



## Regional Joint Development Assessment Panel Minutes

**Meeting Date and Time:** Tuesday, 15 November 2022; 9:30am  
**Meeting Number:** RJDAP/74  
**Meeting Venue:** Electronic Means

*This DAP meeting was conducted by electronic means (Zoom) open to the public rather than requiring attendance in person*

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## Attendance

### DAP Members

Mr Tony Arias (Presiding Member)  
Ms Kanella Hope (Deputy Presiding Member)  
Mr Justin Page (Third Specialist Member)  
Cr Paul Green (Local Government Member, Shire of Kondinin)  
Cr Darren Pool (Local Government Member, Shire of Kondinin)

### Officers in attendance

Ms Tory Young (Shire of Kondinin)  
Mr Mark Burgess (Shire of Kondinin)

### Minute Secretary

Ms Ashlee Kelly (DAP Secretariat)

### Applicants and Submitters

Ms Karen Wright (Urbis)  
Mr Matthew Filov (Urbis)  
Mr Chris Binstead (SynergyRED)  
Ms Emma Jones (SynergyRED)

### Members of the Public / Media

Ms Nadia Budihardjo from Business News was in attendance.

## 1. Opening of Meeting, Welcome and Acknowledgement

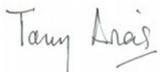
The Presiding Member declared the meeting open at 9.32am on 15 November 2022 and acknowledged the traditional owners and paid respect to Elders past and present of the land on which the meeting was being held.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2020 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

### 1.1 Announcements by Presiding Member

The Presiding Member advised that in accordance with Section 5.16 of the DAP Standing Orders 2020 which states '*A person must not use any electronic, visual or audio recording device or instrument to record the proceedings of the DAP meeting unless the Presiding Member has given permission to do so.*', the meeting would not be recorded.

This meeting was convened via electronic means (Zoom). Members were reminded to announce their name and title prior to speaking.

  
Mr Tony Arias  
Presiding Member, Regional JDAP



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## 2. Apologies

Nil

## 3. Members on Leave of Absence

Nil

## 4. Noting of Minutes

DAP members noted that signed minutes of previous meetings are available on the [DAP website](#).

## 5. Declaration of Due Consideration

The Presiding Member notes an addendum to the agenda was published to include details of a DAP request for further information and responsible authority response in relation to Item 8.1, received on 10 November 2022.

All members declared that they had duly considered the documents.

## 6. Disclosure of Interests

DAP Member, Mr Tony Arias, declared an Impartiality Interest in Item 8.1. Mr Arias previously utilised Urbis as planning consultants. The services have been completed and Urbis have not been engaged to provide further services. Mr Arias declares that the familiarity will not influence decision making in relation to the item.

In accordance with section 6.2 and 6.3 of the DAP Standing Orders 2020, the Deputy Presiding Member determined that the member listed above, who had disclosed an Impartiality Interest, was permitted to participate in the discussion and voting on the item.

## 7. Deputations and Presentations

**7.1** Mr Chris Binstead (SynergyRED) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

**7.2** Ms Karen Wright and Mr Matthew Filov (Urbis) addressed the DAP in support of the recommendation for the application at Item 8.1 and responded to questions from the panel.

**7.3** The Shire of Kondinin Officers responded to questions from the panel.



## 8. Form 1 – Responsible Authority Reports – DAP Applications

### 8.1 Lot 2845 & 2640 King Rocks Road North, Hyden

Development Description: Wind Farm  
Applicant: Synergy Renewable Energy Developments Pty  
Ltd t/a SynergyRED/Urbis  
Owner: Mr Thomas Murray Hughes,  
Hyden Faraway Pty Ltd  
Shire of Kondinin  
Responsible Authority: Shire of Kondinin  
DAP File No: DAP/22/02288

### REPORT RECOMMENDATION

**Moved by:** Ms Kanella Hope

**Seconded by:** Mr Justin Page

With the agreement of the mover and seconder the following amendment was made to the preamble as follows:

1. **Accept** that the DAP Application reference DAP/22/02288 is appropriate for consideration **as use not listed, described** as a “Wind Farm” land use and **considered** compatible with the objectives of the ~~zoning table~~ **rural zone** in accordance with Clause 18 (4) (b) of the Shire of Kondinin Local Planning Scheme No. 1;

**REASON:** To clarify the Panel’s consideration of the proposed land use, consistent with the RAR.

That the Regional JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/22/02288 is appropriate for consideration as use not listed described as a “Wind Farm” land use and considered compatible with the objectives of the rural zone in accordance with Clause 18 (4) (b) of the Shire of Kondinin Local Planning Scheme No. 1;
2. **Approve** DAP Application reference DAP/22/02288 and accompanying site plan and supporting technical reports Appendices A, B, C, D, E, F, G, H, I, J, K and L 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 18 (4) (b) of the Shire of Kondinin Local Planning Scheme No.1 subject to the following conditions and advice notes:

### Conditions

1. The approved development shall be undertaken generally in accordance with the plans and undertakings provided by SynergyRED 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.



