# Regional Development Assessment Panel Agenda

**Meeting Date and Time:** Thursday, 3 September 2026; 2:00pm
**Meeting Number:** RDAP/81
**Meeting Venue:** 140 William Street, Perth

**A live stream will be available at the time of the meeting, via the following link:**
**RDAP/81 - 3 September 2026 - Shire of Kojonup**

## PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement
2. Apologies
3. Noting of Minutes

## PART B – SHIRE OF KOJONUP

1. Declarations of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations
   - 5.1 Various Lots, Jingalup – Windfarm and Transmission Line – DAP/25/03017

## PART C – OTHER BUSINESS

1. State Administrative Tribunal Applications and Supreme Court Appeals
2. Meeting Closure

*Please note, presentations for each item will be invited prior to the items noted on the agenda and the presentation details will be contained within the related information documentation*

| DAP Members |
| --- |
| Dale Page (Presiding Member) |
| Clayton Higham (Deputy Presiding Member) |
| Mike Mouritz |
| Cr Mick Mathwin (Part B – Shire of Kojonup) |
| Cr Roger Bilney (Part B – Shire of Kojonup) |

| DAP Secretariat |
| --- |
| Shanara Wijethunga |
| Ashlee Kelly |

# PART A – INTRODUCTION

1. **Opening of Meeting, Welcome and Acknowledgement**

2. **Apologies**

3. **Noting of Minutes**

# PART B – SHIRE OF KOJONUP

## 1. Declarations of Due Consideration

## 2. Disclosure of Interests

## 3. Form 1 DAP Applications

Nil

## 4. Form 2 DAP Applications

Nil

## 5. Section 31 SAT Reconsiderations

5.1 Various Lots, Jingalup – Windfarm and Transmission Line – DAP/25/03017

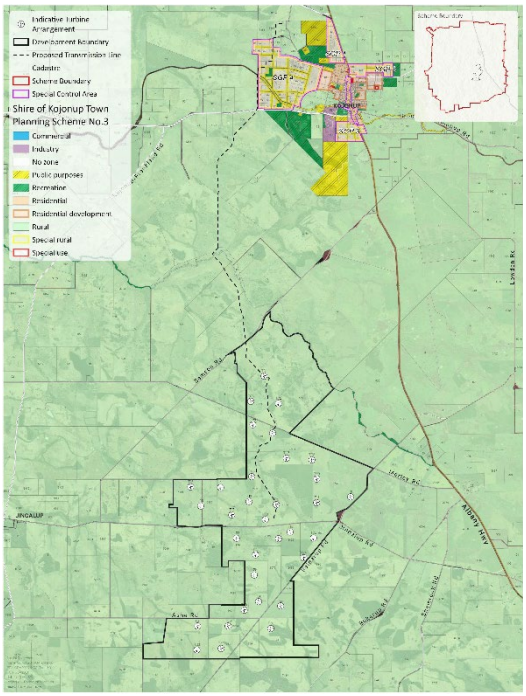
# State Administrative Tribunal Reconsideration: Responsible Authority Report

(Regulation 12)

## PART B – Item 5.1 – VARIOUS LOTS, JINGALUP – WINDFARM AND TRANSMISSION LINE

| RESPONSIBLE AUTHORITY REPORT – SAT RECONSIDERATION | |
|---|---|
| **DAP File No:** | DAP/25/03017 |
| **LG Reference** | SOK – 01 - 25 |
| **SAT File No (DR reference):** | DR 53 of 2026 – Kojonup Wind Farm Pty Ltd vs DAP Executive Director |
| **Development description** | Windfarm and transmission line |
| **Summary of Modifications:** | Nil |
| **Value of Development:** | $750 million |
| **Owner:** | Various landowners |
| **Applicant:** | Kojonup Wind Farm Pty Ltd |
| **Local Government Area:** | Shire of Kojonup |
| **Responsible Authority:** | Shire of Kojonup |
| **Authorising Officer:** | Grant Thompson - Chief Executive Officer |
| **Date of Decision under Review:** | 26 February 2026 |
| **Application for Review Lodgement Date:** | 7 April 2026 |

### LOCATION PLAN



**RESPONSIBLE AUTHORITY RECOMMENDATION**

**RECOMMENDATION TO APPROVE**

A. That the Regional DAP, pursuant to section 31 of the *State Administrative Tribunal Act 2004* in respect of SAT application DR 53 of 2026, resolves to **Reconsider** its decision dated 26 February 2026 and:

B. **VARY its** decision to **APPROVE** DAP Application reference DAP/25/0317 for the windfarm and transmission line at various lots in Jingalup in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of Clause 3.2 of the *Shire of Kojonup Town Planning Scheme No. 3*, by way of:

**The following new conditions being added:**

1. (a) Prior to construction, an updated Noise Impact Assessment Report is to be provided.

   (b) Amongst other matters, the report is to:

      (i) Include a map identifying the "project area", being the area of land which consists of the development area and lots with neighbour agreements.

      (ii) Confirm the development is capable of complying with the *South Australian EPA Wind Farms Environmental Noise Guidelines (2021)* for lots within the project area.

      (iii) Confirm the development is capable of complying with the *Environmental Protection (Noise) Regulations 1997* (as amended) for lots outside of the project area.

   (c) The local government must be satisfied that the matters in (1b) are addressed, and may take advice from the Department of Water and Environmental Regulation and/or the Department of Health in respect to the matters outline in (1b)(iii).

**The following conditions being deleted**

1. Delete Condition No. 12
2. Delete Condition No. 17

**The following conditions being amended as follows**

1. Deleting (iv) and (v) from Condition 8.

2. Amending Condition 16 to “The applicant is to undertake post-commissioning noise testing to demonstrate compliance with the Noise Impact Assessment Report in Condition 14.

The noise testing report should be made publicly available on the wind farm operator's website for the life of the wind farm."

**New Advice Notes**

1. In relation to Condition 9(i), "pre-construction" means prior to construction of the turbines and does not include construction in relation to access to the turbine sites.

2. The map of the project area must only include land which is a host lot or lots over which a neighbour agreement is entered into.

   The map of the project area should include the location of all wind turbines.

**Amended Advice Notes**

1. Amend Advice Note 3 to change reference from "Condition 10" to "Condition 5".
2. Amend Advice Note 4 by deleting "If required by CASA, all wind turbine towers to have lighting which is satellite or radio frequency activated when aircraft are in the vicinity."
3. Amend Advice Note 7 to change "Condition 13" to "Condition 11".
4. Amend Advice Note 16 to now read –
   "The applicant is strongly encouraged to establish and implement a Community Benefits Fund in conjunction with the Shire of Kojonup, consistent with the WA Government endorsed 'Community Benefits Guidelines for Large-scale Renewable Energy Projects in the South West Interconnected System'."
5. Amend Advice Note 17(iv) from "Condition 19" to "Condition 16" and delete reference to "and independent".
6. Amend Advice Note 17(v) to "These conditions must be read in conjunction with all relevant legislation and regulations."
7. Amend Advice Note 17(xii) as follows –
   "In relation to Condition 13(ii), the applicant/operator should submit the details of all wind turbines to Airservices Australia via the Vertical Obstacle Data Form once turbine locations and parameters have been finalised and at least two (2) months before installation of any wind turbines commencing."
8. Amend Advice Note 17 by deleting (vi), (vii), (viii), (x), (xi) and (xiii).
9. Amend Advice Note 17 as follows –
   "In relation to Condition 1, where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) or local government approval under regulation 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*."

**All other conditions and requirements detailed on the previous approval dated 26 February 2026 are otherwise affirmed.**

**PROPOSAL:**

The applicant seeks reconsideration of various conditions and advice notes of the approval granted by the Regional Development Assessment Panel (RDAP) on 26 February 2026 in relation to the wind farm and transmission line.

Specifically, the applicant seeks to delete radar activated lighting and modify or delete various conditions and advice notes to increase clarity relating to matters such as the Noise Impact Statement and noting the Community Benefits Guidelines have been finalised since 26 February 2026.

The applicant proposes to construct and operate a wind farm and associated infrastructure approximately 9 – 20km south of the Kojonup townsite in the Jingalup locality along with an underground transmission line. In summary, the application proposes:

- 33 wind turbine generators which are 125m to hub height, 206m from ground to tip height, have a blade radius of 79m and a rotor diameter of 158m;
- The wind turbine generators will be coloured light grey or white with a semi-matt finish;
- A 20km long underground transmission corridor; and
- Associated infrastructure including a substation, battery energy storage system (BESS), layout areas, operations and maintenance building, unsealed access tracks, underground cables, construction compounds, temporary concrete batching plant and fire water tanks.

The proposal is supported by the following technical documentation:

- Development Plan;
- Environmental Assessment and Management Plan;
- Community and Stakeholder Engagement Report;
- Bushfire Technical Statement;
- Landscape and Visual Impact Assessment;
- Noise Impact Assessment;
- Aviation Impact Assessment;
- Shadow Flicker and Blade Glint Assessment;
- Electromagnetic Interference Assessment; and
- Traffic Route Overview.

**SUBJECT SITE AND SURROUNDS:**

The site is located west of Albany Highway and south-west of the Kojonup townsite.

The site encompasses 31 lots with a total area of approximately 3794 hectares, including some adjacent and external road reserves to support transport and access of components to the site.

Several occupied and unoccupied residential dwellings and sheds are located on the site. The surrounding locality consists predominantly of broadacre farming and Crown land. The site is dissected by various seasonal watercourses.

An existing 132kV power line (transmission line) traverses the site in a north-south direction. The proposed development will connect into the South-West Interconnected System (SWIS) via the transmission line.

The surrounding area is predominantly rural in nature and is generally used for cropping.

The applicant proposes that the current agricultural use of the site will continue following construction.

**BACKGROUND:**

History of Application

The application was considered by the RDAP on 26 February 2026 where the RDAP approved the application subject to conditions (Attachment 1).

Application to the State Administrative Tribunal

An application for review was lodged with the State Administrative Tribunal (SAT) on 7 April 2026 with the applicant seeking the removal or amendment of various conditions and advice notes.

Mediation sessions were held where the applicant's views were considered and discussed. The result of the SAT process had led to the applicant providing additional information relating to aviation impacts. The additional information is provided as Attachment 2.

The SAT has made orders inviting the decision-maker, under Section 31 of the *State Administrative Tribunal Act 2004* (SAT Act) to reconsider its decision. The decision-maker may:

- Affirm the previous decision;
- Vary the decision, or
- Set aside the decision and substitute a new decision.

**PLANNING ASSESSMENT:**

| PLANNING FRAMEWORK | |
|---|---|
| **Region Scheme** | N/A |
| **Region Scheme - Zone/Reserve** | N/A |
| **Local Planning Scheme** | *Shire of Kojonup Town Planning Scheme No. 3* |
| **Structure Plan/Precinct Plan** | N/A |
| **Structure Plan/Precinct Plan - Land Use Designation** | N/A |
| **Lot Size:** | 3794 hectares |
| **Existing Land Use:** | Agricultural (rural) |
| **Heritage Status** | ☒ N/A<br>☐ State Register of Heritage Places<br>☐ Local Heritage List |

| | |
|---|---|
| | ☐ Local Heritage Area |
| **Bushfire Prone Area** | Yes - Refer to SPP3.7 for further information |

Overview

The applicant seeks to amend and delete various conditions and advice notes as set out in Attachment 2. The requested changes are supported and are reflected in the Responsible Authority Report. The main outstanding issue relates to radar activated lighting.

Condition 12 - Radar activated lighting

The applicant has requested deleting Condition 12. In summary, the applicant sets out that lighting is not required given:

- The wind farm does not sit within the Obstacle Limitation Surface (OLS) of a certified aerodrome. The Civil Aviation Safety Authority (CASA) has no jurisdiction and it's comments are advisory only;
- The applicant prepared an Aviation Impact Assessment Report (AIA Report) which included an Aviation Impact Statement (AIS) for Airservices Australia and a qualitative risk assessment to determine the need for obstacle lighting. The risk assessment undertaken by Aviation Projects in the AIA Report and reiterated in the Technical Memo (Attachment 2) concludes that lighting is not required, in this case, to ensure safety. In particular, the Kojonup Wind Farm obstacle lighting risk assessment concludes that the proposed turbines would not require obstacle lighting to maintain an acceptable level of safety to aircraft;
- There are no night operations at any of the uncertified airstrips in the locality;
- There is no lighting or identifiable runway edges on any of the runways, thereby making night operations at these locations unlikely; and
- In similar scenarios, local governments have recommended that turbines remain unlit.

While noting the above, CASA recommends (Attachment 3) obstacle lighting be installed on the turbines. To limit potential visual impact, CASA recommends a radar-activated type system or providing a cowling system (like a lampshade) to limit light spill. The neighbour (Attachment 4) seeks the retention of Condition 12 (radar-activated lighting) and notes that steady red lighting will create visual impacts.

Following review of available information, including CASA advice and a neighbour's recent submission, the local government agrees with the applicant's position on radar activated lighting. Given there are practical concerns regarding the effectiveness of radar activated lighting, satellite or radio frequency activated, it is recommended that Condition 12 be deleted. In particular:

- The AIA and technical memo determine that lighting is not required;
- Aviation Projects has advised in the Technical Memo (Attachment 2) that radar activated lighting is less reliable than static lighting;
- It is suggested that no lighting is provided on the wind turbines in order to reduce night time visual impact;
- Low-intensity (200 cd) steady red lighting will create visual impacts;

- Given the height of the wind turbines and their location, any navigational lighting will be clearly visible from neighbouring properties based on the visual modelling. Previous submissions expressed concern that potential navigational lights will interfere with the darkness of the area at night, which is highly valued by the local community; and
- *WAPC Dark Sky and Astrotourism Position Statement*, permanent night time lighting should only be provided where demonstrably required, with avoidable or excessive lighting discouraged to protect dark-sky values. There is visual sensitivity and local residents concerns relating to visual impacts.

Given the RDAP's decision on 26 February 2026 associated issues such as right to farm have been previously considered. It is suggested there will be a need for the wind farm operator and adjoining/surrounding landowners to communicate and work together in relation to aerial spraying. The applicant has previously advised that the wind farm operator may elect to stop a wind turbine for the period required to enable the landholder to carry out its own aerial spraying of crops.

<u>Noise impacts and compliance</u>

Conditions 8(v), 14, 15, 16 and 17 and parts of Advice Note 17 related to noise impact assessment, post-commissioning noise testing and an on-going requirement to address noise standards.

As set out in Attachment 2, a summary of the applicant's justification for amending Condition 14 (updated Noise Impact Assessment) is outlined below:

- The WAPC *Position Statement: Renewable energy facilities* (March 2020) outline noise emissions from renewable energy facilities are required to meet the standards prescribed under the *Environmental Protection (Noise) Regulations 1997* (to be called the "Noise Regulations" and the *South Australian Environmental Protection Authority – Wind Farms Environmental Noise Guidelines* (to be called the "SA Guidelines");
- There is a need to acknowledge the difference in assessment methodology used for properties that are stakeholders (either by reason of hosting infrastructure, or by way of a neighbour agreement), and those who are not stakeholders;
- Stakeholder properties should be measured against the standards within the SA Guidelines, because the Noise Regulations do not provide a standard of noise for sensitive premises on land which is part of a noise emitting project. Regulation 7(1) is drafted to impose the standards in the Noise Regulations where noise is emitted from *any premises* or public place, when received at *other premises*. The way that this is construed is to not include any noise sensitive receivers on the same land as the noise emission;
- The SA Guidelines provide standards for noise sensitive premises that are commercial stakeholders (i.e. landowners either hosting wind turbines, or with a neighbour agreement with the wind farm). Those standards and the methodology differ from those used by the Noise Regulations, in that the starting point is to use a level based on the background noise plus 5dB(A) as the relevant standard;
- The properties of non-stakeholders should be measured against the standards in the Noise Regulations to ensure ongoing compliance;

- The requested amended condition reflects the above and will be supported by a map of the "project area" which will include the stakeholder properties; and
- Prior to construction, an updated Noise Impact Assessment Report is to be provided that in part will confirm the development is capable of complying with the SA Guidelines for lots within the project area and confirm the development is capable of complying with the Noise Regulations for lots outside of the project area.

As set out in Attachment 2, a summary of the applicant's justification for amending Condition 16 (post-commissioning noise testing) is outlined below:

- It is impossible to use the testing procedures and analysis from the SA Guidelines to measure compliance with the Noise Regulations, as the methodology is different;
- Given the proposed amendment to condition 14, condition 16 simply requires measurements to be taken to confirm compliance in accordance with the report already endorsed; and
- The proposed rewording of Condition 16 is:

> "The applicant is to undertake post-commissioning noise testing to demonstrate compliance with the Noise Impact Assessment Report in condition 14.
>
> The noise testing report should be made publicly available on the wind farm operator's website for the life of the wind farm."

The local government accepts the amended conditions relating to noise. This includes that it will retain appropriate amenity for stakeholder properties and requires that noise standards, for non-stakeholder properties, comply with the Noise Regulations.

Other conditions and advice

Proposed amendments to the various changes to conditions and advice are contained in Attachment 2. The local government supports these changes.

