approval

Location: *Various including 4787, 1, 2, 1000, 1001, 4224, 3936, 96, 4747, 781, 1158, 1748, 1017, 1016, 4429, 6315, 7362, 5187, 1790, 1641, 1085, 6932, 1028, 1111, 7725, 6474, 1107, 4386, 725, 1110, 6085, 1697, 5979, 6855 & 6854*

Lot: *Various* Plan/Diagram: *Various*

Vol. No: *Various* Folio No: *Various*

Application date: *10 August 2021* Received on: *10 August 2021*

Description of proposed development:

Wind farm

The application for development approval is:

Substantial commencement

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

Wind turbine location and micro-siting

- 2) *This approval is for a maximum of 9 wind turbines.*
- 3) *The location of the wind turbines shall be generally in accordance with the attached plan, 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 V150 4.2MW 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 that the alternative turbine can comply with condition 29 below.*

- 6) *The transformer associated with each wind turbine shall be located beside each tower or enclosed within the tower.*
- 7) *The wind turbines and rotors are to be constructed utilising a light grey colour.*
- 8) *All wind turbine towers are to be fully enclosed (to prevent birds perching or nesting).*
- 9) *All wind turbine towers to be unlit, unless required to comply with CASA regulations or the recommendations of the Applicant's risk management strategy.*
- 10) *The maximum height of each wind turbine shall be 200 metres, measured from the base of the tower to the rotor tip at its maximum elevation.*

Temporary development

- 11) *The development approval also grants temporary development approval for the following –*
 - (a) *temporary service roads and car parks;*
 - (b) *crane hardstand areas;*
 - (c) *concrete batching plants;*
 - (d) *construction compounds;*
 - (e) *water tanks; 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;*
 - (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, 20, 21, and 22. The purpose of the Staging Plan is to determine the scope of information required in order to satisfy the conditions of approval as it relates to that stage.
- 24) Prior to commencing any works, the Applicant is to advise the following entities regarding the construction of the wind turbines, including estimated dates of installation, details of exact locations and heights –
- 24.1 Civil Aviation Safety Authority (CASA);
 - 24.2 Airservices Australia;
 - 24.3 Royal Flying Doctor Service;
 - 24.4 Royal Australian Air Force;
 - 24.5 All known private airstrip owners within 20km of any wind turbine;
 - 24.6 All known aerial agriculture operators, including the Aerial Agriculture Association of Australia.

- 25) *Prior to commencing any works the Applicant is to acknowledge in writing to the satisfaction of the Shire that they are responsible for the remedying of any electromagnetic interference to pre-construction quality of signals directly attributable to the operation of the wind farm.*

Construction conditions

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

Operational conditions

- 29) *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 (LA90, 10 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 wind farm, or any wind turbines in the wind farm, the Applicant is to lodge a Decommissioning and Rehabilitation Management Plan for approval by the local government. The Decommissioning and Rehabilitation Management Plan is to include –*
- (a) a detailed decommissioning schedule or works with timeframes for each stage;*
 - (b) a Traffic Management Plan;*
 - (c) a Fire Management Plan;*
 - (d) sufficient information that clearly outlines any below ground infrastructure to be retained on site and its treatment to allow for continued agricultural use;*
 - (e) implementation of suitable mechanisms to alert prospective purchasers of retention of any below ground infrastructure which may affect future building locations or development*

- 33) *The Applicant is to implement the Decommissioning and Rehabilitation Management Plan during the decommissioning and rehabilitation process.*
- 34) *All lots the subject of this development approval shall be returned to pre-development state following decommissioning, with the exception that underground infrastructure (such as footings and cables) may be retained below normal ploughing levels where retention allows for continued agricultural use.*
- 35) *If any below ground infrastructure is retained on site following decommissioning, notifications are to be placed on the affected Certificates of Title to alert prospective purchasers that there are underground cables and or infrastructure on the land which may impact on future development or building locations, within 3 months of the wind farm being decommissioned. The Notifications are to be prepared and lodged at the cost of the Applicant.*

Additional development


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

Date of determination: **28 September 2021**

Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or another period specified in the approval after the date of the determination, the approval will lapse and be of no further effect.

