

# SDAU Development Application

## Flat Rocks Wind Farm

Enel Green Power Australia Pty Ltd

20 April 2023

→ The Power of Commitment





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

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# Executive Summary

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

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

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

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

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

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

- Wind Turbine Model: Vestas V150 4.2MW
- Tower: 125 m high tubular tower
- Blades: three blades 73.7 m in length
- Rotor diameter: 150 m
- Tip height: 200 m
- Nacelle: located on top of the tower and houses the gearbox and generator
- Foundation: reinforced concrete base foundation
- Hardstand: crane hardstand area located directly adjacent to foundation

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

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

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

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

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

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

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

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

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

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# 1. Background

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

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

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

## 1.1 Approvals History

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

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

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

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

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

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

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

**Table 1** *Shire of Kojonup Approvals History*

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

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

**Table 2** *Shire of Broomehill-Tambellup Approvals History*

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

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

## 1.2 Stakeholder Consultation

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

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

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

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

### 1.2.1 Consultation with authorities, statutory regulators and organisations

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

**Table 3** Summary of engagement with stakeholders

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

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

## 1.2.2 Public consultation with landowners and local community

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

Table 4 Shire of Koloinup Approvals History

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

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

Table 5 Shire of Broomehill-Tambellup Approvals History

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

No.	Date	Purpose of approval	Nature of Application	Summary of Consultation	Comments Raised
			<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>	<p>Six (6) submission received:</p> <ul style="list-style-type: none"> <li>5 objections</li> </ul>	<ul style="list-style-type: none"> <li>Impact on aerial spraying</li> <li>Interference with telecommunications and GPS</li> <li>Land values</li> <li>Health</li> <li>Buffers</li> <li>Lack of landowner Agreements</li> <li>Shadow flicker</li> <li>Objection to 5 year extension</li> <li>Impact on power infrastructure (referenced South Australia)</li> </ul>
3	6 December 2021	Amendment	<p>Amendment to conditions 1, 2, 3, 5 and 10</p> <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>	<p>Consultation undertaken – yes</p> <ul style="list-style-type: none"> <li>Letters to nearby and surrounding landowners;</li> <li>Public advertising on the Shire website;</li> <li>Public Notice displayed at the Shire's Broomehill office, and Community Resource Centre in Tambellup.</li> </ul> <p>Advertising was for 14 days and closed on the 21 September 2021.</p>	<p>Key points arising out of submission were:</p> <ul style="list-style-type: none"> <li>Impact of shadow flicker</li> <li>Impact of noise</li> <li>Concerns over impacts to farmland and not just to houses</li> <li>Concerns over visual impact and increase in height</li> <li>Health impacts</li> <li>Issue that the changes are a substantial change to the proposed development</li> </ul>
4	6 December 2022	Amendment	Amendment to conditions 4, 21 and 29	No public consultation conducted however, written notification sent to persons who lodged submissions on the 2021 application.	n/a

## 2. Proposal

### 2.1 Project Description

#### 2.1.1 Overview

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

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

- Wind Turbine Model: Vestas V150 4.2MW
- Tower: 125 m high tubular tower
- Blades: three blades 73.6 m in length
- Rotor diameter: 150 m
- Tip height: 200 m
- Nacelle: located on top of the tower and houses the gearbox and generator
- Foundation: reinforced concrete base foundation
- Hardstand: crane hardstand area located directly adjacent to foundation