**CONSULTATION:**

Public Consultation

Public consultation was undertaken in late 2025 and early 2026 prior to the RDAP's decision to approve the development on 26 February 2026.

Post SAT, targeted consultation was undertaken by the local government in seeking advice along with initial submitters who raised concerns relating to aviation impacts. One submission was received (Attachment 4).

Referrals/consultation with Government/Service Agencies

Referrals to various State government departments and agencies were undertaken in late 2025 and early 2026 prior to the RDAP's decision to approve the development. Post SAT, the Shire sought CASA advice. CASA provided advice which favours lighting and that the turbines should be lit (Attachment 3).

Design Review Panel Advice

Not applicable.

**ALTERNATIVE TO RESPONSIBLE AUTHORITY RECOMMENDATION**

In accordance with section 31(2) of the SAT Act, the RDAP may:

(a) Affirm the decision; or
(b) Vary the decision; or
(c) Set aside the decision and substitute its new decision.

The RDAP may resolve not to support the amended and deleted conditions and advice notes and could therefore affirm the previous decision/conditions of approval. In doing so, the applicant may pursue their requested modifications through a final (substantive) Tribunal hearing.

As this reconsideration relates to amending and deleting conditions and advice notes on an approval previously granted by RDAP and that no substantial modifications have been made to the development itself, a decision to set aside the decision and substitute a new decision is recommended.

**CONCLUSION:**

This report considers the applicant's requested modifications including deleting and modifying conditions and advice notes of the approval issued by the RDAP on 26 February 2026. This includes deleting Condition 12 relating to radar activated lighting. It is recommended that the proposed development be reconsidered for approval subject to amended and deleted conditions and amended advice notes.

**Attachments**

1. RDAP determination 26 February 2026
2. Applicant correspondence dated 16 July 2026 and technical memo
3. CASA advice
4. Advice from neighbour

# Regional Development Assessment Panel Minutes

**Meeting Date and Time:** Thursday, 26 February 2026; 9.30am
**Meeting Number:** RDAP/64
**Meeting Venue:** 140 William Street, Perth

*A recording of the meeting is available via the following link:*
*RDAP/64 - 26 February 2026 - City of Kalgoorlie-Boulder - Shire of Kojonup - Shire of Harvey*

**PART A – INTRODUCTION**

1. Opening of Meeting, Welcome and Acknowledgement
2. Apologies
3. Noting of Minutes

**PART B – CITY OF KALGOORLIE-BOULDER**

3.1 Lot 15 Goldfields Highway, Feysville – Proposed Industry (Electrical Substation) – DAP/25/03011

**PART C – SHIRE OF KOJONUP**

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications

   3.1 Various Lots, Jingalup – Windfarm and Transmission Line – DAP/25/03017
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

**PART D – SHIRE OF HARVEY**

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications

   3.1 Lot 10 Wellesley Road, Binningup - Proposed Renewable Energy Facility (Solar Farm and BESS) – DAP/25/03021
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

**PART E – OTHER BUSINESS**

1. State Administrative Tribunal Applications and Supreme Court Appeals
2. Meeting Closure

**Dale Page**
**Presiding Member, Regional DAP**



*This document was produced on Whadjuk Noongar Boodjar*

| DAP Members |
| --- |
| Dale Page (Presiding Member)<br><br>Eugene Koltasz (Deputy Presiding Member)<br><br>Mike Mouritz |
| Cr Craig Mitchell (Part C – Shire of Kojonup)<br><br>Cr Mick Mathwain (Part C – Shire of Kojonup) |
| Shire President Michelle Campbell (Part D – Shire of Harvey)<br><br>Cr John Bromham (Part D – Shire of Harvey) |

| DAP Secretariat |
| --- |
| Teneille Brownfield |
| Ashlee Kelly |

**Dale Page**
**Presiding Member, Regional DAP**

| Part C – Shire of Kojonup |
|---|
| **Submitters** |
| Stacy Williams<br>Mark Wendel<br>Steve McGuire |
| **Applicant** |
| Dr Sarah Rankin (Moonies Hill New Energy)<br>George Watts (Herring Storer Acoustics)<br>Dylan Wray (Western Environmental)<br>Claire Willey (SLR)<br>Belinda Moharich (Moharich and More) |
| **Officers/Technical Advisors in Attendance** |
| Grant Thompson (CEO)<br>Steve Thompson (Edge Planning) |

| Part D – Shire of Harvey |
|---|
| **Applicant** |
| Luka Martins (TBB Planning) |
| **Officers/Technical Advisors in Attendance** |
| Benjamin Vogel<br>Elizabeth Edwards |

**Members of the Public / Media**

There were 5 members of the public in attendance.

**Observers via livestream**

There were 31 persons observing the meeting via the livestream.

# PART A – INTRODUCTION

## 1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 9.43am on 26 February 2026 and acknowledged the traditional owners and custodians of the land on which the meeting was held and welcomed members.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders under the *Planning and Development (Development Assessment Panels) Regulations 2011.*

### 1.1 Announcements by Presiding Member

The Presiding Member advised that panel members may refer to technical devices, such as phones and laptops, throughout the meeting to assist them in considering the information before them.

The meeting was recorded and livestreamed on the DAP website in accordance with regulation 40(2A) of the *Planning and Development (Development Assessment Panels) Regulations 2011*. Members were reminded to announce their name and title prior to speaking.

## 2. Apologies

Nil

## 3. Noting of Minutes

DAP members noted that signed minutes of previous meetings are available on the DAP website.

# PART B – CITY OF KALGOORLIE-BOULDER

The Presiding Member notes that the following application was postponed to the meeting on the 26 February 2026, as submitters were not notified by the City of Kalgoorlie-Boulder in accordance with Regulation 39 (1A) of the *Planning and Development (Development Assessment Panels) Regulations 2011.* The application will be heard at the RDAP/65 on 3 March 2026.

### 3.1 Lot 15 Goldfields Highway, Feysville – Proposed Industry (Electrical Substation) – DAP/25/03011

**Dale Page**
**Presiding Member, Regional DAP**

# PART C – SHIRE OF KOJONUP

## 1. Declaration of Due Consideration

The Presiding Member noted an addendum to the responsible authority report was published in Part C of the Related Information in relation to Item 3.1, received on 23 February 2026.

All members declared that they had duly considered the documents contained within Part C of the Agenda and Part C of the Related Information.

## 2. Disclosure of Interests

DAP Member, Cr Craig Mitchell, declared an impartiality interest in Item 3.1. Cr Mitchell has a friendship with multi landowners for this application and has not been involved with the local government or participated with in the Shire's planning around wind farms. Cr Mitchell is also a friend of Stacy Williams who has made a submission against the wind farm layout.

DAP Member, Cr Mick Mathwin declared an impartiality interest in Item 3.1. Cr Mathwin declared that he knows multi landowners for this application.

In accordance with section 2.4.5 of the DAP Code of Conduct 2025, DAP Member, Cr Mick Mathwin, declared that they had participated in a prior Council meeting in relation to the application at item 3.1. However, under section 2.1.2 of the DAP Code of Conduct 2025, Cr Mathwin acknowledged that they are not bound by any previous decision or resolution of the local government and undertakes to exercise independent judgment in relation to any DAP application before them, which will be considered on its planning merits.

In accordance with section 3.3 of the DAP Code of Conduct 2025, the Presiding Member determined that the members listed above, who had disclosed impartiality interests, were permitted to participate in the discussion and voting on the item.

**Dale Page**
**Presiding Member, Regional DAP**

## 3. Form 1 DAP Applications

### 3.1 Various Lots, Jingalup – Windfarm and Transmission Line – DAP/25/03017

**Deputations**

Stacy Williams addressed the DAP against the application at Item 3.1 and responded to questions from the panel.

Steve McGuire addressed the DAP against the application at Item 3.1 and responded to questions from the panel.

Mark Wendel addressed the DAP against the application at Item 3.1 and responded to questions from the panel.

Dr Sarah Rankin (Moonies Hill New Energy) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

Dylan Wray (Western Environmental) addressed the DAP in support of the application at Item 3.1.

George Watts (Herring Storer Acoustics) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

Claire Willey (SLR) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

Belinda Moharich (Moharich and More) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

The Shire of Kojonup addressed the DAP in relation to the application at Item 3.1 and responded to questions from the panel.

**SUBSTANTIVE MOTION 1**

**Moved by:** Cr Craig Mitchell **Seconded by:** Cr Mick Mathwin

That the Regional Development Assessment Panel resolves to:

**Defer** making a decision on the Development Application for the windfarm, transmission line and ancillary development until:

A) The Noise Impact Assessment (dated 27 January 2026) is updated by the applicant to the satisfaction of the Department of Water and Environmental Regulation's Environment Noise Branch.

B) Subject to point 'A', the development plan is updated to reflect separation distances in the *Shire of Kojonup Local Planning Policy No. 10 Wind Farms / Wind Turbines* including separation distances from non-host landholdings for amenity reasons and separation distances from road reserves and other reserves for safety reasons.

**The Substantive Motion was put and LOST (2/3).**

For: Cr Craig Mitchell
Cr Mick Mathwin

Against: Dale Page
Eugene Koltasz
Mike Mouritz

**SUBSTANTIVE MOTION 2**

**Moved by:** Dale Page **Seconded by:** Eugene Koltasz

1. **Accept** that the DAP Application reference DAP/25/03017 is appropriate for consideration as a "use not listed" land use and compatible with the objectives of the zoning table in accordance with Clause 3.2 of the *Shire of Kojonup Town Planning Scheme No. 3*.

2. **Approve** DAP Application reference DAP/25/03017 and accompanying plans (as contained in the Development Application Report, as shown in Attachment 1 (Appendix C) of the Responsible Authority Report in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of Clause 6.3 of the *Shire of Kojonup Town Planning Scheme No. 3*, subject to the following conditions:

DEVELOPMENT APPROVAL SCOPE

1. This decision constitutes planning approval only and is valid for a period of 5 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

2. The Development Plan is modified to:

   (i) Ensure that all wind turbine envelopes (radius 100m) are located a minimum of 1500 metres from any dwelling or sensitive land use unless an agreement is entered into with the impacted non-host landowner;
   (ii) Ensure that all wind turbine envelopes are located a minimum of 1000 metres from any non-host landholding boundary, unless an agreement is entered into with the impacted non-host landowner; and
   (iii) Mitigate safety risks in the event of a blade drop or throw from a non-host landholding boundary, from the edge of public road reserves or from other public land through wind turbine envelopes being setback 1.5 times the height of the turbine, inclusive of the horizontal blade length to the tip of the blade.

3. The approved development shall be undertaken generally in accordance with the plans and undertakings provided by the applicant and forming the Application for Development Approval as attached to this report subject to any modifications required as a consequence of any condition/s of this approval.

4. This approval is for a maximum of 33 wind turbines with a maximum blade tip height of 206 metres above ground level.

5. The wind turbines and rotors are to be constructed in white or light grey colour.

6. Pursuant to Schedule 2, clause 74 of the *Planning and Development (Local Planning* Schemes*)* Regulations *2015*, further detailed plans for the proposed development shall be submitted to the local government for approval.

   Further detailed plans may include the micro-siting wind turbines and associated infrastructure up to 100m.

7. The 132 kV transmission line is to be installed underground only.

8. Where the height of the turbine is proposed to be increased, the applicant must reassess the wind turbine envelope(s) to ensure it is compliant with the *Environmental Protection (Noise) Regulations 1997*, *Shire of Kojonup Local Planning Policy No. 10 Wind Farms/Wind Turbines* and Condition 2(iii). In particular, wind turbine envelopes are setback 1.5 times the height of the turbine, inclusive of the horizontal blade length to the tip of the blade.

ADDITIONAL REPORTS

9. Once turbine locations and parameters have been finalised and prior to construction commencing on-site, an updated Aviation Impact Assessment, including any amendments required to the Grid Lowest Safe Altitude (LSALT) height, is to be submitted to the Local Government for approval.

10. Prior to construction commencing on-site, the applicant is to submit for approval either:

    (i) Updated reports which assess the impact of the final turbine locations; or

    (ii) A technical note from the author of the report or equivalent expert confirming that the change in location of the turbines does not change the outcome or recommendations in the report.

    The reports to which this condition relate are:

    (i) Shadow flicker and blade glint;

    (ii) Electromagnetic Interference;

    (iii) Environmental Assessment and Management Plan;

(iv) Aviation Impact Assessment; and

(v) Noise Impact Assessment.

11. An Independent Engineering Certification Report, prepared by a suitably qualified and independent structural engineer, is required to certify:

    (i) Pre-construction: That the wind turbines and their foundations have been designed in accordance with relevant Australian and international standards.

    (ii) Post-construction: That the wind turbines and their foundations have been constructed in accordance with relevant Australian and international standards.

CONSTRUCTION

12. Prior to construction, a Construction and Environmental Management Plan shall be submitted to the Local Government for approval. Once approved, the Construction and Environmental Management Plan shall be implemented at all times during the construction phase to the satisfaction of the Local Government upon advice from relevant agencies.

13. Prior to delivery of turbines, a Traffic and Transport Management Plan relating to construction related transport within the Shire of Kojonup shall be submitted to the Local Government for approval.

    Once approved, the Traffic and Transport Management Plan shall be implemented at all times to the satisfaction of the Local Government for works on local roads and Main Roads WA for works on State roads, including Albany Highway if / as required.

14. A Pre-Construction and Post-Construction Road Pavement Survey is prepared prior to commencing works to the satisfaction of the local government. The survey is required before and after construction to assess any damage from works and heavy vehicle use. The applicant is to rectify and restore the road network and other affected infrastructure following construction to the satisfaction of the local government and Main Roads WA.

15. All wind turbine towers to have lighting which is satellite or radio frequency activated when aircraft are in the vicinity.

16. Prior to installing any of the turbines, 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:

    (i) Civil Aviation Safety Authority (CASA);

    (ii) Airservices Australia;

    (iii) Royal Flying Doctor Service;

(iv) Royal Australian Air Force;

(v) All known private airstrip owners within 20km of any wind turbine; and

(vi) All known aerial agriculture operators, including the Aerial Agriculture Association of Australia.

NOISE

17. Prior to construction, an updated Noise Impact Assessment is to be provided. Amongst matters, the assessment is to confirm the development complies with the *Environmental Protection (Noise) Regulations 1997* (as amended) and *South Australian EPA Wind Farms Environmental Noise Guidelines (2021)*, to the satisfaction of the local government upon advice from the Department of Water and Environmental Regulation and/or the Department of Health.

18. This approval is for Vestas V162-6.2MW wind turbine. Where the use of an alternative wind turbine is proposed, the applicant must prepare and lodge with the local government a revised Noise Impact Assessment based upon the proposed alternative turbine, which demonstrates that that the alternative turbine complies with Condition 17. Any revised Noise Impact Assessment is to be to the satisfaction of the local government.

19. The applicant is to undertake post-commissioning noise testing based upon the testing procedures and analysis to address the *Environmental Protection (Noise) Regulations 1997* (as amended) to the satisfaction of the local government upon advice from the Department of Water and Environmental Regulation and/or the Department of Health. The noise testing should:

    (i) Monitor noise levels at least once per annum to verify compliance of all turbines;
    (ii) Identify any additional measures required to mitigate identified deficiencies;
    (iii) Identify any required updates to the wind farm's noise impact area; and
    (iv) Be made publicly available on the wind farm operator's website for the life of the wind farm.

20. The applicant shall ensure at all times that the operation of the wind farm complies with the following noise levels within a 30 metre curtilage of a dwelling:

    a) Will not exceed 35dB(A) (LA90, 10 minutes); or

    b) Will not exceed the background noise (LA90, 10 Minutes) by more than 5dB(A), whichever is the greater.

OPERATIONAL MATTERS

21. Post-construction, the applicant must provide the local government with:

    (i) GPS co-ordinates for each constructed wind turbine; and

(ii) A plan showing the location of all constructed access tracks.

22. Prior to wind turbine commissioning, a Bird and Bat Adaptive Management Plan is to be prepared to the satisfaction of the Local Government, on advice from the Department of Water and Environmental Regulation and other relevant stakeholders.

23. Prior to wind farm operations commencing, an Operational Management Plan shall be submitted to the Local Government for approval. Once approved, the Operational Management Plan shall be implemented at all times during the operational phase to the satisfaction of the Local Government.

The Operational Management Plan will also include:

(i) Information and contact details of the Operator of the Wind Farm;

(ii) A complaints procedure for managing all complaints received, including noise complaints;

(iii) The requirement to maintain a complaints register;

(iv) Arrangements with adjoining landowners regarding the construction of future dwellings on adjoining lots; and

(v) Arrangements with adjoining and nearby landowners undertaking agricultural aerial spraying and or aerial water bombing for fire management.

24. Prior to construction, a Fire Management Plan shall be submitted to the local government for approval upon advice from the Department of Fire and Emergency Services. Once approved, the Fire Management Plan shall be implemented to the satisfaction of the local government. The Fire Management Plan shall address the construction and operational phases of the development, including the following:

(i) 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;

(ii) 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;

(iii) Emergency procedures and personnel contacts;

(iv) Consideration of activities on fire ban days;

(v) Notification for other agencies; and

(vi) Informed by and consultation with the local Bushfire Brigades and the Chief Bushfire Control Officer to formulate a Fire Management Plan that is practical for the context and for the local government.