Note 2: Where an approval has so lapsed, no development must be carried out without the further approval of the local government having first been sought and obtained.

Note 3: If an applicant or owner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be made within 28 days of the determination.

Signed:  Dated: 5/10/2021
for and on behalf of the Shire of Kojonup

Our Ref: DB.BDA.8

Dr Sarah Rankin – Managing Director
Moonies Hill Energy Pty Ltd
5 Barnfield Road
CLAREMONT WA 6010

Dear Sarah,

APPROVED WIND FARM PLAN.

Further to our recent development approval advice of 5 October 2021, please find attached stamped approved plan for the wind farm development (see condition 3 of the approval).

If you have any questions or queries regarding this matter, please do not hesitate to contact Grant Thompson (Chief Executive Officer) or Phil Shephard (Town Planner) through the Shire Office on (08) 9831 2400.

Yours sincerely,



Phil Shephard
Town Planner

12/10/2021

Shire of Kojonup

93-95 Albany Highway, Kojonup WA 6395

Postal address: PO Box 163, Kojonup WA 6395

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

Shire of Kojonup

Planning Consent

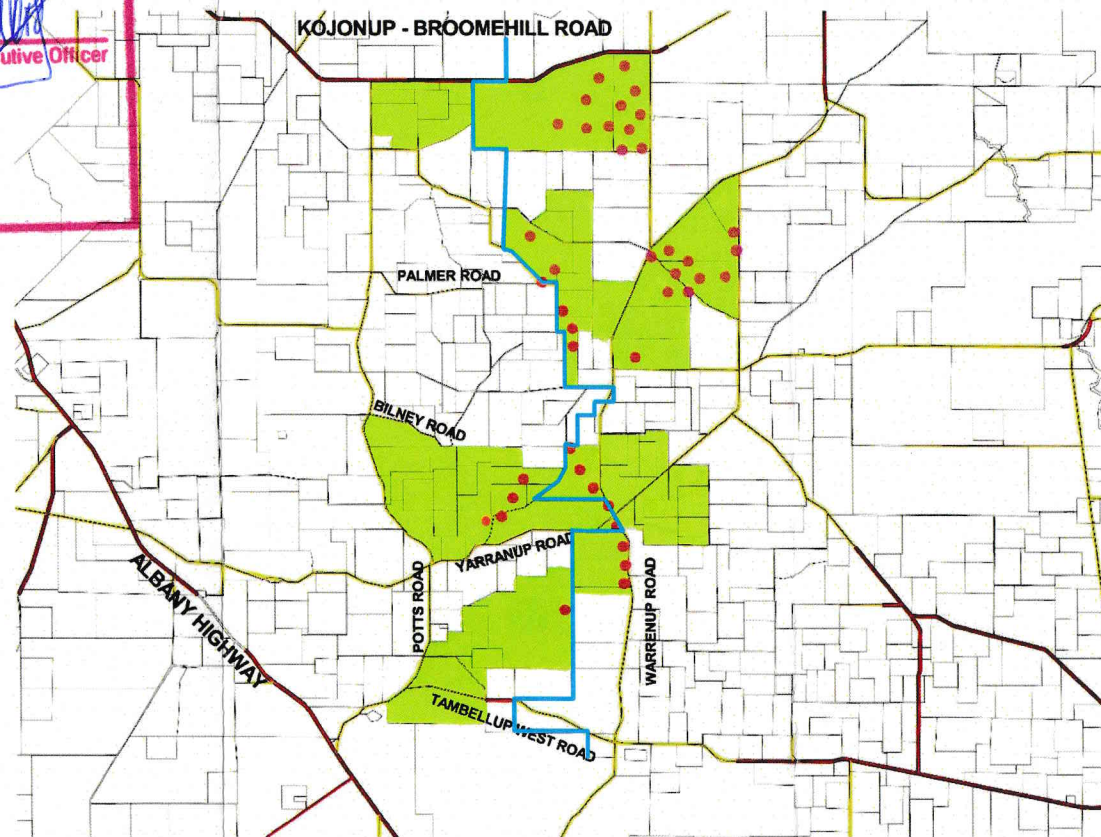
APPROVED / REFUSED

☒ These Plans are approved subject to the conditions in Schedule 111(c)