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

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

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

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

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

**Table 6** Allotment details for the subject application area

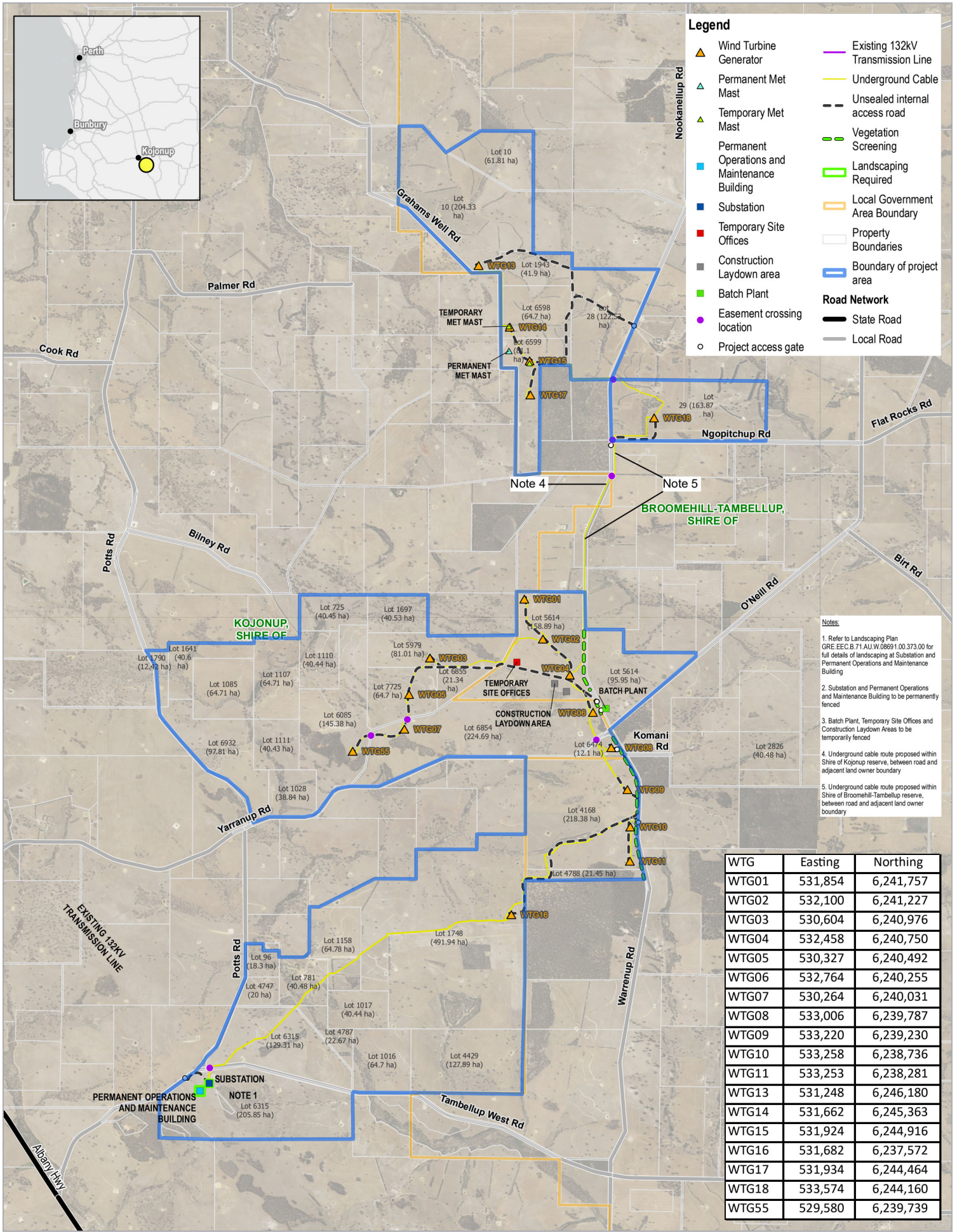
Lot #	Lot area	Plan No.	Street Address	Shire	Dev't
Yantecup – Geoffrey Lawrence Thorn and Wendy Jean Thorn as Trustees for The Yantecup Trust, The John Maxwell Thorn Family Trust and the Hilary May Thorn Family Trust					
4168 (multi-lot)	218.54 ha	126280		BT	WTG11 WTG10 WTG09 U/cable Access rd
4788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



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

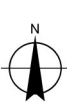
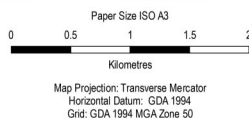
Lot #	Lot area	Plan No.	Street Address	Shire	Devt
7725 (multi-lot)	64.75 ha	80143		K	WTG05 U/cable Access rd
6932 (multi-lot)	97.89 ha	80903		K	
1110 (multi-lot)	40.47 ha	102665		K	
1111 (multi-lot)	40.46 ha	102668		K	
1107 (multi-lot)	64.75 ha	102669	215 Bilney Rd, Lumeah	K	
1028 (multi-lot)	38.87 ha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