25. Prior to construction, an Emergency Response Plan shall be developed in consultation with the Local Government. The Emergency Response Plan shall be implemented at all times during the operational phase to the satisfaction of the Local Government.

26. A Signal Strength (Television, Radio and Mobile Phone) Testing Report is prepared prior to commencing any works to the satisfaction of the local government. The report to record pre-and post-operation signal strength and quality. The report must demonstrate either:

(i) No Electromagnetic Interference Assessment impacts on television, radio or mobile coverage, or
(ii) Where impacts occur, that they are consistent with the Electromagnetic Interference Assessment and addressed through mitigation.

Where unacceptable impacts are identified that were not anticipated in the Electromagnetic Interference Assessment, the wind farm operator may be required to:

(i) Prepare an addendum to the Electromagnetic Interference Assessment identifying the cause and extent of the impact; and
(ii) Update the Operational Management Plan to include additional or revised mitigation measures and implementation programs.

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

(i) Identify, by numerical code, the species, quantity and anticipated mature dimensions of all plant types;
(ii) Identify a schedule of maintenance required to ensure that the landscaping grows to its mature dimensions and can be maintained at that level.

28. The applicant is to ensure suitable potable water supply and effluent disposal facilities / infrastructure are designed, installed and maintained for the life of the development in accordance with the Local Government's requirements, upon advice of the Department of Health as necessary.

DECOMMISSIONING

29. At least 12 months prior to discontinuation of the relevant approved stage of the development, an updated Decommissioning and Rehabilitation Management Plan is to be prepared and approved to the satisfaction of the local government. The Plan must describe the scope and staging of decommissioning and rehabilitation works, and address the following matters including:

    (i) Safety and emergency management;
    (ii) Environmental management;
    (iii) Waste management;
    (iv) A detailed decommissioning schedule or works with timeframes for each stage;
    (v) A Traffic Management Plan;
    (vi) A Fire Management Plan;
    (vii) Sufficient information that clearly outlines any below ground infrastructure to be retained on site and its treatment to allow for continued agricultural use;
    (viii) Implementation of suitable mechanisms to alert prospective purchasers of retention of any below ground infrastructure which may affect future building locations or development;

    Decommissioning and rehabilitation works are required to be completed within 18 months of the turbines or a single turbine operation, through the life of the project, ceasing operation to the satisfaction of the local government.

    The applicant shall rehabilitate any and all sites as required to the satisfaction of the local government to enable broadacre farming or other approved farming activity to resume / continue, 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.

30. 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 or operator.

**ADVICE NOTES:**

1. This is a development approval only. The applicant is advised that it is their responsibility to ensure the proposed development complies with all other applicable legislation, local laws and/or licence/permit requirements that may relate to the development. This includes the *Biodiversity Conservation Act 2016, Environmental Protection (Noise) Regulations 1997, Environmental Protection Act 1986, Rights in Water and Irrigation Act 1914, Aboriginal Heritage Act 1972, Environmental Protection (Clearing of Native Vegetation) Regulations 2004* and *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007*, amongst others.

2. For any condition that requires a plan(s) to be submitted to the Local Government, a new and updated plan(s) shall be submitted for each stage of the development unless otherwise advised by the Local Government.

3. The further detailed plans required by Condition 10 must include:

   (i) Temporary works required during construction including:

      (a) Construction compounds;

      (b) Concrete batching plant;

      (c) Materials storage / laydown areas.

   (ii) Permanent structures and detail, including:

      (a) Micro siting of wind turbines subject to addressing Condition 6 and avoiding native vegetation;

      (b) Substation;

      (c) Operation and maintenance building;

      (d) Battery Energy Storage System (BESS);

      (e) Underground cabling and underground cable road crossings;

      (f) Service roads and parking.

4. In relation to Conditions 10 and 15, the updated Aviation Impact Assessment is to be submitted to the local government for approval upon advice from Civil and Safety Authority (CASA). If required by CASA, all wind turbine towers to have lighting which is satellite or radio frequency activated when aircraft are in the vicinity.

5. In relation to the Construction and Environmental Management Plan, the following information should also be included:

   Construction

   (i) A program of works;

   (ii) The location of:

      (a) the crane hardstand areas;

      (b) the concrete batching plant, water tanks and any construction compounds and materials storage / laydown areas

      (c) temporary buildings;

(d) temporary access / egress points;

(e) temporary car parking areas;

(f) the location and extent of excavation required for the purpose of laying cabling;

(iii) A timetable for the removal of temporary development after completion of the construction phase;

(iv) Detail how disturbed land will be rehabilitated;

(v) An accommodation strategy which identifies how workers will be housed during the construction phase;

(vi) Stakeholder and community engagement (including complaints handling processes);

(vii) Address the matters outlined below:

(a) Safety and emergency management;

(b) Safety and site hygiene management, including the provision of water and waste water services to buildings with amenities;

(c) Natural hazard management, including fire and emergency management;

(d) Fuel and chemical storage and handling;

(e) Aviation impacts and management;

(f) Waste management including construction waste;

(viii) The management of potential construction impacts, including:

(a) The management of weed infestations;

(b) Erosion and sediment control;

(c) Stormwater management;

(d) Dust management;

(e) Water management;

(f) Waterways protection;

(g) Noise and vibration management;

(h) Flora and fauna management;

(i) Biosecurity management measures including minimisation of biosecurity risks to the land owners, adjoining properties and along the transport routes;

(j) Historic cultural heritage management; and

(k) Aboriginal cultural heritage management including ensuring contractors and operators are informed of the obligations relating to site discovery and reporting requirements.

6. Any additional wind monitoring mast(s) is to include the following measures as recommended by the Aviation Impact Assessment and by government agency submissions:

(i) Three marker balls are to be placed on the outside guy wires at the top of the masts;

(ii) Guy wire ground attachment points should be in contrasting colours to the surrounding ground/vegetation;

(iii) Paint markings should be applied in alternating contrasting bands of colour on the top one-third of the masts, in line with the National Airports Safeguarding Framework Guideline D;

(iv) Masts are to be reported to the Airservices Australia via the Vertical Obstacle Data Form once mast parameters and locations have been finalised and at least two (2) weeks before construction commencing, to be included on aeronautical maps and charts;

(v) Adjacent landowners are to be notified of obstacles relating to aerial recreation or agricultural activities; and

(vi) Suitable ground signage or other warning devices are to be erected at road entrances and key access points around agricultural machinery of the presence of guy wires and other infrastructure associated with the masts.

7. With regard to the Traffic and Transport Management Plan required by Condition 13, the following information should be included:

(i) Traffic impact assessment;

(ii) Details of Oversize and Overmass loads;

(iii) Swept path analysis;

(iv) Haul movements and routes;

(v) Details of any temporary or permanent modifications, works or upgrades required to intersections, roads or site access points; and

(vi) Permit /approval requirements, local government or Main Roads WA.

8. With regard to the Traffic and Transport Management Plan, Main Roads WA approval and permit requirements may include:

(i) Movements of wind farm components require necessary permits from Main Roads WA's Heavy Vehicle Services (HVS) under the *Road Traffic (Vehicles) Act 2012* complying with the HVS route survey requirements, Oversize Overmass Transport Management Plan (OSOM-TMP) requirements, the Movement of High Risk OSOM Vehicles Policy and the Single Trip OSOM Vehicle Standard Operating Conditions;

(ii) Proposed works within State road reserves are subject to a separate approval process under the *Main Roads Act 1930*;

(iii) All Traffic Control Signal installations, removals, or alterations within Western Australia require approval from Main Roads Network Operations under Regulation 297 of the *Road Traffic Code 2000*;

(iv) Main Roads approval for signage and pavement marking modifications is required under the *Road Traffic Code 2000*; and

(v) Any road signs are to comply with Main Roads Policy Application Guidelines for Advertising Signs within and beyond State Roads Reserves under the *Main Roads (Control of Advertisements) Regulations 1996*.

9. With regard to the Traffic and Transport Management Plan, local government approval requirements may include:

(i) Roads to remain open for public use where practicable during road construction/upgrade activities;

(ii) Source of and testing results of gravel proposed for use on public roads are to be to the satisfaction of the local government; and

(iii) Upgrades of the entry points to the Project Site from adjoining public roads.

10. The Shire of Kojonup is unable to provide guarantee of all-weather access on its unsealed road network, and in the event that the applicant requires all- weather access to the project site, the applicant is required to seal the affected portion of road network to the satisfaction of the local government.

11. All service roads are to be located, designed, constructed and drained to minimise the impact on local drainage systems, landscape and farming activities.

12. With regard to the Fire Management Plan and the Emergency Response Plan, the Department of Fire and Emergency Services (DFES) Regional Office, DFES Aviation Services, District Officer and the local fire and emergency services should be consulted during the final design, construction, and leading up to the commissioning of the wind farm facility and associated infrastructure. The Shire of Kojonup and DFES consider it critical for the local fire and emergency services to understand the hazards present in the facility and the measures required to ensure the safety of firefighting personnel when working in or around the facility. This may impact on how crews respond to a fire within the facility, which may in turn have ramifications regarding the optimal number and location of water supplies. The Emergency Response Plan is also to address other potential emergency types such as medical incident response (i.e. ambulance attendance) and storm events.

13. The concrete batching plant will need to demonstrate compliance with the Environmental *Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998* irrespective of whether the premises is a Prescribed Premises or not.

14. The development shall be designed and constructed to protect Western Power infrastructure and interests from potential land use conflict. Arrangements should be made to the specifications of Western Power for the provision of necessary electricity easements as and where required. No development (including drainage, fill, fencing, storage or parking) will be permitted within Western Power line and cable easements or restriction zones without the prior written approval of Western Power.

15. The applicant shall immediately advise the local government of completion of construction of the development, including completion of any individual stages.

16. The applicant is strongly encouraged to establish and implement a Community Benefits Fund in conjunction with the Shire of Kojonup, consistent with the WA Government endorsed (currently draft) '*Guideline on Community Benefits for Renewable Energy Projects*'.

17. The applicant is advised that:

    (i) There is potential for vacant lots adjacent to the proposed wind farm to be further developed with dwellings;

    (ii) Legislation in Western Australia requires that the wind farm comply with the Environmental *Protection (Noise) Regulations 1997*. The controls on noise contained in this approval do not override those contained in the Regulations, nor vice versa, but the wind farm must comply with whichever control is more stringent at any given location at any given time under then-prevailing meteorological etc conditions;

    (iii) The applicant takes the commercial risk that future wind farm operations may need to be altered or modified to continue to comply with noise limitations;

(iv) It is recommended that the applicant prepare and submit acoustic compliance reports by a suitably qualified and independent acoustic engineer to demonstrate compliance with Condition 19 at key stages of development. This would provide compliance assurances to both the local government and surrounding landowners;

(v) These conditions must be read in conjunction with all relevant legislation and regulations and the applicant must comply with all other relevant legislation and regulations specifically the *Environmental Protection Act 1986* and associated regulations;

(vi) A clearing permit under the *Environmental Protection Act 1986*, for the proposed clearing of any native vegetation may be required;

(vii) The applicant is advised to investigate whether or not approval is required pursuant to the *Aboriginal Heritage Act 1972* prior to commencement of any activities or works on site;

(viii) The transformer associated with each wind turbine shall be located beside each tower or enclosed within *the* tower;

(ix) All fill placed on the land must be free of disease and weeds;

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

(xi) There are various Department of Water and Environmental Regulation requirements relating to matters including water licensing, water supply and surface water management –

(a) A Bed and Banks permit under the *Rights in Water and Irrigation Act 1914*, will be required for the interference with the bed and bank of any watercourse; and

(b) A licence to take water under the *Rights in Water and Irrigation Act 1914*, will be required if it is proposed to take surface water from a watercourse.

(xii) Once turbine locations and parameters have been finalised and at least two (2) months before installation of any wind turbines commencing, the applicant/operator will submit the details of all wind turbines to Airservices Australia via the Vertical Obstacle Data Form, as required by Conditions 16 and 21.

(xiii) On commissioning, the Vertical Obstacle Data Form should be resubmitted to Airservices Australia with the surveyed height and location of each installed turbine and wind monitoring mast.

18. Should the applicant be aggrieved by this determination there is a right (pursuant to the *Planning and Development Act 2005*) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

**AMENDING MOTION 1**

**Moved by:** Dale Page **Seconded by:** Eugene Koltasz

That Condition No. 2 be deleted and the remaining Conditions be renumbered accordingly.

**The Amending Motion was put and CARRIED (4/1).**

For: Dale Page
Eugene Koltasz
Mike Mouritz
Cr Mick Mathwin

Against: Cr Craig Mitchell

**REASON:** The changes required by this condition essentially require a redesign of the proposal. This is not appropriate planning decision making. The panel needs to consider the proposal before it and not seek to make a different proposal via the imposition of conditions, which require substantial redesign. Furthermore, the requirements of the condition are based on a LPP that does not align fully with State planning instruments and/or are seeking amendments which are unnecessary or lack a solid planning basis.

**AMENDING MOTION 2**

**Moved by:** Dale Page **Seconded by:** Eugene Koltasz

That Condition No. 8 (now Condition No. 7) be deleted and the remaining Conditions be renumbered accordingly.

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** There is detail contained in the application about the proposed heights of the turbines. If these heights are to change, this would require an amendment to the development approval and would require suitable justification at that time. The condition is therefore unnecessary.

**AMENDING MOTION 3**

**Moved by:** Dale Page **Seconded by:** Mike Mouritz

That Condition No. 13 (now Condition No. 11) be amended to read as follows:

> *Prior to delivery of turbines, a Traffic and Transport Management Plan relating to construction related transport within the Shire of Kojonup shall be submitted to the Local Government for approval.*
>
> ***The Traffic and Transport Management Plan shall address the requirement for the applicant to assess the pavement condition pre and post construction and to rectify and restore the road network and other affected infrastructure following construction to the satisfaction of the local government, in consultation with Main Roads WA.***
>
> *Once approved, the Traffic and Transport Management Plan shall be implemented at all times to the satisfaction of the Local Government for works on local roads and Main Roads WA for works on State roads, including Albany Highway if / as required.*

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** The panel agreed with the applicant that the requirements of proposed Condition 14 should form part of the Traffic and Transport Management Plan but was of the view that some visibility is required about the need for inclusion of the pavement surveys and rectification works in that plan.

**AMENDING MOTION 4**

**Moved by:** Dale Page **Seconded by:** Mike Mouritz

That Condition No. 14 (now Condition No. 12) be deleted and the remaining Conditions be renumbered accordingly.

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** the condition was merged into Condition 13.

**AMENDING MOTION 5**

**Moved by:** Dale Page **Seconded by:** Eugene Koltasz

That Condition No. 19 (now Condition No. 16) be amended to read as follows:

> *The applicant is to undertake post-commissioning noise testing based upon the testing procedures and analysis* ***contained in the South Australian EPA Wind Farms Environmental Noise Guidelines (2021)*** *to address the Environmental Protection (Noise) Regulations 1997 (as amended) to the satisfaction of the local government upon advice from the Department of Water and Environmental Regulation and/or the Department of Health. The noise testing should:*
>
> ~~*(i) Monitor noise levels at least once per annum to verify compliance of all turbines;*~~
> ~~*(ii) Identify any additional measures required to mitigate identified deficiencies;*~~
> ~~*(iii) Identify any required updates to the wind farm's noise impact area; and*~~
> *(i~~v~~) Be made publicly available on the wind farm operator's website for the life of the wind farm.*

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** It appears the wording relating to the South Australia guidelines was inadvertently omitted from the Shire's condition and the panel agrees with the applicant that if the post-commissioning noise testing demonstrates compliance with assigned noise levels and nothing changes operationally, then annual noise monitoring is not required. Publishing of the post-commissioning testing results on the operator's website for information was supported

**AMENDING MOTION 6**

**Moved by:** Dale Page **Seconded by:** Eugene Koltasz

That Condition No. 20 (now Condition No. 17) be amended to read as follows:

> *The applicant shall ensure at all times that the operation of the wind farm complies with the following noise levels within a 30 metre curtilage of a dwelling:*
>
> a) *Will not exceed 35dB(A) (LA90, 10 minutes); or*
>
> b) *Will not exceed the background noise (LA90, 10 Minutes) by more than 5dB(A), whichever is the greater* ***up to 45dB(A). Assessment of noise impact is to be performed in accordance with South Australian EPA Wind Farms Environmental Noise Guidelines (2021) at the end of the condition as suggested by the applicant.***

**PROCEDURAL MOTION 1**

**Moved by:** Dale Page **Seconded by:** Eugene Koltasz

That the Standing Orders be suspended in accordance with section 5.9.2g of the DAP Standing Orders to allow members to speak more than once on the same item and continue further debate on Item 3.1.

**The Procedural Motion was put and CARRIED.**

**REASON:** to allow members to speak to the item more than once.

*The Standing Orders were suspended at 12.00pm.*

**PROCEDURAL MOTION 2**

**Moved by:** Dale Page **Seconded by:** Eugene Koltasz

That the Standing Orders be instated in accordance with section 5.9.2g of the DAP Standing Orders to allow members to speak more than once on the same item and continue further debate on Item 3.1.

