



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

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

Dear Dr Rankin

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

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

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

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

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

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

Yours sincerely,

DAP Secretariat

22/05/2017

Encl. DAP Determination Notice
Approved plans

Cc: Ms Liz Bushby
Shire of Broomehill-Tambellup





Planning and Development Act 2005

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

Southern Joint Development Assessment Panel

Determination on Development Assessment Panel Application for Planning Approval

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

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

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

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

Amended Conditions

Substantial commencement

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

Wind turbine location and micro-siting

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



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

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

Turbine specifications

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

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

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

Temporary development

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

Ancillary development

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



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

Pre-construction conditions

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



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



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

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

Construction conditions

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

Operational conditions

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



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

Decommissioning conditions

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

Advice Notes

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



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

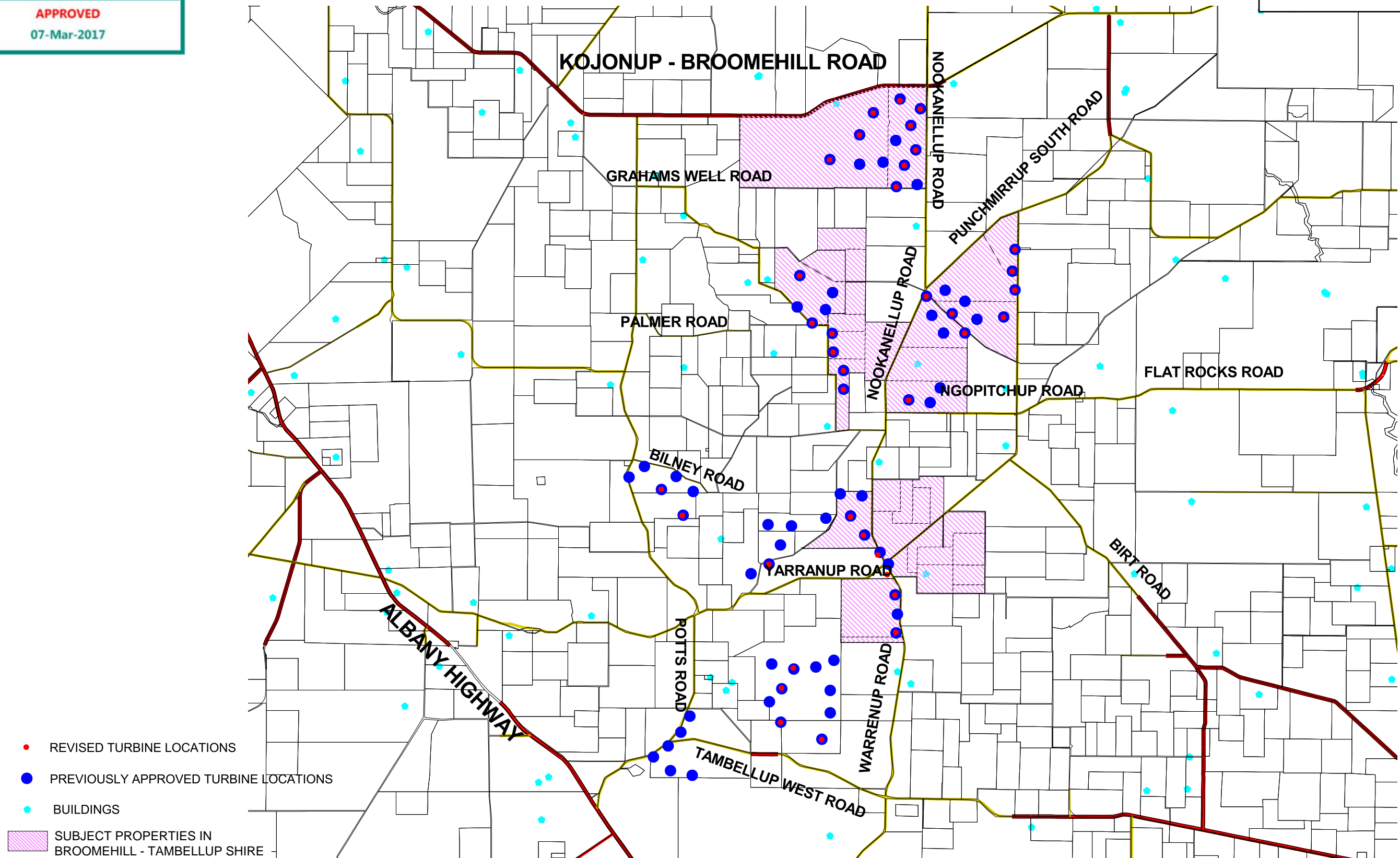
- b. The Shire will refer any revised noise report or supplementary information to the Department of Environment Regulation: Noise Regulation Branch for written advice.
- c. The applicant should have regard to the fire management guidelines contained in the 'Auswind Best Practice Guidelines for implementation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



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

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

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



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

FLAT ROCKS WIND FARM

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



TURBINE LAYOUT 2017 WITH PREVIOUSLY APPROVED LOCATIONS

WILLIAM JAMES LANDSCAPE ARCHITECT

22 FEBRUARY 2017

ELEVATION OF VESTA V126 3.45MW WIND TURBINE

Figure 9: Vestas V126 3.45 MW Wind Turbine Specifications