REVISIONS	0AK	27.06.2022	ISSUED FOR USE	MM	RS
	1AK	07.07.2022	REISSUED FOR USE	MM	RS
	2AK	14.07.2022	REISSUED FOR USE	MM	RS
	3AK	01.09.2022	REISSUED FOR USE	MM	RS
	4BM	13.09.2022	REISSUED FOR USE	MM	RS
	5BM	04.11.2022	REISSUED FOR USE	MM	RS
REV	BY	DATE	DESCRIPTION	CKD	APP
	6BM	15.12.2022	REISSUED FOR USE	MM	RS

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Print date: 13 Feb 2023 - 23:19



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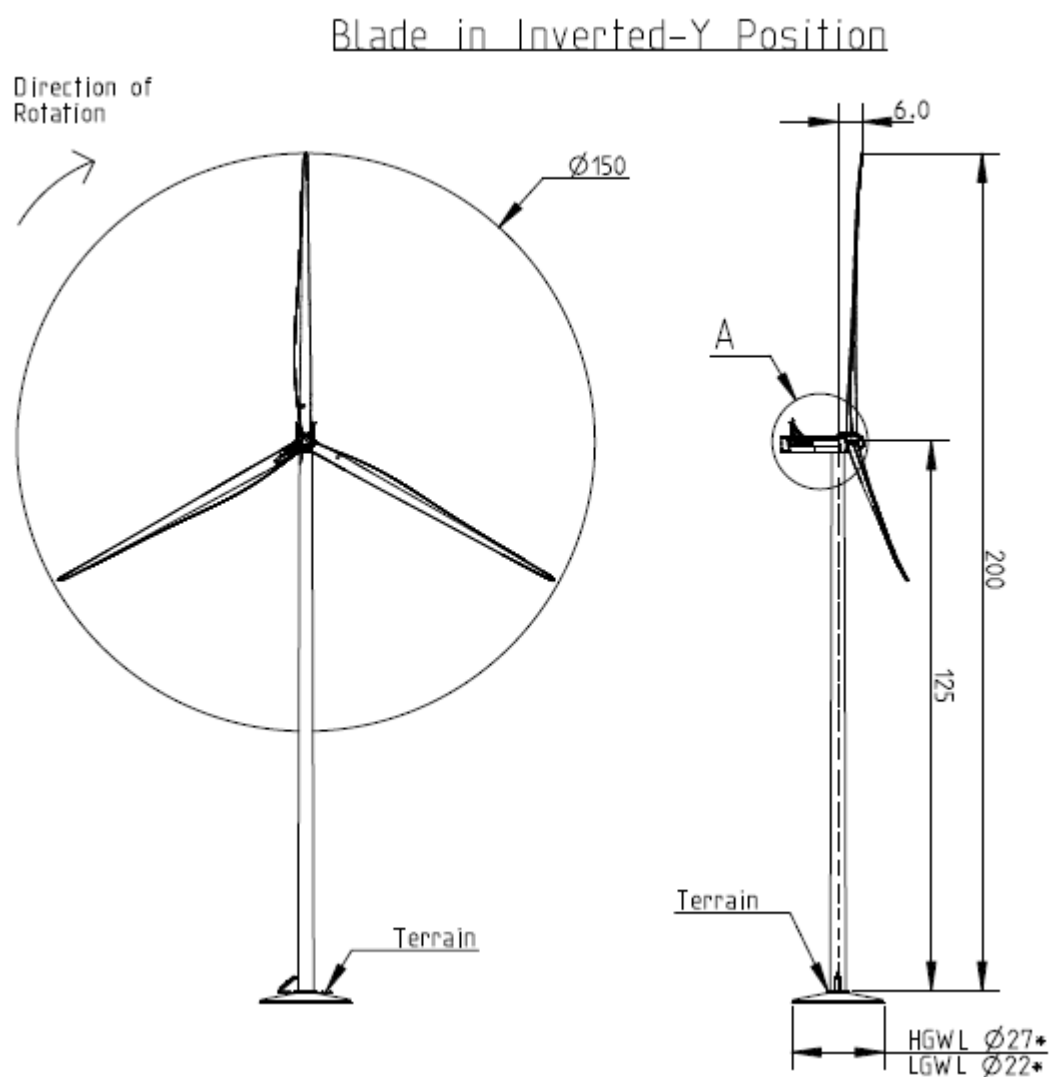
12574907-00000-MD-LAD-001  
Development Layout Plan