**The Procedural Motion was put and CARRIED.**

**REASON:** to allow members to speak to the item more than once.

*The Standing Orders were reinstated at 12.05pm.*

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** The condition needs to be more specific to outline that the parameters in the condition suggested by the Shire are consistent with the South Australian EPA Wind Farms Environmental Noise Guidelines (2021) and no other legislation or guidelines.

**AMENDING MOTION 7**

**Moved by:** Dale Page **Seconded by:** Eugene Koltasz

The following amendments were made en bloc:

(i) That Condition No. 24 (now Condition No. 21) be amended to read as follows:

*Prior to construction, a* ***Bushf****ire Management Plan* ***and Risk Management Plan*** *shall be submitted to the local government for approval* ***on advice of the Department of Fire and Emergency Services.*** ~~*upon advice from the Department of Fire and Emergency Services. Once approved, the Fire Management Plan shall be implemented to the satisfaction of the local government. The Fire Management Plan shall address the construction and operational phases of the development, including the following:*~~

~~(i) *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;*~~

~~(ii) *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;*~~

~~(iii) *Emergency procedures and personnel contacts;*~~

~~(iv) *Consideration of activities on fire ban days;*~~

~~(v) *Notification for other agencies; and*~~

~~(vi) *Informed by and consultation with the local Bushfire Brigades and the Chief Bushfire Control Officer to formulate a Fire Management Plan that is practical for the context and for the local government.*~~

(ii) That a new Advice Note No. 19 be added to read as follows:

***In relation to Condition 24, the Bushfire Management Plan shall be prepared to address the requirements under State Planning Policy 3.7 Bushfire and the Planning for Bushfire Guidelines. The Risk Management Plan shall be prepared taking general guidance from the Victorian Country Fire Association's Design Guidelines and Model Requirements – Renewable Energy Facilities.***

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** The current wording refers to a Fire Management Plan and the proposed wording is clearer and more accurate. The sub-points are explanatory and better suited as an Advice Note

**Dale Page**
**Presiding Member, Regional DAP**



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**AMENDING MOTION 8**

**Moved by:** Dale Page **Seconded by:** Mike Mouritz

That Condition No. 25 (now Condition No. 22) be amended to read as follows:

> Prior to **commencement of operations** ~~construction~~, an Emergency Response Plan shall be developed in consultation with the Local Government. The Emergency Response Plan shall be implemented at all times during the operational phase to the satisfaction of the Local Government.

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** It is more reasonable and appropriate to require such plans before occupation or commencement of use, rather than prior to construction. Emergency response actions required during construction will be covered by the Construction Management Plan.

**AMENDING MOTION 9**

**Moved by:** Dale Page **Seconded by:** Eugene Koltasz

That Condition No. 26 (now Condition No. 23) be deleted and the remaining Conditions be renumbered accordingly.

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** The condition duplicates the requirements of a separate condition and is therefore not needed.

**AMENDING MOTION 10**

**Moved by:** Dale Page **Seconded by:** Eugene Koltasz

That Condition No. 27 (now Condition No. 23) be deleted and the remaining Conditions be renumbered accordingly.

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** There is tension between the desire to landscape areas around the buildings and the need to maintain an Asset Protection Zone around these facilities. The facilities are to be placed in existing paddocks and will largely be screened from adjoining roads and nearby neighbours.

**AMENDING MOTION 11**

**Moved by:** Dale Page **Seconded by:** Eugene Koltasz

The following amendments were made en bloc:

(i) That Condition No. 29 (now Condition No. 24) be amended to read as follows:

*At least 12 months prior to discontinuation of the relevant approved stage of the development, an updated Decommissioning and Rehabilitation Management Plan is to be prepared and approved to the satisfaction of the local government. ~~The Plan must describe the scope and staging of decommissioning and rehabilitation works, and address the following matters including:~~*

*~~(i) Safety and emergency management;~~*
*~~(ii) Environmental management;~~*
*~~(iii) (iii) Waste management;~~*
*~~(iv) (iv) A detailed decommissioning schedule or works with timeframes for each stage;~~*
*~~(v) A Traffic Management Plan;~~*
*~~(vi) A Fire Management Plan;~~*
*~~(vii) Sufficient information that clearly outlines any below ground infrastructure to be retained on site and its treatment to allow for continued agricultural use;~~*
*~~(viii) Implementation of suitable mechanisms to alert prospective purchasers of retention of any below ground infrastructure which may affect future building locations or development;~~*

*~~Decommissioning and rehabilitation works are required to be completed within 18 months of the turbines or a single turbine operation, through the life of the project, ceasing operation to the satisfaction of the local government.~~*

*~~The applicant shall rehabilitate any and all sites as required to the satisfaction of the local government to enable broadacre farming or other approved farming activity to resume / continue, 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.~~*

(iii) That a new Advice Note No. 20 be added to read as follows:

***The Decommissioning and Rehabilitation Management Plan must describe the scope and staging of decommissioning and rehabilitation works, and address the following matters including:***

***(i) Safety and emergency management;***
***(ii) Environmental management;***
***(iii) (iii) Waste management;***
***(iv) A detailed decommissioning schedule or works with timeframes for each stage;***
***(v) A Traffic Management Plan;***
***(vi) A Fire Management Plan;***

**Dale Page**
**Presiding Member, Regional DAP**



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***(vii) Sufficient information that clearly outlines any below ground infrastructure to be retained on site and its treatment to allow for continued agricultural use;***
***(viii) Implementation of suitable mechanisms to alert prospective purchasers of retention of any below ground infrastructure which may affect future building locations or development;***

***Decommissioning and rehabilitation works are required to be completed within 18 months of the turbines or a single turbine operation, through the life of the project, ceasing operation to the satisfaction of the local government.***

***The applicant shall rehabilitate any and all sites as required to the satisfaction of the local government to enable broadacre farming or other approved farming activity to resume / continue, 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.***

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** to be consistent with the wording of conditions on other similar applications. It is more appropriate for explanatory information to be contained as Advice Notes.

**AMENDING MOTION 12**

**Moved by:** Dale Page **Seconded by:** Eugene Koltasz

The following amendments were made en bloc:

(i) That Condition No. 30 (now Condition No. 25) be amended to read as follows:

~~*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 or operator.*~~

If 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, these notifications are to be prepared and lodged at the cost of the Shire and with the consent of the applicant or owner.

(ii) That a New Advice 21 be added to read as follows:

***Condition No.25 is not imposing an obligation on the Local Government. If the Local Government chooses to lodge a Notification under Section 70A, the proponents' obligation is to give their consent to the Local Governments application and nothing more.***

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** The obligation to lodge a Section 70A Notice on the title under the Transfer of Lands Act 1893 rests with the local government and not the applicant. This can only be executed by the local government if the landowner has given consent for the notice to be lodged. Further, there is no obligation for the local government to lodge the notice even if the consent is given, however, should the local government proceed the associated costs rest with the local government.

**SUBSTANTIVE MOTION (AS AMENDED)**

1. **Accept** that the DAP Application reference DAP/25/03017 is appropriate for consideration as a "use not listed" land use and compatible with the objectives of the zoning table in accordance with Clause 3.2 of the *Shire of Kojonup Town Planning Scheme No. 3*.

2. **Approve** DAP Application reference DAP/25/03017 and accompanying plans (as contained in the Development Application Report, as shown in Attachment 1 (Appendix C) of the Responsible Authority Report in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of Clause 6.3 of the *Shire of Kojonup Town Planning Scheme No. 3*, subject to the following conditions:

DEVELOPMENT APPROVAL SCOPE

1. This decision constitutes planning approval only and is valid for a period of 5 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

2. The approved development shall be undertaken generally in accordance with the plans and undertakings provided by the applicant and forming the Application for Development Approval as attached to this report subject to any modifications required as a consequence of any condition/s of this approval.

3. This approval is for a maximum of 33 wind turbines with a maximum blade tip height of 206 metres above ground level.

4. The wind turbines and rotors are to be constructed in white or light grey colour.

5. Pursuant to Schedule 2, clause 74 of the *Planning and Development (Local Planning* Schemes*)* Regulations *2015*, further detailed plans for the proposed development shall be submitted to the local government for approval.

   Further detailed plans may include the micro-siting wind turbines and associated infrastructure up to 100m.

6. The 132 kV transmission line is to be installed underground only.

ADDITIONAL REPORTS

7. Once turbine locations and parameters have been finalised and prior to construction commencing on-site, an updated Aviation Impact Assessment, including any amendments required to the Grid Lowest Safe Altitude (LSALT) height, is to be submitted to the Local Government for approval.

8. Prior to construction commencing on-site, the applicant is to submit for approval either:

   (i) Updated reports which assess the impact of the final turbine locations; or

   (ii) A technical note from the author of the report or equivalent expert confirming that the change in location of the turbines does not change the outcome or recommendations in the report.

   The reports to which this condition relate are:

   (i) Shadow flicker and blade glint;

   (ii) Electromagnetic Interference;

   (iii) Environmental Assessment and Management Plan;

   (iv) Aviation Impact Assessment; and

   (v) Noise Impact Assessment.

9. An Independent Engineering Certification Report, prepared by a suitably qualified and independent structural engineer, is required to certify:

   (i) Pre-construction: That the wind turbines and their foundations have been designed in accordance with relevant Australian and international standards.

   (ii) Post-construction: That the wind turbines and their foundations have been constructed in accordance with relevant Australian and international standards.

CONSTRUCTION

10. Prior to construction, a Construction and Environmental Management Plan shall be submitted to the Local Government for approval. Once approved, the Construction and Environmental Management Plan shall be implemented at all times during the construction phase to the satisfaction of the Local Government upon advice from relevant agencies.

11. Prior to delivery of turbines, a Traffic and Transport Management Plan relating to construction related transport within the Shire of Kojonup shall be submitted to the Local Government for approval.

    The Traffic and Transport Management Plan shall address the requirement for the applicant to assess the pavement condition pre and post construction and to rectify and restore the road network and other affected infrastructure following construction to the satisfaction of the local government, in consultation with Main Roads WA.

    Once approved, the Traffic and Transport Management Plan shall be implemented at all times to the satisfaction of the Local Government for works on local roads and Main Roads WA for works on State roads, including Albany Highway if / as required.

12. All wind turbine towers to have lighting which is satellite or radio frequency activated when aircraft are in the vicinity.

13. Prior to installing any of the turbines, 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:

    (i) Civil Aviation Safety Authority (CASA);

    (ii) Airservices Australia;

    (iii) Royal Flying Doctor Service;

    (iv) Royal Australian Air Force;

    (v) All known private airstrip owners within 20km of any wind turbine; and

    (vi) All known aerial agriculture operators, including the Aerial Agriculture Association of Australia.

NOISE

14. Prior to construction, an updated Noise Impact Assessment is to be provided. Amongst matters, the assessment is to confirm the development complies with the *Environmental Protection (Noise) Regulations 1997* (as amended) and *South Australian EPA Wind Farms Environmental Noise Guidelines (2021)*, to the satisfaction of the local government upon advice from the Department of Water and Environmental Regulation and/or the Department of Health.

15. This approval is for Vestas V162-6.2MW wind turbine. Where the use of an alternative wind turbine is proposed, the applicant must prepare and lodge with the local government a revised Noise Impact Assessment based upon the proposed alternative turbine, which demonstrates that that the alternative turbine complies with Condition 17. Any revised Noise Impact Assessment is to be to the satisfaction of the local government.

16. The applicant is to undertake post-commissioning noise testing based upon the testing procedures and analysis contained in the South Australian EPA Wind Farms Environmental Noise Guidelines (2021) to address the *Environmental Protection (Noise) Regulations 1997* (as amended) to the satisfaction of the local government upon advice from the Department of Water and Environmental Regulation and/or the Department of Health. The noise testing should:

    (i) Be made publicly available on the wind farm operator's website for the life of the wind farm.

17. The applicant shall ensure at all times that the operation of the wind farm complies with the following noise levels within a 30 metre curtilage of a dwelling:

    a) Will not exceed 35dB(A) (LA90, 10 minutes); or

    b) Will not exceed the background noise (LA90, 10 Minutes) by more than 5dB(A), whichever is the greater up to 45dB(A). Assessment of noise impact is to be performed in accordance with South Australian EPA Wind Farms Environmental Noise Guidelines (2021) at the end of the condition as suggested by the applicant.

OPERATIONAL MATTERS

18. Post-construction, the applicant must provide the local government with:

    (i) GPS co-ordinates for each constructed wind turbine; and
    (ii) A plan showing the location of all constructed access tracks.

19. Prior to wind turbine commissioning, a Bird and Bat Adaptive Management Plan is to be prepared to the satisfaction of the Local Government, on advice from the Department of Water and Environmental Regulation and other relevant stakeholders.

20. Prior to wind farm operations commencing, an Operational Management Plan shall be submitted to the Local Government for approval. Once approved, the Operational Management Plan shall be implemented at all times during the operational phase to the satisfaction of the Local Government.

    The Operational Management Plan will also include:

    (i) Information and contact details of the Operator of the Wind Farm;

    (ii) A complaints procedure for managing all complaints received, including noise complaints;

    (iii) The requirement to maintain a complaints register;

    (iv) Arrangements with adjoining landowners regarding the construction of future dwellings on adjoining lots; and

(v) Arrangements with adjoining and nearby landowners undertaking agricultural aerial spraying and or aerial water bombing for fire management.

21. Prior to construction, a Bushfire Management Plan and Risk Management Plan shall be submitted to the local government for approval on advice of the Department of Fire and Emergency Services.

22. Prior to commencement of operations, an Emergency Response Plan shall be developed in consultation with the Local Government. The Emergency Response Plan shall be implemented at all times during the operational phase to the satisfaction of the Local Government.

23. The applicant is to ensure suitable potable water supply and effluent disposal facilities / infrastructure are designed, installed and maintained for the life of the development in accordance with the Local Government's requirements, upon advice of the Department of Health as necessary.

DECOMMISSIONING

24. At least 12 months prior to discontinuation of the relevant approved stage of the development, an updated Decommissioning and Rehabilitation Management Plan is to be prepared and approved to the satisfaction of the local government.

25. If 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, these notifications are to be prepared and lodged at the cost of the Shire and with the consent of the applicant or owner.

**ADVICE NOTES:**

1. This is a development approval only. The applicant is advised that it is their responsibility to ensure the proposed development complies with all other applicable legislation, local laws and/or licence/permit requirements that may relate to the development. This includes the *Biodiversity Conservation Act 2016, Environmental Protection (Noise) Regulations 1997, Environmental Protection Act 1986, Rights in Water and Irrigation Act 1914, Aboriginal Heritage Act 1972, Environmental Protection (Clearing of Native Vegetation) Regulations 2004* and *Dangerous Goods Safety (Storage and Handling of Non-explosives) Regulations 2007*, amongst others.

2. For any condition that requires a plan(s) to be submitted to the Local Government, a new and updated plan(s) shall be submitted for each stage of the development unless otherwise advised by the Local Government.

3. The further detailed plans required by Condition 10 must include:

   (i) Temporary works required during construction including:

      (a) Construction compounds;

      (b) Concrete batching plant;

      (c) Materials storage / laydown areas.

   (ii) Permanent structures and detail, including:

      (a) Micro siting of wind turbines subject to addressing Condition 6 and avoiding native vegetation;

      (b) Substation;

      (c) Operation and maintenance building;

      (d) Battery Energy Storage System (BESS);

      (e) Underground cabling and underground cable road crossings;

      (f) Service roads and parking.

4. In relation to Conditions 10 and 15, the updated Aviation Impact Assessment is to be submitted to the local government for approval upon advice from Civil and Safety Authority (CASA). If required by CASA, all wind turbine towers to have lighting which is satellite or radio frequency activated when aircraft are in the vicinity.

5. In relation to the Construction and Environmental Management Plan, the following information should also be included:

   Construction

   (i) A program of works;

   (ii) The location of:
      (a) the crane hardstand areas;

      (b) the concrete batching plant, water tanks and any construction compounds and materials storage / laydown areas

      (c) temporary buildings;

      (d) temporary access / egress points;

      (e) temporary car parking areas;

(f) the location and extent of excavation required for the purpose of laying cabling;

(iii) A timetable for the removal of temporary development after completion of the construction phase;

(iv) Detail how disturbed land will be rehabilitated;

(v) An accommodation strategy which identifies how workers will be housed during the construction phase;

(vi) Stakeholder and community engagement (including complaints handling processes);

(vii) Address the matters outlined below:

(a) Safety and emergency management;

(b) Safety and site hygiene management, including the provision of water and waste water services to buildings with amenities;

(c) Natural hazard management, including fire and emergency management;

(d) Fuel and chemical storage and handling;

(e) Aviation impacts and management;

(f) Waste management including construction waste;

(viii) The management of potential construction impacts, including:

(a) The management of weed infestations;

(b) Erosion and sediment control;

(c) Stormwater management;

(d) Dust management;

(e) Water management;

(f) Waterways protection;

(g) Noise and vibration management;

(h) Flora and fauna management;

(i) Biosecurity management measures including minimisation of biosecurity risks to the land owners, adjoining properties and along the transport routes;

(j) Historic cultural heritage management; and

(k) Aboriginal cultural heritage management including ensuring contractors and operators are informed of the obligations relating to site discovery and reporting requirements.