☐ These Plans are refused for the reasons contained in Schedule 111(c)

[Signature]
Chief Executive Officer

- 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

1 November 2022 - Amendment



Our Ref: DB.BDA.8

Dr Sarah Rankin – Managing Director

Moonies Hill Energy Pty Ltd

5 Barnfield Road

CLAREMONT WA 6010

Dear Sarah,

MOONIES HILL ENERGY PTY LTD, REQUEST FOR AMENDMENTS TO DEVELOPMENT APPLICATION FLAT ROCKS WIND FARM.

The Shire of Kojonup Council at its 1st November 2022 meeting considered the following requested amendments. These amendments are now to be regarded as having been carried and therefore the amendments have been approved.

I am writing to advise you that the Shire will be issuing a revised development approval through the following changes to conditions 4, 21 and 29 and adding advice notes.

That Council:

- 1) In accordance with Regulation 77 of the *Planning and Development (Local Planning Schemes) Regulations 2015* approve the amendment of the development approval issued to Moonies Hill Energy Pty Ltd for the Flat Rocks Wind Farm and issue a revised development approval through the following changes to conditions 4, 21 and 29 and adding advice notes.

In particular, to reword as follows:

Condition 4

The wind turbines are to be micro-sited in accordance with the following restrictions –

- a) All wind turbines shall be located a minimum distance of 1 kilometre from any dwelling existing at the time of the issue of this planning approval unless approval in writing is first granted from the owner of that dwelling to a closer location;

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.

Condition 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);
- b) Make arrangements with adjoining landowners regarding the construction of dwellings on land;
- c) Modify micro-siting to ensure compliance with condition 29;
- d) Modify the operation of the wind turbines to ensure compliance with condition 29;
- e) Manage complaints regarding noise impact during the operational phase of the development.

Condition 29

- (a) The Applicant shall ensure at all times that the operation of the wind farm complies with the following noise levels within a 30 metre curtilage of a dwelling:
 - a) Will not exceed 35dB(A) (LA90, 10 minutes); or
 - b) Will not exceed the background noise (LA90, 10 Minutes) by more than 5dB(A), whichever is the greater.
- (b) Assessment of noise impact is to be performed in accordance with SA EPA Wind Farms Environmental Noise Guidelines (2021).

Adding advice

Insert new advice notes as follows:

- A) The term 'dwelling' in this approval has the same meaning as the Residential Design Codes Volume 1.
- B) The applicant is advised that:
 - i) There is potential for vacant lots adjacent to the proposed wind farm to be further developed with dwellings.
 - ii) Legislation in Western Australia requires that the wind farm comply with the Environmental Protection (Noise) Regulations 1997. The controls on noise contained in this approval do not override those contained in the Regulations, nor vice versa, but the wind farm must comply with whichever control is more stringent at any given location at any given time under then-prevailing meteorological etc conditions.

- iii) The applicant takes the commercial risk that future wind farm operations may need to be altered or modified to continue to comply with noise limitations.
 - iv) It is recommended that the applicant prepare and submit acoustic compliance reports by a suitably qualified and independent acoustic engineer to demonstrate compliance with Condition 29 at key stages of development. This would provide compliance assurances to both the local government and surrounding landowners.
- 2) Advise the Shire of Broomehill-Tambellup of the decision to approve the amendments to the Moonies Hill Energy Pty Ltd wind farm development.

If you have any questions regarding these matters, please do not hesitate to contact Grant Thompson (Chief Executive Officer) through the Shire Office on (08) 9831 2400.

Regards,



Grant Thompson

Chief Executive Officer

11/11/2022