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

FIGURE 1

Data source: Landgate, Subscription, Imagery/WiView  
Light Gray Base: Esri, HERE, Garmin, FAO, NOAA, USGS. Created by: dnooby

Figure 2 Vestas V150 4.2MW wind turbine specification



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

## 2.2 Operation and Decommissioning

### 2.2.1 Staging

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

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



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

## 2.2.2 Operation Period

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

## 2.2.3 Decommissioning

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

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

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

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

## 2.3 Electricity Use

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

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

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

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

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

### 2.4.1 Reasons for Part 17 Approvals Pathway

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

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

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

## 2.4.2 Discretion being sought

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

## 2.4.3 Shovel-readiness of Project

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

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

## 2.4.4 Economic Benefits

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

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

## **3. Site Context**

### **3.1 Location, Area and Existing Land Use**

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

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

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

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





- Legend**
- Project Boundary
  - Major Road
  - Minor Road
  - Town/Locality

Paper Size ISO A3  
0 2 4 6 8  
Kilometers

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



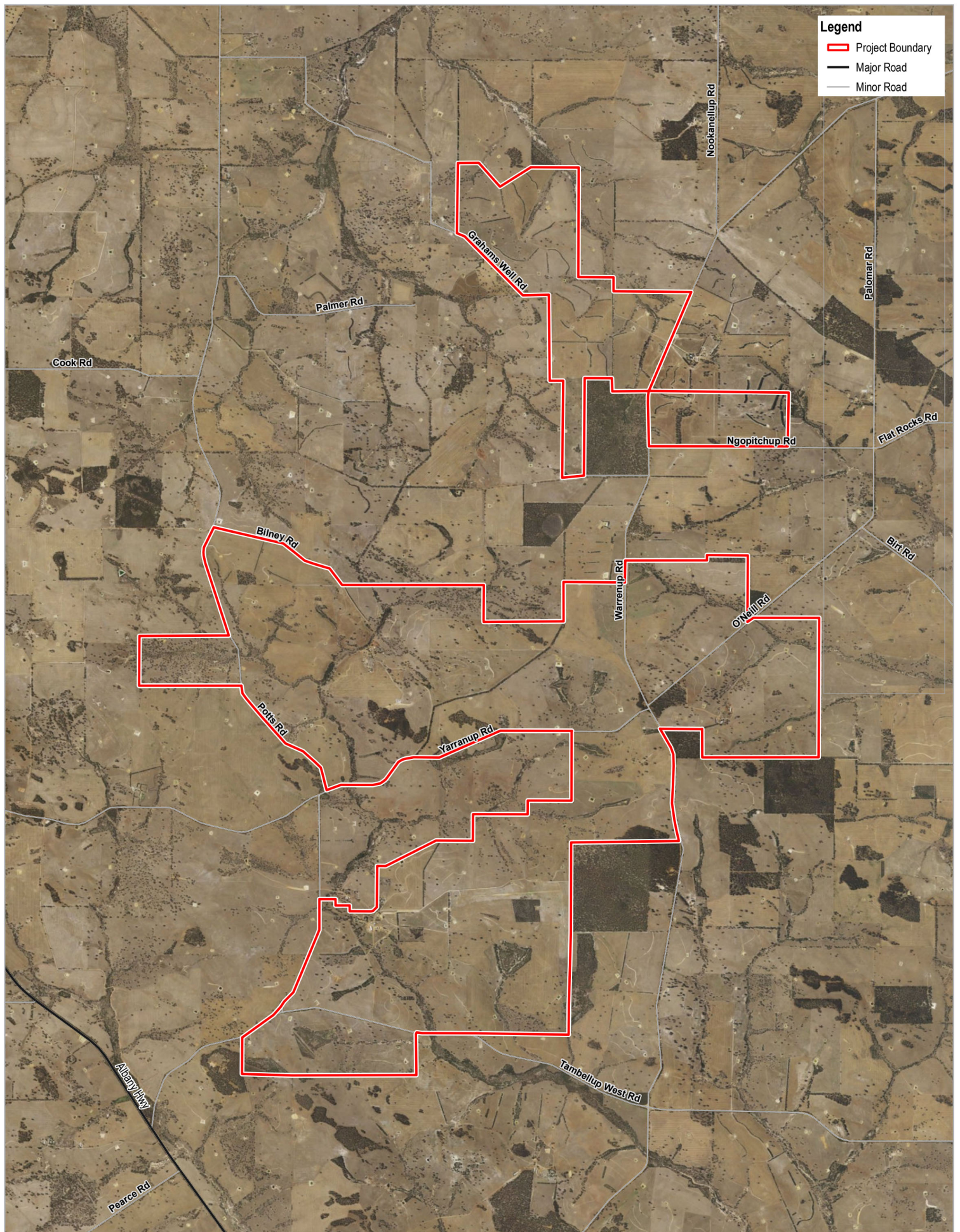
ENEL  
Flat Rocks Wind Farm Stage One

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

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

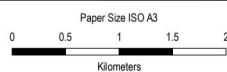
**FIGURE 3**





**Legend**

- Project Boundary
- Major Road
- Minor Road



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



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Flat Rocks Wind Farm Stage One

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

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

**FIGURE 4**

Data source: Landgate, Subscription, Imagery/Walltowall  
Light Grey Base: Esri, HERE, Garmin, FAO, NOAA, USGS  
WMS: Created by: dmonbya



## 3.2 Land Tenure / Ownership

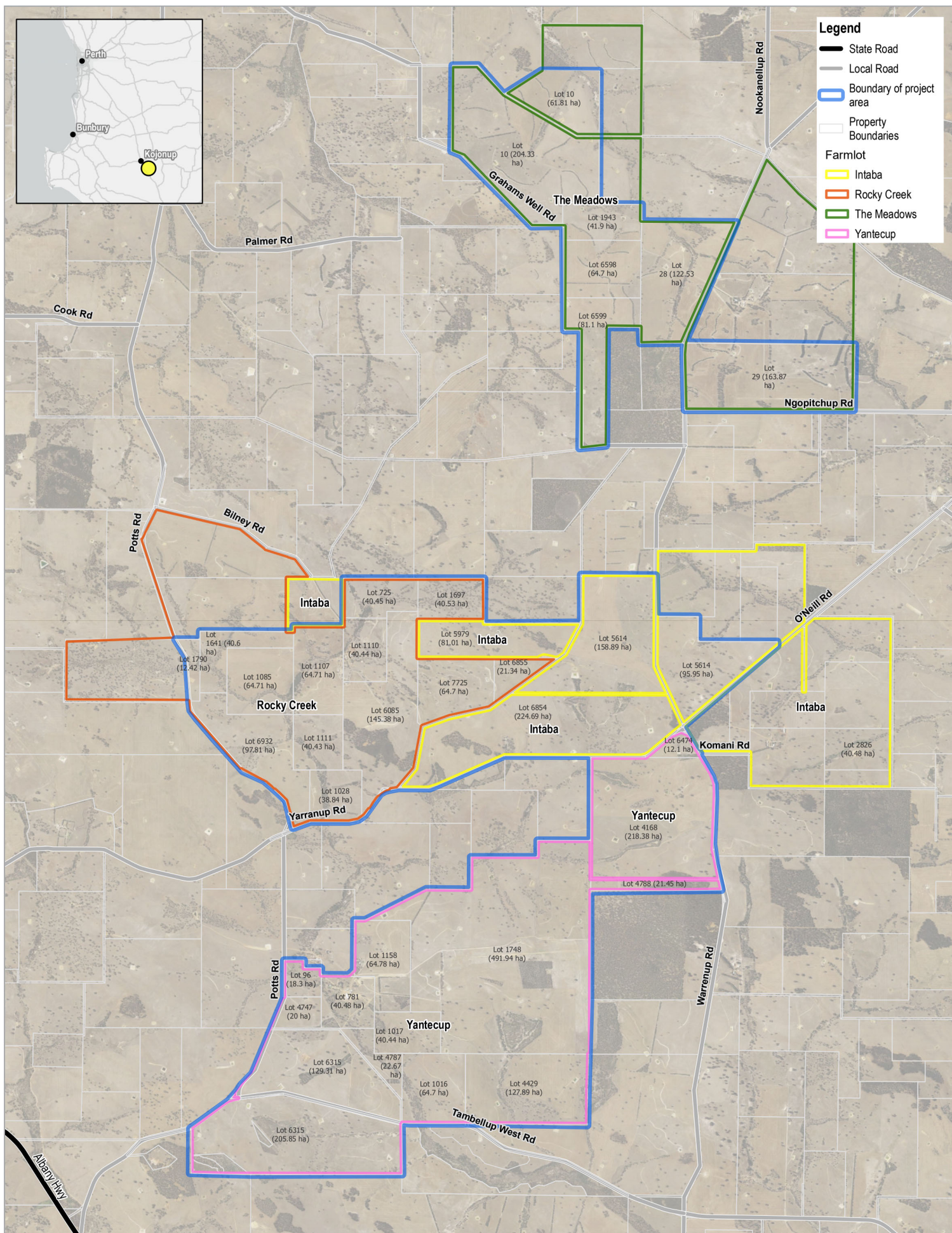
Overall, the project area comprises a total of 35 allotments, 9 within the Shire of BT and 26 within the Shire of KO. However as noted in preceding section, wind turbines and infrastructure are only located on 18 of these allotments. Allotments which have been shaded denote lots which form one Multi-lot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