6. Any additional wind monitoring mast(s) is to include the following measures as recommended by the Aviation Impact Assessment and by government agency submissions:

(i) Three marker balls are to be placed on the outside guy wires at the top of the masts;

(ii) Guy wire ground attachment points should be in contrasting colours to the surrounding ground/vegetation;

(iii) Paint markings should be applied in alternating contrasting bands of colour on the top one-third of the masts, in line with the National Airports Safeguarding Framework Guideline D;

(iv) Masts are to be reported to the Airservices Australia via the Vertical Obstacle Data Form once mast parameters and locations have been finalised and at least two (2) weeks before construction commencing, to be included on aeronautical maps and charts;

(v) Adjacent landowners are to be notified of obstacles relating to aerial recreation or agricultural activities; and

(vi) Suitable ground signage or other warning devices are to be erected at road entrances and key access points around agricultural machinery of the presence of guy wires and other infrastructure associated with the masts.

7. With regard to the Traffic and Transport Management Plan required by Condition 13, the following information should be included:

(i) Traffic impact assessment;

(ii) Details of Oversize and Overmass loads;

(iii) Swept path analysis;

(iv) Haul movements and routes;

(v) Details of any temporary or permanent modifications, works or upgrades required to intersections, roads or site access points; and

(vi) Permit /approval requirements, local government or Main Roads WA.

8. With regard to the Traffic and Transport Management Plan, Main Roads WA approval and permit requirements may include:

(i) Movements of wind farm components require necessary permits from Main Roads WA's Heavy Vehicle Services (HVS) under the *Road Traffic (Vehicles) Act 2012* complying with the HVS route survey requirements, Oversize Overmass Transport Management Plan (OSOM-TMP) requirements, the Movement of High Risk OSOM Vehicles Policy and the Single Trip OSOM Vehicle Standard Operating Conditions;

(ii) Proposed works within State road reserves are subject to a separate approval process under the *Main Roads Act 1930*;

(iii) All Traffic Control Signal installations, removals, or alterations within Western Australia require approval from Main Roads Network Operations under Regulation 297 of the *Road Traffic Code 2000*;

(iv) Main Roads approval for signage and pavement marking modifications is required under the *Road Traffic Code 2000*; and

(v) Any road signs are to comply with Main Roads Policy Application Guidelines for Advertising Signs within and beyond State Roads Reserves under the *Main Roads (Control of Advertisements) Regulations 1996*.

9. With regard to the Traffic and Transport Management Plan, local government approval requirements may include:

(i) Roads to remain open for public use where practicable during road construction/upgrade activities;

(ii) Source of and testing results of gravel proposed for use on public roads are to be to the satisfaction of the local government; and

(iii) Upgrades of the entry points to the Project Site from adjoining public roads.

10. The Shire of Kojonup is unable to provide guarantee of all-weather access on its unsealed road network, and in the event that the applicant requires all- weather access to the project site, the applicant is required to seal the affected portion of road network to the satisfaction of the local government.

11. All service roads are to be located, designed, constructed and drained to minimise the impact on local drainage systems, landscape and farming activities.

12. With regard to the Fire Management Plan and the Emergency Response Plan, the Department of Fire and Emergency Services (DFES) Regional Office, DFES Aviation Services, District Officer and the local fire and emergency services should be consulted during the final design, construction, and leading up to the commissioning of the wind farm facility and associated infrastructure. The Shire of Kojonup and DFES consider it critical for the local fire and emergency services to understand the hazards present in the facility and the measures required to ensure the safety of firefighting personnel when working in or around the facility. This may impact on how crews respond to a fire within the facility, which may in turn have ramifications regarding the optimal number and location of water supplies. The Emergency Response Plan is also to address other potential emergency types such as medical incident response (i.e. ambulance attendance) and storm events.

13. The concrete batching plant will need to demonstrate compliance with the Environmental *Protection (Concrete Batching and Cement Product Manufacturing) Regulations 1998* irrespective of whether the premises is a Prescribed Premises or not.

14. The development shall be designed and constructed to protect Western Power infrastructure and interests from potential land use conflict. Arrangements should be made to the specifications of Western Power for the provision of necessary electricity easements as and where required. No development (including drainage, fill, fencing, storage or parking) will be permitted within Western Power line and cable easements or restriction zones without the prior written approval of Western Power.

15. The applicant shall immediately advise the local government of completion of construction of the development, including completion of any individual stages.

16. The applicant is strongly encouraged to establish and implement a Community Benefits Fund in conjunction with the Shire of Kojonup, consistent with the WA Government endorsed (currently draft) '*Guideline on Community Benefits for Renewable Energy Projects*'.

17. The applicant is advised that:

    (i) There is potential for vacant lots adjacent to the proposed wind farm to be further developed with dwellings;

    (ii) Legislation in Western Australia requires that the wind farm comply with the Environmental *Protection (Noise) Regulations 1997*. The controls on noise contained in this approval do not override those contained in the Regulations, nor vice versa, but the wind farm must comply with whichever control is more stringent at any given location at any given time under then-prevailing meteorological etc conditions;

    (iii) The applicant takes the commercial risk that future wind farm operations may need to be altered or modified to continue to comply with noise limitations;

(iv) It is recommended that the applicant prepare and submit acoustic compliance reports by a suitably qualified and independent acoustic engineer to demonstrate compliance with Condition 19 at key stages of development. This would provide compliance assurances to both the local government and surrounding landowners;

(v) These conditions must be read in conjunction with all relevant legislation and regulations and the applicant must comply with all other relevant legislation and regulations specifically the *Environmental Protection Act 1986* and associated regulations;

(vi) A clearing permit under the *Environmental Protection Act 1986*, for the proposed clearing of any native vegetation may be required;

(vii) The applicant is advised to investigate whether or not approval is required pursuant to the *Aboriginal Heritage Act 1972* prior to commencement of any activities or works on site;

(viii) The transformer associated with each wind turbine shall be located beside each tower or enclosed within *the* tower;

(ix) All fill placed on the land must be free of disease and weeds;

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

(xi) There are various Department of Water and Environmental Regulation requirements relating to matters including water licensing, water supply and surface water management –

(a) A Bed and Banks permit under the *Rights in Water and Irrigation Act 1914*, will be required for the interference with the bed and bank of any watercourse; and

(b) A licence to take water under the *Rights in Water and Irrigation Act 1914*, will be required if it is proposed to take surface water from a watercourse.

(xii) Once turbine locations and parameters have been finalised and at least two (2) months before installation of any wind turbines commencing, the applicant/operator will submit the details of all wind turbines to Airservices Australia via the Vertical Obstacle Data Form, as required by Conditions 16 and 21.

(xiii) On commissioning, the Vertical Obstacle Data Form should be resubmitted to Airservices Australia with the surveyed height and location of each installed turbine and wind monitoring mast.

18. Should the applicant be aggrieved by this determination there is a right (pursuant to the *Planning and Development Act 2005*) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

19. In relation to Condition 24, the Bushfire Management Plan shall be prepared to address the requirements under State Planning Policy 3.7 Bushfire and the Planning for Bushfire Guidelines. The Risk Management Plan shall be prepared taking general guidance from the Victorian Country Fire Association's Design Guidelines and Model Requirements – Renewable Energy Facilities.

20. The Decommissioning and Rehabilitation Management Plan must describe the scope and staging of decommissioning and rehabilitation works, and address the following matters including:

    (i) Safety and emergency management;
    (ii) Environmental management;
    (iii) (iii) Waste management;
    (iv) A detailed decommissioning schedule or works with timeframes for each stage;
    (v) A Traffic Management Plan;
    (vi) A Fire Management Plan;
    (vii) Sufficient information that clearly outlines any below ground infrastructure to be retained on site and its treatment to allow for continued agricultural use;
    (viii) Implementation of suitable mechanisms to alert prospective purchasers of retention of any below ground infrastructure which may affect future building locations or development;

    Decommissioning and rehabilitation works are required to be completed within 18 months of the turbines or a single turbine operation, through the life of the project, ceasing operation to the satisfaction of the local government.

    The applicant shall rehabilitate any and all sites as required to the satisfaction of the local government to enable broadacre farming or other approved farming activity to resume / continue, 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.

21. Condition No.25 is not imposing an obligation on the Local Government. If the Local Government chooses to lodge a Notification under Section 70A, the proponents' obligation is to give their consent to the Local Governments application and nothing more.

**The Substantive Motion (as amended) was put and CARRIED (3/2).**

For: Dale Page
Eugene Koltasz
Mike Mouritz

Against: Cr Craig Mitchell
Cr Mick Mathwin

**REASON:** This is much-needed infrastructure in an ideal location to connect into the SWIS. It meets one of the key objectives of the State Planning Strategy; complements and meets the objectives of the underlying Rural zoning and will continue to accommodate the current agricultural uses of the subject lots; and requires very little clearing. On the issue of bushfire, most panel members accepted that most of the development is exempt from assessment against SPP 3.7 and the Guidelines; and note that the applicants will prepare a Bushfire Management Plan once detailed design has been done to address risk to the components that are not exempt from assessment and to address risk from operation of the development itself. The panel noted there are no identified site constraints that would prevent alignment with SPP3.7 and the Guidelines. On the issue of non-adherence to the LPP, most panel members agreed that non-adherence to a LPP is not in itself a solid planning reason not to support a proposal. The Shire's policy is useful to guide the exercise of discretion on this proposal, and it clearly communicates the Shire and the community's expectations and concerns about this type of development. However, most panel members agreed the LPP is a due regard document that does not have the weight the Shire and community expect it to have, particularly given it' is not clear where some of the provisions in the policy were taken from and the policy doesn't strictly align with relevant State Planning instruments. In relation to noise, most panel members accepted the argument that that the current Noise Regulations do not reasonably deal with noise emitted by the wind turbines themselves and that' is why there is a reliance on the South Australian guidelines which are tailored for a use like this. The panel acknowledged that the assigned levels in the Noise Regulations can be met at all locations, based on the SA Guidelines. The onus is on the proponent to meet the assigned noise levels and the risk to operations if levels are exceeded will be borne by the proponent.

## 4. Form 2 DAP Applications

Nil

## 5. Section 31 SAT Reconsiderations

Nil

**PROCEDURAL MOTION 3**

**Moved by:** Dale Page **Seconded by:** Eugene Koltasz

That the meeting be adjourned for a period of 5 minutes.

**The Procedural Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** to allow members a comfort break and for panel members to be swapped.

*The meeting was adjourned at 12.26am.*
*The meeting was reconvened at 12.31am.*

*Cr Craig Mitchell and Cr Mick Mathwain (Local Government DAP Members, Shire of Kojonup) left the panel at 12.26am.*

**Dale Page**
**Presiding Member, Regional DAP**

# PART D – SHIRE OF HARVEY

*Shire President Michelle Campbell and Cr John Bromham (Local Government Members, Shire of Harvey) joined the panel at 12.31am.*

**1. Declaration of Due Consideration**

All members declared that they had duly considered the documents contained within Part C of the Agenda and Part C of the Related Information.

**2. Disclosure of Interests**

Nil

**3. Form 1 DAP Applications**

**3.1 Lot 10 Wellesley Road, Binningup - Proposed Renewable Energy Facility (Solar Farm and BESS) – DAP/25/03021**

**Deputations**

Luka Martins (TBB Planning) addressed the DAP in support of the application at Item 3.1 and responded to questions from the panel.

The Shire of Harvey addressed the DAP in relation to the application at Item 3.1 and responded to questions from the panel.

**SUBSTANTIVE MOTION**

**Moved by:** Mike Mouritz **Seconded by:** Shire President Michelle Campbell

That the Regional DAP resolves to:

1. **Accept** that the DAP Application reference DAP/25/03021 is appropriate for consideration as a "Renewable Energy Facility" land use and compatible with the objectives of the zoning table in accordance with Clause 16 of the Shire of Harvey Local Planning Scheme No. 2;

2. **Approve** DAP Application reference DAP/25/03021 and accompanying plans (contained within Plans Schedule at ***Attachment 1***) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause 16 of the Shire of Harvey Local Planning Scheme No. 2, subject to the following conditions:

**Conditions**

1. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

2. The approved development shall be in accordance with the approved development plans and documentation which form part of this development approval, subject to modifications required as a consequence of any condition(s) of this approval.

3. Prior to commencement of any works associated with the approved development, amended detailed plans shall be submitted to, and approved by the Shire of Harvey. The detailed plans shall address the following:

   a. Retention of native vegetation identified in the Shire of Harvey's Local Biodiversity Strategy as a Local Natural Area for protection and retention.

   b. No development within the 30m buffer of the Tuart Woodlands and Forests of the Swan Coastal Plain Threatened Ecological Community.

   c. No development within the Conservation Category Wetland unless evidence is provided to confirm wetland has been reclassified by the Department of Biodiversity, Conservation and Attractions.

4. Prior to the commencement of any works associated with the approved development, the Landscape and Visual Impact Assessment shall be reviewed and submitted to, and approved by the Shire of Harvey. The reviewed Landscape and Visual Impact Assessment shall include:

   a. Assessed visual and glint and glare impacts for the nearby sensitive receiver west of the subject site.

   Recommended measures to reduce visual impacts.

   Any recommended measures to reduce visual, glint and clear impacts identified in the approved reviewed Landscape and Visual Impact Assessment shall be implemented to the satisfaction of the Shire of Harvey.

5. Prior to the commencement of any works associated with the approved development, detailed engineering drawings and specifications of the proposed structures and infrastructure shall be submitted to and approved by the Shire of Harvey.

6. Prior to the commencement of any works associated with the approved development, a Traffic Management Plan for the construction phase of the development shall be prepared in accordance with Main Roads Western Australia's Code of Practice, submitted to, and approved by the Shire of Harvey.

7. Prior to the commencement of any works associated with the approved development, a Construction Management Plan shall be submitted to, and approved by, the Shire of Harvey. The Construction Management Plan shall detail how the following matters will be managed during the construction phase of the approved development:

    a. Storage of materials and other items on the site.

    b. Provision of parking for contractors, and subcontractors.

    c. Management of construction waste.

    d. Dust mitigation measures.

    e. Weed management measures.

    f. Demolition details for the heritage listed structures

8. Prior to the commencement of any works associated with demolition and removal of the ruins of the two heritage cottages, an assessment shall be undertaken by a suitably qualified consultant to determine the potential for significant archaeology. If the assessment deems necessary, an Archaeological Management Strategy shall be prepared by a suitable qualified consultant and submitted to, and approved by, the Shire of Harvey, and thereafter implemented.

9. Prior to the commencement of any works associated with the approved development, a Dewatering Management Plan shall be submitted to, and approved by the Shire of Harvey, in consultation with the Department of Water and Environmental Regulation.

10. Prior to the commencement of any works associated with the approved development, a Stormwater and Drainage Management Plan shall be prepared in accordance with the *Decision process for stormwater management in WA* (DWER 2017) and the *Stormwater Management Manual for Western Australia* (DoW 2004-2007), submitted to, and approved by the Shire of Harvey, in consultation with the Department of Water and Environmental Regulation. The plan shall address:

    a. How storm event and overland flow path for larger events are to be managed;

    b. Potential effect on groundwater levels and quality:

    c. Protection of adjacent waterways and wetlands;

    d. Confirm water of water use requirements (including volume) and how the water will be sourced to support the proposal (e.g. such as for cleaning purposes) and the method of disposal; and

    e. Conclusions / Recommendations.

11. Prior to the commencement of any works associated with the approved development, a Fencing Plan shall be submitted to, and approved by the Shire of Harvey. The Fencing Plan shall address:

    a. Fencing details associated with security of the site and development.

    b. Fencing details associated with the establishment of the 30m buffer of the Tuart Woodlands and Forests of the Swan Coastal Plain Threatened Ecological Community.

12. During the approved clearing of any vegetation, a suitably qualified fauna spotter shall be present on site to identify and relocate any fauna present at the time.

13. Prior to the operation of the approved development, an Emergency Evacuation Plan and Risk Management Plan shall be submitted to, and approved by, the Shire of Harvey, and thereafter implemented.

14. The approved Bushfire Management Plan shall be implemented, to the satisfaction of the Shire of Harvey.

15. At least 6 months prior to the ceasing of the approved use, a Decommissioning and Rehabilitation Plan shall be submitted to, and approved by the Shire of Harvey.

**Advice Notes**

1. It is recommended that the Emergency Evacuation Plan and Risk Management Plan are prepared in accordance with the Victoria Country Fire Authority Design Guidelines and Model Requirements for Renewable Energy.

2. Acid sulfate soils (ASS) risk mapping indicates that the site is located within an area identified as representing a 'high to moderate' and 'moderate to low' risk of ASS occurring within 3 metres of the natural soil surface. Please refer to Department of Water and Environmental Regulation's (DWER) acid sulfate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works: https://www.der.wa.gov.au/your-environment/acid-sulfate-soils/69-acidsulfatesoils-guidelines.