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

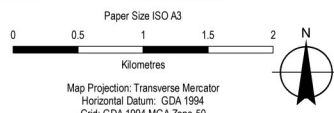
**Table 7** Allotment details by owner / farm property

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

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



REV	BY	DATE	DESCRIPTION	CKD	APP



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Flat Rocks Wind Farm Stage One

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

Property Boundaries

FIGURE 5



## 4. Planning Framework

### 4.1 Strategic Planning Framework

#### 4.1.1 State Planning Strategy 2050

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

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

#### 4.1.2 Great Southern Regional Planning and Infrastructure Framework

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

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

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

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

#### 4.1.3 Planning Bulletin 67: Guidelines for wind farm development

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

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

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

#### 4.1.4 WAPC Position Statement: Renewable energy facilities

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

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

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

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

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

## **4.2 Statutory Planning Framework**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 5. Planning Assessment

### 5.1 Land Use Permissibility

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

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

### 5.2 Development Controls

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

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

Table 8 Summary of Development Requirements

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

### 5.3 Amenity Impact and Orderly Planning

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

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

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

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

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



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

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

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

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

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

## 6. Technical Inputs & Studies

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

Table 9                      Summary of Technical Studies

Report Title	Purpose of Report	Summary of Findings and/or Recommendations	Appendix Reference
<b>Acoustic Impact</b>			
Noise Impact Assessment Report by Herring Storer (Nov 2021)	carry out a noise impact assessment for the proposed Flat Rocks Wind Farm development, to address the development approval conditions for the project	Noise levels were assessed at 33 identified receiver points.  Noise emissions at "non-stake holders" have been calculated to comply with the background noise criteria under all wind conditions.  Noise levels at all "stake holders" have been calculated to comply with the background noise criteria under all wind conditions.	Appendix D
<b>Shadow Flicker and Blade Glint</b>			
Shadow Flicker and Blade Glint Assessment by DNV Energy Systems Renewables Advisory (July 2021)	Assess expected annual shadow flicker durations in the vicinity of the proposed Flat Rocks Wind Farm.	<p>Total of nine dwellings are expected to experience some shadow flicker, four of which are stakeholder dwellings. Out of the four stakeholder dwellings, all are predicted to experience theoretical shadow flicker durations above the recommended limit of 30 hours per year within 50 m of the dwelling. When considering the likely reduction due to cloud cover and rotor orientation, the shadow flicker at two of the dwellings are predicted to be above the recommended limit of 10 hours per year within 50 m of the dwelling.</p> <p>For certain states or jurisdictions, theoretical shadow flicker durations above the recommended 30 hours/year may be considered acceptable for stakeholder dwellings. However, in some cases, it may be necessary to have an agreement in place with the stakeholder indicating that they accept higher shadow flicker durations. DNV considers that theoretical shadow flicker durations of up to 60 hours / year may be appropriate at stakeholder dwellings, provided that the stakeholder is aware of, and accepts, the increased durations.