3. The proponent be advised to contact DWER's Bunbury water licensing section on 97264111 for a licence to dewater under the RIWI Act if the proposed activity is to exceed the threshold specified at https://www.water.wa.gov.au/licensing/water-licensing/exemptions.

4. The development shall be designed and constructed to protect Western Power infrastructure and interests from potential land use conflict.

5. No development (including drainage, fill, fencing, storage or parking) will be permitted within Western Power line and cable easements or restriction zones without the prior written approval of Western Power.

6. The applicant should formally progress the Western Power network connection and substation arrangements with Western Power.

7. Arrangements being made to the specifications of Western Power for the provision of necessary electricity easements as and where required.

8. The Applicant is reminded of their obligations under the *Aboriginal Heritage Act 1972.*

9. The Applicant is reminded that the Department of Fire and Emergency Services advises that the DFES District Officer responsible for this region and the local fire and emergency services should be consulted during the construction and leading up to the commissioning of the facility.

**AMENDING MOTION 1**

**Moved by:** Dale Page **Seconded by:** Eugene Koltasz

The following amendments were made en bloc:

(i) That Condition No. 7 be amended to read as follows:

*Prior to the commencement of any works associated with the approved development, a Construction Management Plan shall be submitted to, and approved by, the Shire of Harvey. The Construction Management Plan shall detail how the following matters will be managed during the construction phase of the approved development:*

*a. Storage of materials and other items on the site.*

*b. Provision of parking for contractors, and subcontractors.*

*c. Management of construction waste.*

*d. Dust mitigation measures.*

*e. Weed management measures.*

*f. Demolition details for the heritage listed structures*

***Once approved, the plan shall be implemented to the satisfaction of the Shire of Harvey.***

(ii) That Condition No. 9 be amended to read as follows:

Prior to the commencement of any works associated with the approved development, a Dewatering Management Plan shall be submitted to, and approved by the Shire of Harvey, in consultation with the Department of Water and Environmental Regulation. ***Once approved, the plan shall be implemented to the satisfaction of the Shire of Harvey.***

(iii) That Condition No. 10 be amended to read as follows:

Prior to the commencement of any works associated with the approved development, a Stormwater and Drainage Management Plan shall be prepared in accordance with the *Decision process for stormwater management in WA* (DWER 2017) and the *Stormwater Management Manual for Western Australia* (DoW 2004-2007), submitted to, and approved by the Shire of Harvey, in consultation with the Department of Water and Environmental Regulation. The plan shall address:

a. How storm event and overland flow path for larger events are to be managed;

b. Potential effect on groundwater levels and quality:

c. Protection of adjacent waterways and wetlands;

d. Confirm water of water use requirements (including volume) and how the water will be sourced to support the proposal (e.g. such as for cleaning purposes) and the method of disposal; and

e. Conclusions / Recommendations.

***Once approved, the plan shall be implemented to the satisfaction of the Shire of Harvey.***

(iv) That Condition No. 11 be amended to read as follows:

During the approved clearing of any vegetation, a suitably qualified fauna spotter shall be present on site to identify and relocate any fauna present at the time. ***Once approved, the plan shall be implemented to the satisfaction of the Shire of Harvey.***

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** although it may be implied through application of the conditions, the current wording of these conditions requires preparation of the plans only. The additional wording ensures the approved plans are then implemented to the satisfaction of the Shire.

**Dale Page**
**Presiding Member, Regional DAP**

**AMENDING MOTION 2**

**Moved by:** Dale Page **Seconded by:** Eugene Koltasz

That Condition No.3a be amended to read as follows:

*Prior to commencement of any works associated with the approved development, amended detailed plans shall be submitted to, and approved by the Shire of Harvey. The detailed plans shall address the following:*

~~*a. Retention of native vegetation identified in the Shire of Harvey's Local Biodiversity Strategy as a Local Natural Area for protection and retention.*~~

*a. No development within the 30m buffer of the Tuart Woodlands and Forests of the Swan Coastal Plain Threatened Ecological Community.*

*b. No development within the Conservation Category Wetland unless evidence is provided to confirm wetland has been reclassified by the Department of Biodiversity, Conservation and Attractions.*

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** Most of the native vegetation mapped as an LNA within the site will be retained, with only limited clearing required to facilitate the development. The retained vegetation will be protected and improved through management measures. There is limited clearing proposed of significantly degraded vegetation. This clearing has already been assessed and approved through the relevant State pathway and the Commonwealth has determined the action is Not a Controlled Action and has recognised the level of avoidance demonstrated. Retention of Condition 3(a) duplicates and potentially conflicts with the established State clearing approval pathway

**AMENDING MOTION 3**

**Moved by:** Dale Page **Seconded by:** Shire President Michelle Campbell

That Condition No.8 be amended to read as follows:

~~*Prior to the commencement of any works associated with demolition and removal of the ruins of the two heritage cottages, an assessment shall be undertaken by a suitably qualified consultant to determine the potential for significant archaeology. If the assessment deems necessary, an Archaeological Management Strategy shall be prepared by a suitable qualified consultant and submitted to, and approved by, the Shire of Harvey, and thereafter implemented.*~~

~~Prior to the commencement of any works associated with the approved development, a Dewatering Management Plan shall be submitted to, and approved by the Shire of Harvey, in consultation with the Department of Water and Environmental Regulation. Once approved, the plan shall be implemented to the satisfaction of the Shire of Harvey~~

***Prior to the commencement of any works associated with demolition and/or removal of the ruins of the two heritage cottages, the proponent shall submit to the Shire of Harvey an Archaeological Due Diligence report prepared by a suitably qualified person. The Archaeological Due Diligence Record shall include, as a minimum:***

***a. a site inspection of the ruins and immediate works area,***
***b. photographic documentation of the ruins and the proposed disturbance footprint, and***
***c. a brief written statement of findings that identifies whether there is credible potential for significant archaeological material to be present and impacted by the proposed works.***

***Should the Record indicate the potential for significant archaeological material be identified, details shall be provided to demonstrate how the material will be managed or protected***

**The Amending Motion was put and CARRIED UNANIMOUSLY.**

**REASON:** The amended wording removes unnecessary cost/process and ambiguity. It still achieves the outcome sought by the Shire but ensures the actions required are proportionate and respond appropriately to the level of risk.

**SUBSTANTIVE MOTION (AS AMENDED)**

That the Regional DAP resolves to:

1. **Accept** that the DAP Application reference DAP/25/03021 is appropriate for consideration as a "Renewable Energy Facility" land use and compatible with the objectives of the zoning table in accordance with Clause 16 of the Shire of Harvey Local Planning Scheme No. 2;

2. **Approve** DAP Application reference DAP/25/03021 and accompanying plans (contained within Plans Schedule at ***Attachment 1***) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of Clause 16 of the Shire of Harvey Local Planning Scheme No. 2, subject to the following conditions:

**Conditions**

1. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.

2. The approved development shall be in accordance with the approved development plans and documentation which form part of this development approval, subject to modifications required as a consequence of any condition(s) of this approval.

3. Prior to commencement of any works associated with the approved development, amended detailed plans shall be submitted to, and approved by the Shire of Harvey. The detailed plans shall address the following:

   a. No development within the 30m buffer of the Tuart Woodlands and Forests of the Swan Coastal Plain Threatened Ecological Community.

   b. No development within the Conservation Category Wetland unless evidence is provided to confirm wetland has been reclassified by the Department of Biodiversity, Conservation and Attractions.

4. Prior to the commencement of any works associated with the approved development, the Landscape and Visual Impact Assessment shall be reviewed and submitted to, and approved by the Shire of Harvey. The reviewed Landscape and Visual Impact Assessment shall include:

   a. Assessed visual and glint and glare impacts for the nearby sensitive receiver west of the subject site.

   Recommended measures to reduce visual impacts.

   Any recommended measures to reduce visual, glint and clear impacts identified in the approved reviewed Landscape and Visual Impact Assessment shall be implemented to the satisfaction of the Shire of Harvey.

5. Prior to the commencement of any works associated with the approved development, detailed engineering drawings and specifications of the proposed structures and infrastructure shall be submitted to and approved by the Shire of Harvey.

6. Prior to the commencement of any works associated with the approved development, a Traffic Management Plan for the construction phase of the development shall be prepared in accordance with Main Roads Western Australia's Code of Practice, submitted to, and approved by the Shire of Harvey.

7. Prior to the commencement of any works associated with the approved development, a Construction Management Plan shall be submitted to, and approved by, the Shire of Harvey. The Construction Management Plan shall detail how the following matters will be managed during the construction phase of the approved development:

   a. Storage of materials and other items on the site.

   b. Provision of parking for contractors, and subcontractors.

   c. Management of construction waste.

   d. Dust mitigation measures.

   e. Weed management measures.

f. Demolition details for the heritage listed structures

Once approved, the plan shall be implemented to the satisfaction of the Shire of Harvey.

8. Prior to the commencement of any works associated with demolition and/or removal of the ruins of the two heritage cottages, the proponent shall submit to the Shire of Harvey an Archaeological Due Diligence report prepared by a suitably qualified person. The Archaeological Due Diligence Record shall include, as a minimum:
   d. a site inspection of the ruins and immediate works area,
   e. photographic documentation of the ruins and the proposed disturbance footprint, and
   f. a brief written statement of findings that identifies whether there is credible potential for significant archaeological material to be present and impacted by the proposed works.

   Should the Record indicate the potential for significant archaeological material be identified, details shall be provided to demonstrate how the material will be managed or protected

9. Prior to the commencement of any works associated with the approved development, a Stormwater and Drainage Management Plan shall be prepared in accordance with the *Decision process for stormwater management in WA* (DWER 2017) and the *Stormwater Management Manual for Western Australia* (DoW 2004-2007), submitted to, and approved by the Shire of Harvey, in consultation with the Department of Water and Environmental Regulation. The plan shall address:

   a. How storm event and overland flow path for larger events are to be managed;

   b. Potential effect on groundwater levels and quality:

   c. Protection of adjacent waterways and wetlands;

   d. Confirm water of water use requirements (including volume) and how the water will be sourced to support the proposal (e.g. such as for cleaning purposes) and the method of disposal; and

   e. Conclusions / Recommendations.

10. Prior to the commencement of any works associated with the approved development, a Fencing Plan shall be submitted to, and approved by the Shire of Harvey. The Fencing Plan shall address:

    a. Fencing details associated with security of the site and development.

    b. Fencing details associated with the establishment of the 30m buffer of the Tuart Woodlands and Forests of the Swan Coastal Plain Threatened Ecological Community.

Once approved, the plan shall be implemented to the satisfaction of the Shire of Harvey.

11. During the approved clearing of any vegetation, a suitably qualified fauna spotter shall be present on site to identify and relocate any fauna present at the time.

12. Prior to the operation of the approved development, an Emergency Evacuation Plan and Risk Management Plan shall be submitted to, and approved by, the Shire of Harvey, and thereafter implemented.

13. The approved Bushfire Management Plan shall be implemented, to the satisfaction of the Shire of Harvey.

14. At least 6 months prior to the ceasing of the approved use, a Decommissioning and Rehabilitation Plan shall be submitted to, and approved by the Shire of Harvey.

**Advice Notes**

1. It is recommended that the Emergency Evacuation Plan and Risk Management Plan are prepared in accordance with the Victoria Country Fire Authority Design Guidelines and Model Requirements for Renewable Energy.

2. Acid sulfate soils (ASS) risk mapping indicates that the site is located within an area identified as representing a 'high to moderate' and 'moderate to low' risk of ASS occurring within 3 metres of the natural soil surface. Please refer to Department of Water and Environmental Regulation's (DWER) acid sulfate soil guidelines for information to assist with the management of ground and/or groundwater disturbing works: https://www.der.wa.gov.au/your-environment/acid-sulfate-soils/69-acidsulfatesoils-guidelines.

3. The proponent be advised to contact DWER's Bunbury water licensing section on 97264111 for a licence to dewater under the RIWI Act if the proposed activity is to exceed the threshold specified at https://www.water.wa.gov.au/licensing/water-licensing/exemptions.

4. The development shall be designed and constructed to protect Western Power infrastructure and interests from potential land use conflict.

5. No development (including drainage, fill, fencing, storage or parking) will be permitted within Western Power line and cable easements or restriction zones without the prior written approval of Western Power.

6. The applicant should formally progress the Western Power network connection and substation arrangements with Western Power.

7. Arrangements being made to the specifications of Western Power for the provision of necessary electricity easements as and where required.

8. The Applicant is reminded of their obligations under the *Aboriginal Heritage Act 1972.*

9. The Applicant is reminded that the Department of Fire and Emergency Services advises that the DFES District Officer responsible for this region and the local fire and emergency services should be consulted during the construction and leading up to the commissioning of the facility.

**The Substantive Motion (as amended) was put and CARRIED UNANIMOUSLY.**

**REASON:** The proposed development aligns with the objectives of the Restricted Use zone applicable to the site, does not introduce sensitive land uses into the Kemerton buffer area and therefore will not impact the future development of this important strategic industrial area. It meets the provisions of the State's Position Statement on Renewable Energy Facilities and the limited visual impact it will have – specifically on a nearby dwelling – will be addressed via an updated Landscape and Visual Impact Assessment, and vegetation screening that will be required as part of a Landscaping Plan the subject of a condition of approval. The limited number of on-site staff and nature of the maintenance schedule will ensure there is no impact on the amenity of adjoining neighbours or the functionality of the local road network. The site has already largely been cleared, and appropriate State environmental approval processes have been followed for the removal of some additional degraded vegetation to facilitate the development.

## 4. Form 2 DAP Applications

Nil

## 5. Section 31 SAT Reconsiderations

Nil

# PART E – OTHER BUSINESS

## 1. State Administrative Tribunal Applications and Supreme Court Appeals

The DAP noted the status of the following State Administrative Tribunal Applications and Supreme Court Appeals:

| Current SAT Applications | | | | |
|---|---|---|---|---|
| **File No. & SAT DR No.** | **LG Name** | **Property Location** | **Application Description** | **Date Lodged** |
| DP/14/00039 DR65/2020 | Shire of York | Lots 4869 (2256), 5931, 9926 (2948) and 26934 Great Southern Highway, St Ronans | Construction and Use of Allawuna Farm for the purposes of a Class II Landfill | 28 July 2020 |

## 2. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 12.54am.

**Dale Page**
**Presiding Member, Regional DAP**

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Our ref: 24-017
Your ref: SSO-M.FID1685443

16 July 2026

Ms Lisa Briggs
Principal Registrar
State Administrative Tribunal
Level 6
565 Hay Street
PERTH WA 6000
**By eCourts portal**

Ms Alana Kildea
State Solicitor's Office
David Malcolm Justice Centre
28 Barrack Street
PERTH WA 6000

**By email:**
a.kildea@sso.wa.gov.au

Dear Ms Briggs

## DR 53 of 2026 - Kojonup Wind Farm Pty Ltd v DAP Executive Director

1 In accordance with the orders made by the Tribunal on 25 June 2026, I provide the following information for the reconsideration of conditions by the Regional Development Assessment Panel.

## Condition 12 – radar activated lighting

2 As noted, the Applicant has requested that this condition be deleted. As the wind farm does not sit within the Obstacle Limitation Surface (**OLS**) of a certified aerodrome, the Civil Aviation Safety Authority (**CASA**) has no jurisdiction[1], and while it may make comment, it is advisory only.

3 The Applicant prepared an Aviation Impact Assessment Report (**AIA Report**) which was lodged as part of the original development application.

4 This report assesses the potential aviation impacts of the proposed project, provides safety advice in respect of relevant requirements of air safety regulations and procedures and informs and documents consultation with relevant aviation agencies.

5 The AIA Report includes an Aviation Impact Statement (AIS) for Airservices Australia and a qualitative risk assessment to determine the need for obstacle lighting. The Kojonup Wind Farm obstacle lighting risk assessment concluded that the proposed the

[1] *Civil Aviation Safety Regulations 1998*, Part 139

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Via eLodgment
STATE ADMINISTRATIVE TRIBUNAL

turbines **would not require** obstacle lighting to maintain an acceptable level of safety to aircraft

6 The risk assessment at page 54-56 concludes –

> 'It is our assessment that there will be an acceptable level of aviation safety risk associated with the potential for an aircraft collision with a wind turbine, without obstacle lighting on the turbines of the project'.

7 As foreshadowed in the report at page 47, CASA may provide advice which favours lighting. That advice was not available when this application was originally determined, but has been provided to the Shire subsequently. CASA's advice is that the turbines should be lit.

8 The Applicant maintains its position that lighting is not required as –

8.1 Kojonup Wind Farm is located outside of the horizontal OLS of any airport and therefore CASA's role in this case is advisory only;

8.2 The risk assessment undertaken by Aviation Projects in the AIA Report (and reiterated in the attached Technical Memo) concludes that lighting is not required in this case to ensure safety;

8.3 There are no night operations at any of the uncertified airstrips in the locality – there is no lighting or identifiable runway edges on any of the runways, thereby making night operations at these locations unlikely.