</p> <p>Out of five non-stakeholder dwellings that are predicted to experience shadow flicker, none are predicted to experience theoretical shadow flicker durations above the recommended limit of 30 hours per year within 50 m of the dwelling. When considering the likely reduction due to cloud cover and rotor orientation, none of those dwellings are predicted to experience shadow flicker above the recommended limit of 10 hours per year within 50m of the dwelling. The effect of shadow flicker may be reduced through a number of mitigation measures such as removal or relocation of turbines, installation of screening structures or planting of trees to block shadow cast by the turbines, or the use of turbine control strategies which shut down turbines when shadow flicker is likely to occur.</p> <p>The calculation of the predicted actual shadow flicker duration does not take into account other potential reductions due to low wind speed, vegetation, or other shielding effects around each house in calculating the number of shadow flicker hours.</p> <p>Since a non-reflective finish is generally applied to the wind turbine blades, blade glint is not expected to be an issue for the project.</p>	Appendix E
<b>Landscape and Visual Impact Assessment</b>			
Review of Landscape and Visual Assessment by William James Landscape Architect (May 2021)	This document is a review of the 2011 Landscape and Visual Assessment for the project	<p>The Zone of Visual Influence mapping indicates that, compared with the original layout, significantly fewer turbines will be visible from non-stakeholder houses in the revised 2021 layout.</p> <p>It is reasonable to conclude that non-stakeholder houses that see fewer hubs and tips will be impacted less by the revised layout than the original layout.</p> <p>Non-stakeholder houses that will see the same number or more of hubs in the revised layout will be impacted more by the hubs. Balancing this, these houses will see fewer turbine tips resulting in less impact. Taken together, it is reasonable to conclude that impact on these houses will be the same or perhaps slightly more than with the original layout. The ZVI mapping does not tell us which turbines are potentially visible from which NSH house, just how many. It is, therefore, not possible to determine whether Stage 1 or Stage 2 turbines, or both, are potentially visible.</p> <p>While the height of the turbines has increased, the relative increase in height is not likely to be as visually significant as the reduction in numbers of turbines.</p> <p>Based on a comparison of Zone of Visual Influence mapping of the original and the revised layout, and considering the relative sizes of the proposed turbines, it can reasonably be predicted that the visual impacts of the revised turbine layout will be less than the original layout when viewed from a significant majority of potential viewing locations<sup>2</sup>, both public and private.</p> <p>In specific situations, as discussed in Section 4, the impact of larger turbines relatively close to viewing locations, can be reduced by one of, or a combination of, the following remedies: relocating turbines or ensuring effective screening of the turbines from the impacted viewing locations. This applies to the cluster south west of NSH 03<sup>3</sup>, the cluster north of NSH 06, and the cluster to the east of NSH 13. Of these three, only NHS 13 is relatively close to the Stage 1 turbines.</p>	Appendix F
<b>Environmental Impact Assessment</b>		The proposal has been referred under both State and Federal environmental legislation. The Environmental Protection Authority (EPA) decided not to assess the application, and issued a Notice to that effect under section 39A(3) of the Environmental Protection Act 1986 (MA) in April 2011 – refer Appendix G	Appendix G Appendix H Appendix I

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

<sup>3</sup> These NSH numbers refer to the 2011 ZVI maps. They correspond to NSH 3, 21 and 19 respectively on the 2011 ZVI maps.

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

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

## 7. Management Plans

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

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

**Table 10** Summary of Management Plan and Status

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

## **8. Condition Recommendations and Approval Timeframe**

### **8.1 Condition Recommendations**

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

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

### **8.2 Approval Timeframe**

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

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

## 9. Conclusion

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

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

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

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

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

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