9 In other, like scenarios, local governments have recommended that turbines remain unlit entirely. The Responsible Authority Report by the Shire of Augusta Margaret River to the Regional Development Assessment Panel in respect of the Scott River wind farm noted the follow –

> Aviation/lighting
>
> The Proposal is not to include lighting markers on the wind turbines in order to reduce nighttime visual impact. CASA recommended lighting on turbines, however, there is no legislative requirement for this to be implemented. Ultimately CASA suggest the planning assessment should determine whether this is required, which is unhelpful in arriving at a technical finding.
>
> The proponent has provided an Aviation Impact Assessment (AIA) in the planning report at **Attachment 3** (Attachment 4 – Appendix Q). The risk of collision with wind turbines from aircraft is demonstrably small, and the technical report determines that lighting is not required. The Augusta airstrip is the most used in the area, approximately 15km from the site and is used by the Royal Flying Doctors Service. This was not included in the AIA as not prescribed under the relevant guidelines; however, it is recommended that the proponent continue consultation in this regard and an updated AIA is provided as a condition of approval.
>
> Consistent with WAPC Dark Sky and Astrotourism Position Statement, permanent night-time lighting should only be provided where demonstrably required, with avoidable or

excessive lighting discouraged to protect dark-sky values. Given the high visual sensitivity of the site, the distance of 15km from the airstrip and the very low risk of collision, lighting is unlikely to be necessary and complies with LPP23. If the DAP as the decision-making authority were to determine that lighting was required, it would bring into question the desired visual management outcomes as outlined above.[2]

10 Given there is no identified safety need for the towers to be lit, it is our firm view that condition 12 should be deleted.

11 If the RDAP is not minded to remove the condition, then we would request that the condition be amended to –

11.1 remove the reference to radar activated lighting, and

11.2 for the lighting to be undertaken in accordance with subsection 9.31(8) and (9) of the *Part 139 (Aerodromes) Manual of Standards 2019*[3][4].

12 Aviation Projects has advised in the attached Technical Memo that radar activated lighting is less reliable than static lighting, and in circumstances where from a safety perspective lighting was required, that they would normally recommend low-intensity (200 cd) steady red lighting. The standard would be to require only perimeter turbines to be lit, with a spacing of approximately 900m between the lit turbines[5].

13 This removes the uncertainty of radar activated lighting, if any perceived safety concern remains.

## Other conditions

14 Proposed amendments to the remaining conditions are contained in **enclosed** table.

## Conclusion

15 We trust that the foregoing adequately sets out the Applicant's position.

Yours faithfully

**Belinda Moharich**
Director

[2] RAR, RDAP Agenda 30 April 2026, page 46.
[3] Made pursuant to regulation 129.005 of the *Civil Aviation Safety Regulations 1998*.
[4] Subsection 9.31(8) and (9) makes it clear that not all turbines within a windfarm need to be lit – the requirement is to indicate the general definition and extent of the windfarm, with lit turbines at no more than 900m intervals.
[5] This is the standard set out in subsection 9.31(8) and (9) of the *Part 139 (Aerodromes) Manual of Standards 2019*

## Conditions of Approval

| # | Condition | Reasoning | Suggested Amendment |
|---|---|---|---|
| | **DEVELOPMENT APPROVAL SCOPE** | | |
| | **ADDITIONAL REPORTS** | | |
| 7 | Once turbine locations and parameters have been finalised and prior to construction commencing on-site, an updated Aviation Impact Assessment, including any amendments required to the Grid Lowest Safe Altitude (LSALT) height, is to be submitted to the Local Government for approval. | Condition 8(iv) also requires the preparation of an updated Aviation Impact Assessment. This appears to be a duplication. | Delete duplication in condition 8(iv). |
| 8 | | | Delete condition 8(iv)<br><br>Delete condition 8(v) |
| 9 | An Independent Engineering Certification Report, prepared by a suitably qualified and independent structural engineer, is required to certify:<br><br>(i) Pre-construction: That the wind turbines and their foundations have been designed in accordance with relevant Australian and international standards.<br><br>(ii) Post-construction: That the wind turbines and their foundations have been constructed in accordance with relevant Australian and international standards. | The Applicant seeks confirmation as to the time of compliance for this condition.<br><br>'Pre-construction' could mean any construction of the forward works (roads, cabling and the like). The final certification of the design cannot be completed until access has been physically constructed, and a proper site inspection undertaken. | Leave condition as is.<br><br>Include **new advice note** in the following terms –<br><br>In relation to condition 9(i), "pre-construction" means prior to construction of the turbines and does not include construction in relation to access to the turbine sites. |
| | **CONSTRUCTION** | | |
| 12 | All wind turbine towers to have lighting which is satellite or radio frequency activated when aircraft are in the vicinity. | Please see covering letter. | Delete. |
| | **NOISE** | | |
| 14 | Prior to construction, an updated Noise Impact Assessment is to be provided. Amongst matters, the assessment is to confirm the development complies with the *Environmental Protection (Noise) Regulations 1997* (as amended) and South Australian *EPA Wind Farms Environmental Noise Guidelines (2021)*, to the satisfaction of the local government upon advice from the Department of Water and Environmental Regulation and/or the Department of Health. | Condition 8(v) also requires an updated Noise Impact Assessment.<br><br>The WAPC Position Statement: Renewable energy facilities (March 2020) notes the following –<br><br>"Noise emissions from renewable energy facilities, including wind turbines, are required to meet the standards prescribed under the *Environmental Protection (Noise) Regulations 1997*. The *South Australian Environmental Protection Authority – Wind Farms Environmental Noise Guidelines (2009)* should also be referenced for assessment purposes. These guidelines acknowledge the potential for operation in the presence of higher wind-induced background noise levels."<br><br>Condition 14 requires amendment to acknowledge the difference in assessment methodology used for properties that are stakeholders (either by reason of hosting infrastructure, or by way of a neighbour agreement), and those who are not stakeholders.<br><br>The properties of stakeholders are part of the project area, and should be measured against the standards within the South Australian *EPA Wind Farms Environmental Noise Guidelines (2021)* (**SA Guidelines**).<br><br>This is because the *Environmental Protection (Noise) Regulations 1997* (**Noise Regulations**) do not provide a standard of noise for sensitive premises on land which is part of a noise emitting project. Regulation 7(1) is drafted to impose the standards in the Noise Regulations where noise is emitted from *any premises* or public place, when received at *other premises*. The way | **Proposed condition**<br><br>(a) Prior to construction, an updated Noise Impact Assessment Report is to be provided.<br><br>(b) Amongst other matters, the report is to:<br><br>(i) Include a map identifying the "project area", being the area of land which consists of the development area and lots with neighbour agreements.<br><br>(ii) Confirm the development is capable of complying with the *South Australian EPA Wind Farms Environmental Noise Guidelines (2021)* for lots within the project area.<br><br>(iii) Confirm the development is capable of complying with the *Environmental Protection (Noise) Regulations 1997* (as amended) for lots outside of the project area.<br><br>(c) The local government must be satisfied that the matters in (b) are addressed, and may take advice from the Department of Water and Environmental Regulation and/or the Department of Health in respect to the matters outline in (b)(iii). |

| # | Condition | Reasoning | Suggested Amendment |
|---|---|---|---|
| | | that this is construed is to not include any noise sensitive receivers on the same land as the noise emission.<br><br>The SA Guidelines provide standards for noise sensitive premises that are commercial stakeholders (i.e., land owners either hosting wind turbines, or with a neighbour agreement with the wind farm). Those standards and the methodology differ from those used by the Noise Regulations, in that the starting point is to use a level based on the background noise plus 5dB(A) as the relevant standard.<br><br>The properties of non-stakeholders should be measured against the standards in the *Environmental Protection (Noise) Regulations 1997* to ensure ongoing compliance.<br><br>The amended condition reflects this position.<br><br>A map of the 'project area', which will include the stakeholder properties, will be provided when the updated Noise Impact Assessment is lodged. | **Proposed advice notes**<br><br>The map of the project area must only include land which is a host lot or lots over which a neighbour agreement is entered into.<br><br>The map of the project area should include the location of all wind turbines. |
| 15 | This approval is for Vestas V162-6.2MW wind turbine. Where the use of an alternative wind turbine is proposed, the applicant must prepare and lodge with the local government a revised Noise Impact Assessment based upon the proposed alternative turbine, which demonstrates that that the alternative turbine complies with Condition 17. Any revised Noise Impact Assessment is to be to the satisfaction of the local government. | The development application clearly indicates the type of turbine for which approval is sought (see page 23 planning report). There is no need for it to be reiterated as a condition of approval.<br><br>The Applicant is neutral on whether this is deleted. | - |
| 16 | The applicant is to undertake post-commissioning noise testing based upon the testing procedures and analysis contained in the South Australian *EPA Wind Farms Environmental Noise Guidelines (2021)* to address the *Environmental Protection (Noise) Regulations 1997* (as amended) to the satisfaction of the local government upon advice from the Department of Water and Environmental Regulation and/or the Department of Health. The noise testing should:<br><br>(i) Be made publicly available on the wind farm operator's website for the life of the wind farm. | It is impossible to use the testing procedures and analysis from the South Australian *EPA Wind Farms Environmental Noise Guidelines (2021)* to measure compliance with the *Environmental Protection (Noise) Regulations 1997*, as the methodology is different.<br><br>Given the amendment to condition 14, condition 16 can simply require measurements to be taken to confirm compliance in accordance with the report already endorsed. | The applicant is to undertake post-commissioning noise testing to demonstrate compliance with the Noise Impact Assessment Report in condition 14.<br><br>The noise testing report should be made publicly available on the wind farm operator's website for the life of the wind farm. |
| 17 | The applicant shall ensure at all times that the operation of the wind farm complies with the following noise levels within a 30 metre curtilage of a dwelling:<br><br>a) Will not exceed 35dB(A) (LA90, 10 minutes); or<br><br>b) Will not exceed the background noise (LA90, 10 Minutes) by more than 5dB(A), whichever is the greater up to 45dB(A). Assessment of noise impact is to be performed in accordance with South Australian *EPA Wind Farms Environmental Noise Guidelines (2021)* at the end of the condition as suggested by the applicant. | This condition is no longer required, given the redrafting of conditions 14 and 16. | Delete. |
| | **OPERATIONAL MATTERS** | | |
| | **DECOMMISSIONING** | | |

## Advice Notes

| # | ADVICE NOTE | Reasoning | Suggested Amendment |
|---|---|---|---|
| 3 | The further detailed plans required by Condition 10 must include:<br><br>(i) Temporary works required during construction including:<br><br>(a) Construction compounds;<br><br>(b) Concrete batching plant;<br><br>(c) Materials storage / laydown areas.<br><br>(ii) Permanent structures and detail, including:<br><br>(a) Micro siting of wind turbines subject to addressing Condition 6 and avoiding native vegetation;<br><br>(b) Substation;<br><br>(c) Operation and maintenance building;<br><br>(d) Battery Energy Storage System (BESS);<br><br>(e) Underground cabling and underground cable road crossings;<br><br>(f) Service roads and parking. | This should be a reference to condition 5. | Change reference from 'condition 10' to 'condition 5'. |
| 4 | In relation to Conditions 10 and 15, the updated Aviation Impact Assessment is to be submitted to the local government for approval upon advice from Civil and Safety Authority (CASA). If required by CASA, all wind turbine towers to have lighting which is satellite or radio frequency activated when aircraft are in the vicinity. | This should be a reference to conditions 7 and 12.<br><br>The Applicant says condition 12 should be deleted because lighting of the tower is not necessary in this case. It is noted that this advice note is <u>inconsistent</u> with the current wording of condition 12 which requires lighting which is satellite / radio frequency activated. | Dependent on RDAP's determination in respect of condition 12. |
| 7 | With regard to the Traffic and Transport Management Plan required by Condition 13, the following information should be included:<br><br>(i) Traffic impact assessment;<br><br>(ii) Details of Oversize and Overmass loads;<br><br>(iii) Swept path analysis;<br><br>(iv) Haul movements and routes;<br><br>(v) Details of any temporary or permanent modifications, works or upgrades required to intersections, roads or site access points; and<br><br>(vi) Permit /approval requirements, local government or Main Roads WA. | This should be a reference to condition 11. | Change reference from 'condition 13' to 'condition 11'. |
| 16 | The applicant is strongly encouraged to establish and implement a Community Benefits Fund in conjunction with the Shire of Kojonup, consistent with the WA Government endorsed (currently draft) 'Guideline on Community Benefits for Renewable Energy Projects'. | This Guideline has now been adopted. This advice note should be amended to reflect the status of the document. | Amend advice note as follows –<br><br>The applicant is strongly encouraged to establish and implement a Community Benefits Fund in conjunction with the Shire of Kojonup, consistent with the WA Government endorsed ~~(currently draft) 'Guideline on Community~~ |

| # | ADVICE NOTE | Reasoning | Suggested Amendment |
|---|---|---|---|
| | | | ~~Benefits for Renewable Energy Projects~~' 'Community Benefits Guidelines for Large-scale Renewable Energy Projects in the South West Interconnected System'. |
| 17 | The applicant is advised that: | | - |
| | (i) There is potential for vacant lots adjacent to the proposed wind farm to be further developed with dwellings; | - | - |
| | (ii) Legislation in Western Australia requires that the wind farm comply with the *Environmental Protection (Noise) Regulations 1997*. The controls on noise contained in this approval do not override those contained in the Regulations, nor vice versa, but the wind farm must comply with whichever control is more stringent at any given location at any given time under then-prevailing meteorological etc conditions; | - | - |
| | (iii) The applicant takes the commercial risk that future wind farm operations may need to be altered or modified to continue to comply with noise limitations; | - | - |
| | (iv) It is recommended that the applicant prepare and submit acoustic compliance reports by a suitably qualified and independent acoustic engineer to demonstrate compliance with Condition 19 at key stages of development. This would provide compliance assurances to both the local government and surrounding landowners; | This should be a reference to condition 16.<br><br>This Advice Notice suggests that the noise testing needs to be undertaken by an 'independent acoustic engineer' – it is assumed this means independent of the operator? If so, the Applicant is of the view that this advice note is unreasonable and inconsistent with an acoustic engineer's obligations under the Association of Australasian Acoustical Consultants. | Change reference from 'condition 19' to 'condition 16'.<br><br>Delete reference to 'and independent'. |
| | (v) These conditions must be read in conjunction with all relevant legislation and regulations and the applicant must comply with all other relevant legislation and regulations specifically the *Environmental Protection Act 1986* and associated regulations; | This is a repeat of advice note 1. | Amend to<br><br>'These conditions must be read in conjunction with all relevant legislation and regulations.' |
| | (vi) A clearing permit under the *Environmental Protection Act 1986*, for the proposed clearing of any native vegetation may be required; | This is a repeat of advice note 1. | Delete. |
| | (vii) The applicant is advised to investigate whether or not approval is required pursuant to the *Aboriginal Heritage Act 1972* prior to commencement of any activities or works on site; | This is a repeat of advice note 1. | Delete. |
| | (viii) The transformer associated with each wind turbine shall be located beside each tower or enclosed within the tower; | This is not in the form of an advice note, and should be deleted. | Delete. |
| | (ix) All fill placed on the land must be free of disease and weeds; | Accept. | - |
| | (x) All wind turbine towers are to be fully enclosed (to prevent birds perching or nesting); | This is not in the form of an advice note, and should be deleted. | Delete. |
| | (xi) There are various Department of Water and Environmental Regulation requirements relating to matters including water licensing, water supply and surface water management –<br><br>(a) A Bed and Banks permit under the *Rights in Water and Irrigation Act 1914*, will be required for the interference with the bed and bank of any watercourse; and | This is a repeat of advice note 1. | Delete. |

| # | ADVICE NOTE | Reasoning | Suggested Amendment |
|---|---|---|---|
| | (b) A licence to take water under the *Rights in Water and Irrigation Act 1914*, will be required if it is proposed to take surface water from a watercourse. | | |
| | (xii) Once turbine locations and parameters have been finalised and at least two (2) months before installation of any wind turbines commencing, the applicant/operator will submit the details of all wind turbines to Airservices Australia via the Vertical Obstacle Data Form, as required by Conditions 16 and 21. | This should be a reference to conditions 13 and 18.<br><br>There is no requirement in condition 18 to submit details to Airservices Australia. Condition 13 requires this information to be submitted in any event. | Amend advice note as follows –<br><br>'In relation to condition 13(ii), the applicant/operator should submit the details of all wind turbines to Airservices Australia via the Vertical Obstacle Data Form once turbine locations and parameters have been finalised and at least two (2) months before installation of any wind turbines commencing. ' |
| | (xiii) On commissioning, the Vertical Obstacle Data Form should be resubmitted to Airservices Australia with the surveyed height and location of each installed turbine and wind monitoring mast. | This is not in the form of an advice note, and should be deleted. | Delete. |
| | Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) or local government approval under regulation 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*. | This advice note mirrors condition 1.<br><br>It appears to have been included here in error. Usually it would sit as a direct advice note to condition 1, or would be included in the covering letter. | Amend advice note as follows –<br><br>In relation to condition 1, ~~W~~where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) or local government approval under regulation 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*. |

# AVIATION IMPACT ASSESSMENT – TECHNICAL MEMO

## Kojonup Wind Farm CASA's Submission

Kojonup Wind Farm Pty Ltd (the Proponent) has engaged Aviation Projects to prepare a comprehensive technical memo in response to CASA's submission regarding the Kojonup Wind Farm.

### 1.1. CASA Determination

CASA provided the following response to a request for assessment in relation to the Kojonup Wind Farm. The key points are:

> *CASA notes from the Airservices Australia response referenced within the AIA that it stated that "… the wind farm turbine number 11, at 587m/1926ft AHD will affect the 25NM minimum sector altitude at Katanning Aerodrome". In addition, the AIA stated that " … the 25 nm MSA would need to be increased by 100 ft to 3000 ft or sectorised to exclude the wind farm area". Therefore, until such time that the impacts at Katanning Aerodrome are resolved and published, CASA advises that the proposed Kojonup Wind Farm as presented, would have an unacceptable effect on the safety of existing and future air transport operations at Katanning Aerodrome.*
>
> *Post the above being resolved and published, with regards to Visual Flight Rules (VFR) operations, pilots are permitted to fly as low as 500 ft AGL. The WTGs will reach up to a height of approximately 206 m (676 ft) AGL, and therefore the WTG blades will infringe navigable airspace by 176 ft. Therefore, CASA recommends the proponent install obstacle lighting on the turbines due to the height of the structures. To limit any potential visual impact on the community, CASA would also recommend consideration of a radar-activated type system of steady red low intensity (200 cd) aviation hazard lighting or contacting obstacle lighting suppliers and discussing whether a cowling system, much like a typical "lampshade", could be incorporated into the lighting system that could result in little or no downward light spill without impacting aviation safety.*
>
> *The coordinates and estimated survey heights of each WTG must be reported to the Airservices Australia Vertical Obstacle Database (VOD) email address, once the development Approval is granted to ensure that the location of the wind farm can be mapped for the information of pilots. Changes to maps can take in excess of six months, therefore two weeks prior to works commencing, Airservices should be contacted via the VOD email address so that a NOTAM (Notice to Airmen) can be published by Airservices advising pilots that the construction of tall structures in the area is imminent and to allow for any LSALT heights to be increased. On the completion of works, the VOD should be advised of the surveyed height and location of each WTG so that the wind farm details can be accurately recorded in the database.*

### 1.2. Airservices Australia Response

Airservices Australia provided a consultation response for the Kojonup Wind Farm project on 06 August 2025. With respect to the identified impacts to Katanning Aerodrome, the response noted as follows:

> *Please consult with the aerodrome and aviation operators to ensure that they accept the proposed changes. We need confirmation from the aerodrome operator before we will make any changes. All amendments to airspace procedures are made on a commercial basis.*

Shire of Katanning (the Aerodrome operator) provided written approval on 17 October 2025 for Airservices Australia to undertake the proposed amendments. A copy of the approval letter is included as Annexure 6 of the *10-11-01-01 Kojonup WF AIA V1.1 251022* report and is also attached as **Enclosure 1** to this Memo.

FILED
16 JUL 2026
Via eLodgement
STATE ADMINISTRATIVE TRIBUNAL

The proponent will complete and submit the VOD form, as advised by CASA, at least one (1) month prior to the commencement of construction.

Next Steps:

The next steps associated with the amendment of the procedure are outlined below to demonstrate that aviation safety will remain acceptable prior to the commencement of construction:

- To amend the MSAs and instrument flight procedures, engage the applicable Flight Procedure Design Organisation, Airservices Australia, 9-12 months prior to construction of the WTGs, along with the written approval letter from Shire of Katanning.

### 1.3. Obstacle Lighting Requirements

The Wind Farm does not infringe any OLS protection surfaces for any certified aerodrome. Therefore, obstacle lighting standards listed in CASR Part 139 do not strictly apply.

The risk assessment set out in Section 11 of the *1011101-01 Kojonup WF AIA V1.1 251022* report concluded that aviation lighting would not be required for WTGs of this project. The relevant section is copied as follows:

> *It is considered that the significant cost of obstacle lighting (which is not a preventative control), may only slightly reduce the likelihood of a collision given that the pilot is already in a highly undesirable situation (and not in all situations – such as where the obstacle light may be obscured by cloud) and hence is not justified.*
>
> *In the circumstances, the level of risk under the proposed treatment plan is considered as low as reasonably practicable (ALARP).*
>
> *It is our assessment that there will be an acceptable level of aviation safety risk associated with the potential for an aircraft collision with a wind turbine, without obstacle lighting on the turbines of the Project.*

The Summary of Residual Risks from the report is copied at Table 1.

Table 1 Summary of Residual Risks

| *Identified Risk* | *Consequence* | *Likelihood* | *Risk* | *Actions Required* |
|---|---|---|---|---|
| **Aircraft collision with wind turbine generator (WTG)** | Catastrophic | Unlikely | 7 | **Acceptable without obstacle lighting (ALARP).**<br>Communicate details of the Project WTGs to local and regional operators and make arrangements to publish details in ERSA for surrounding aerodromes before, during and following construction. |
| **Avoidance manoeuvring leads to ground collision** | Catastrophic | Unlikely | 7 | **Acceptable without obstacle lighting on WTGs (ALARP).**<br>Communicate details of the Project WTGs and WMTs to local and regional operators |
| **Effect on crew** | Minor | Possible | 5 | **Acceptable without obstacle lighting on WTGs (ALARP)** |

| | | | | |
|---|---|---|---|---|
| | | | | Communicate details of the Project WTGs and WMTs to local and regional operators |
| **Visual impact from obstacle lights** | Moderate | Likely | 7 | **Acceptable without obstacle lighting** (zero risk of visual impact from obstacle lighting).<br>If lights are installed, design to minimise impact. Low intensity light on the WMT will reduce impact slightly. |

### 1.4. Reporting to the Airservices Australia Vertical Obstacle Database (VOD)

The proponent will complete and submit the VOD form, as advised by CASA, at least one (1) month prior to the commencement of construction.

### 1.5. Radar-activated type Lighting System

A radar-activated type lighting system is considered less reliable. If aviation lighting is required by the planning authority, low-intensity (200 cd) steady red lighting is recommended.

In accordance with CASA AC 139.E-05 V1.1 (October 2022), Section 2.6.6:

> *A radar detection system activates hazard lights when aircraft are detected in the vicinity of the wind farm or tall structure. The system does not require additional equipment to be carried by aircraft. CASA does not approve radar detection systems but provides advice of "no objection" to system manufacturers where an FAA Technical Note concludes that the system performed according to the manufacturer's specifications and met the performance requirements identified in AC 70/7460-1L.*

### 1.6. Conclusion

Subject to implementation of the relevant recommendations proposed in the *1011101-01 Kojonup WF AIA V1.1 251022* report, the proposed development is not expected to result in an unacceptable impact on the safe flight procedures at Katanning Aerodrome, noting that the required consent has been obtained and that the proposed procedural amendments are common for wind farm developments. The amendments are administrative and procedural in nature and will be implemented prior to the commencement of construction.

If you wish to clarify or discuss the contents of this correspondence, please contact me on 0491 739 503.

Kind regards

Lyn Wang

Aviation Safeguarding Lead

16 July 2026

**Enclosure 1 Approval Letter from Shire of Katanning**

# ENCLOSURE 1 – APPROVAL EMAIL FROM SHIRE OF KATANNING

Hi Lyn

On behalf of the Shire of Katanning ,we will approve The Wind Farm that is at Shire of Kojonup as long as there will be no effect , or issues, should the Shire of Katanning choose to make any upgrades to the Aerodrome operations in the near future .

Kind Regards

**Muhamad Taylor (Jeddy)**
*Technical Officer*

Street Address: 52 Austral Terrace, Katanning WA 6317
Postal Address: PO Box 130, Katanning WA 6317
Phone: (08) 9821 9999
Email: jeddy.taylor@katanning.wa.gov.au
Website: www.katanning.wa.gov.au
www.facebook.com/ShireOfKatanning

Shire of Katanning

**From:** Airspace Protection <Airspace.Protection@casa.gov.au>
**Sent:** Wednesday, 29 July 2026 1:54 PM
**To:** Estelle Lottering <estelle.lottering@kojonup.wa.gov.au>
**Cc:** Airspace Protection <Airspace.Protection@casa.gov.au>
**Subject:** F26/13635-2 - CASA Response - Kojonup Windfarm, WA [SEC=OFFICIAL]

**OFFICIAL**

Good afternoon Estelle,

Thank you for your enquiry and for taking my call earlier today.

I can advise that CASA will not change its recommendations with regards to the obstacle lighting of the Kojonup Wind Farm. The choice of obstacle lighting technology such as permanent or aircraft detection is a matter for the proponent.

It should be noted CASA recommendations are not formal regulatory requirements, and it is up to the relevant responsible authority (the Shire of Kojonup in this instance) to determine whether CASA recommendations are included in your planning permit as formal requirements.

Kind regards,

Tony Aiezza
Aerodromes Specialist - Geospatial Assessments
Office of Airspace Regulation
Air Navigation, Airspace and Aerodromes Branch
**CASA \ Air Navigation, Transformation and Risk Division**
t: 03 9518 2794
Level 13, 720 Bourke St, Melbourne VIC 3008
PO Box 2005, Canberra ACT 2601
www.casa.gov.au

**From:** Airspace Protection <Airspace.Protection@casa.gov.au>
**Sent:** Thursday, 4 June 2026 1:23 PM
**To:** Grant Thompson <ceo@kojonup.wa.gov.au>
**Cc:** Airspace Protection <Airspace.Protection@casa.gov.au>
**Subject:** F26/13635-1 - CASA Assessment Response - Kojonup Wind Farm, Kojonup Shire, WA [SEC=OFFICIAL]

**OFFICIAL**

Good afternoon Grant,

Thank you for providing CASA with the Aviation Impact Assessment report associated with the Kojonup Wind Farm Project in the Kojonup Shire, southwestern Western Australia.

A review of the Kojonup Wind Farm Aviation Impact Assessment (AIA) dated September 2025, was undertaken and the following was noted:

- *The wind farm proposal will consist of 33 wind turbine generators (WTGs).*
- *Each WTG will have a maximum blade tip height of 206m (676 ft) AGL, with the blade tip elevation of the highest WTG not exceeding 587 m (1926 ft) AHD.*
- *The Project Area is located within 30 nm (56 km) of the Katanning (YKNG) certified aerodrome, but beyond any OLS surfaces.*
- *With regards to YKNG, the 25 nm MSA would need to be increased by 100 ft to 3000 ft or sectorised to exclude the wind farm area.*
- *The WTGs would not impact the PANS-OPS surfaces of the RNP RWY 25 instrument approach procedures. However, if the 25 nm MSA is not sectorised for the wind farm and increased to 3000 ft, the minimum altitudes in the initial approach segments would need to be increased to be consistent with the 25 nm MSA minimum altitude.*
- *There are four uncertified aerodromes identified within 3 nm of the Project site - Fares aerodrome, Kitto aerodrome, Heggaton aerodrome, Klopper Helipad:*
    - *The WTGs might have some impact on the operation of the aerodromes.*
    - *Downstream wake turbulence from the closer WTGs might extend into the circuit area of the aerodrome and may create an impact on aircraft operations of the Unknown Aerodrome.*
    - *Consultation with the aerodrome owners commenced and recommended continuing*
- Airservices Australia (6 August 2025) - *With respect to procedures designed by Airservices in accordance with ICAO PANS-OPS and Document 9905 the wind farm turbine number 11, at 587m/1926ft AHD will affect the 25NM minimum sector altitude at Katanning Aerodrome. To accommodate turbine number 11 the 25NM minimum sector altitude is required to be increased from 2900ft to 3000ft. Please consult with the aerodrome and aviation operators to ensure that they accept the proposed changes. We need confirmation from the aerodrome operator before we will make any changes.*

CASA's determination was conducted in accordance with the National Airports Safeguarding Framework (*NASF Guideline D*) as developed by the Department of Infrastructure, Transport, Regional Development, Communications and the Arts, and as developed to provide planning advice to State and Local Planning Authorities to aid in the safeguarding of Australian airports from inappropriate development.

CASA notes from the Airservices Australia response referenced within the AIA that it stated that *"… the wind farm turbine number 11, at 587m/1926ft AHD will affect the 25NM minimum sector altitude at Katanning Aerodrome"*. In addition, the AIA stated that " *… the 25 nm MSA would need to be increased by 100 ft to 3000 ft or sectorised to exclude the wind farm area"*. Therefore, until such time that the impacts at Katanning Aerodrome are resolved and published, CASA advises that the proposed Kojonup Wind Farm as presented, would have an unacceptable effect on the safety of existing and future air transport operations at Katanning Aerodrome.

Post the above being resolved and published, with regards to Visual Flight Rules (VFR) operations, pilots are permitted to fly as low as 500 ft AGL. The WTGs will reach up to a height of approximately 206 m (676 ft) AGL, and therefore the WTG blades will infringe navigable airspace by 176 ft. Therefore, CASA recommends the proponent install obstacle lighting on the turbines due to the height of the structures. To limit any potential visual impact on the community, CASA would also recommend consideration of a radar-activated type system of steady red low intensity (200 cd) aviation hazard lighting or contacting obstacle lighting suppliers and discussing whether a cowling system, much like a typical "lampshade", could be incorporated into the lighting system that could result in little or no downward light spill without impacting aviation safety.

The coordinates and estimated survey heights of each WTG must be reported to the Airservices Australia Vertical Obstacle Database (VOD) email address, once the development Approval is granted to ensure that the location of the wind farm can be mapped for the information of pilots. Changes to maps can take in excess of six months, therefore two weeks prior to works commencing, Airservices should be contacted via the VOD email address so that a NOTAM (Notice to Airmen) can be published by Airservices advising pilots that the construction of tall structures in the area is imminent and to allow for any LSALT heights to be increased. On the completion of works, the VOD should be advised of the surveyed height and location of each WTG so that the wind farm details can be accurately recorded in the database.

Kind regards,

Tony Aiezza
Aerodromes Specialist - Geospatial Assessments
Office of Airspace Regulation
Air Navigation, Airspace and Aerodromes Branch
**CASA \ Air Navigation, Transformation and Risk Division**
t: 03 9518 2794
Level 13, 720 Bourke St, Melbourne VIC 3008
PO Box 2005, Canberra ACT 2601
www.casa.gov.au

**Mark and Hayley  Wandel, MR and HL Wandel**

[redacted]

**Date 03/08/2026**

**To:** Shire of Kojonup

**Email:** council@kojonup.wa.gov.au

**Post:** PO Box 163, Kojonup WA 6395

**Subject:** Submission Regarding DR53/2026 Kojonup Wind Farm Pty Ltd v DAP Executive Director – Response to Condition 12 (Aviation Lighting)

Dear Shire Administration Team,

I am writing as an adjoining landowner in response to the Shire of Kojonup's invitation for feedback regarding **Condition 12 (Radar Activated Lighting)** and the applicant's *Aviation Impact Assessment – Technical Memo* (dated 16 July 2026) for the proposed Kojonup Wind Farm.

As an immediate adjacent neighbor with **no neighbor agreement in place**, we **do not agree** with the applicant's proposal to delete Condition 12, nor do we support the alternative proposal to utilize low-intensity steady red lighting.

We strongly urge the Shire and the Regional Development Assessment Panel (RDAP) to enforce the installation of **Radar-Activated Lighting Systems** for the following key reasons:

## 1. Visual Amenity and Community Impact

Steady red lighting—even low-intensity—presents a continuous night-time visual distraction across the rural landscape. For adjoining landowners and local residents who live near the development, night-long illumination significantly alters the rural visual landscape and creates unnecessary light pollution. Radar-activated lighting ensures lights are only illuminated when an aircraft is actually present, preserving the visual amenity of the surrounding community.

## 2. Planned Airstrip Infrastructure (Cooralong, 2028)

We have concrete plans to construct a private airstrip on our property (**Cooralong**) in **2028**. The presence of wind turbines in close proximity to our property boundaries introduces vertical obstacles that directly affect local air space usage. Having a non-intrusive yet fully active, reliable safety system like radar-activated lighting is essential for long-term airspace safety and local integration.

## 3. Agricultural Aerial Operations

Our farming operations rely on aerial applications, including the spraying of fertilizers, herbicides, and fungicides across our properties adjacent to the proposed wind farm site. Low-altitude agricultural aviation requires maximum safety precautions and clear, reliable hazard identification when operating near tall structures.

## 4. Commuter and Business Aviation

In addition to agricultural spraying, aircraft will be regularly utilized in the future for private transit and commuting to our agricultural business operations in **Jingalup**. Unrestricted and safe aviation access is a vital component of our ongoing business and transportation logistics.

---

## Conclusion

Deleting Condition 12 or replacing radar-activated lighting with continuous steady red lighting prioritizes developer convenience over local community impact and agricultural aviation needs.

Given our current operations and planned aviation infrastructure, **we strongly support maintaining Condition 12 requiring Radar-Activated Lighting** to protect both local safety and visual amenity.

Thank you for considering our submission during your review process for the Regional Development Assessment Panel.

Yours sincerely,

**Mark and Hayley Wandel**

**MR and HL Wandel**

[redacted]

# PART C – OTHER BUSINESS

**1. State Administrative Tribunal Applications and Supreme Court Appeals**

**2. Meeting Closure**