2. 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.
3. 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 consideration and approval prior to the commencement of development.
4. Prior to construction commencing on-site, a Construction Management Plan shall be submitted to the Local Government for approval. Once approved the Construction Management Plan shall be implemented at all times to the satisfaction of the Local Government during the construction phase.
5. Prior to operations commencing on-site, 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 to the satisfaction of the Local Government during the operational phase.
6. Prior to construction commencing on-site, a Traffic Management Plan including dilapidation reporting and repair mechanisms shall be submitted to the Local Government for approval. Once approved the Traffic Management Plan shall be implemented at all times to the satisfaction of the Local Government.
7. The Proponent shall ensure the installation of any traffic warning/safety signage in relation to the approved development during the transportation, construction and decommissioning phases is to the satisfaction of the Local Government.
8. Prior to construction commencing on-site, a Noise Management and Monitoring Plan shall be submitted to the Local Government (upon advice from the Department of Water and Environmental Regulation) for approval. Once approved the Noise Management and Monitoring Plan shall be implemented at all times to the satisfaction of the Local Government.
9. On commencement of operations on-site a Monitoring Program for bird and bat deaths associated with the windfarm is to be developed and implemented and reported annually to the Department of Biodiversity, Conservation and Attractions;
10. The Proponent shall prior to construction commencing on-site, prepare and submit a Bushfire Management Plan to the Local Government for approval. Once approved the Bushfire Management Plan shall be implemented at all times to the satisfaction of the Local Government upon advice from the Department of Fire and Emergency Services.
11. Prior to any construction commencing on-site, a Stormwater Management Plan shall be submitted to the Local Government for approval. Once approved the Stormwater Management Plan shall be implemented at all times to the satisfaction of the Local Government.



12. On confirmation of the final layout and design of the Wind Turbines the Aviation Impact Assessment prepared by Aviation Projects accompanying this development application shall be updated and submitted to the Local Government for approval on advice from the Civil Aviation Safety Authority and/or Air Services Australia as necessary.
13. The Proponent 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 received from Water Corporation and the Department of Health as necessary.
14. All primary and ancillary infrastructure must be decommissioned and removed from the site within two (2) years of cessation and operation of the development, unless the Local Government approves otherwise.
15. In conjunction with the decommissioning of the development, the Proponent shall rehabilitate the site to the satisfaction of the Local Government and all affected landowners to enable broad-hectare farming or other approved farming activity to resume / continue.
16. No signs or hoardings are to be erected in relation to the development without the separate approval of the Local Government.
17. The Proponent shall immediately advise the Local Government of completion of construction of the development, including any individual stages once completed.

### Advice Notes

1. The Proponent is advised that this is a development approval only which does not negate the requirement for any additional approvals that may be required under separate legislation including but not limited to the Civil Aviation Building Code of Australia, Building Act 2011, Health Act 1911, Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974, Environmental Protection (Clearing of Native Vegetation) Regulations 2004, Environmental Protection (Noise) Regulation 1997, Traffic Act 2000, Main Roads Act 1930, Aboriginal Heritage Act 1972, Civil Aviation Act 1988, Civil Aviation Safety Regulations 1998, Rights in Water and Irrigation Act 1914, and the obtaining of works licences as required. It is the Proponent's responsibility to obtain any additional approvals required before the development / use lawfully commences.
2. In relation to addressing Schedule 2, clause 74 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as conditioned above, the following detailed plans are required and shall include the following information:
  - a) A site development plan, drawn to scale, showing contours, natural environmental features, including all vegetation, revegetation, waterways/creek lines, and the final layout, orientation and siting arrangements of all wind turbines and hardstand infrastructure, including setback distances between wind turbines and vegetation, setback distances between wind turbines and all sensitive uses on the subject land and immediately adjoining properties, temporary and permanent wind monitoring



- towers, all buildings and amenities, site access and egress points to public roads, internal access roads, vehicle parking areas, underground and above ground power and transmission cables, overhead power lines, fencing, laydown and stockpile areas, construction compounds, temporary concrete batching plant and storage facilities, energy storage structures, sub-stations, power conversion stations, and any public access opportunities;
- b) Small-scale plans and cross-sections, drawn to scale, showing the dimensions, height, building materials, elevations and colours of the proposed wind turbines, permanent wind monitoring towers, permanent buildings and amenities; and
- c) Demonstrated suitable setbacks between the wind turbines and remnant vegetation to mitigate any potential risks to known fauna within the locality.
3. In relation to the Construction Management Plan, the following information shall be included:
- a) The location, width, drainage and surfacing standards for site access tracks and access and egress points to public roads;
- b) Storm water management;
- c) The delivery and storage of construction materials and equipment to the site;
- d) Waste disposal;
- e) Fuel storage, handling and spill response;
- f) Weed and pest management (biosecurity);
- g) Flora and fauna protection / management;
- h) Water management and water security;
- i) Measures to minimise the impact of the approved development on the amenity of the locality due to the transportation of materials to and from the site;
- j) Integration of the broad-hectare farming activities on-site with all proposed construction works;
- k) The management of bush fire risk on the site during the construction period and responses to fire and emergency incidents;
- l) Details of all temporary land uses, associated built form of structures and the operation and management of those temporary uses including likely timeframes for such uses;
- m) The parking arrangements and provision of temporary amenities for contractors and sub-contractors;
- n) The extent of earthworks proposed on site, the method of stabilising those earthworks and any on-going management required to prevent wind or water borne erosion including the extraction of any road making materials from within the site and the rehabilitation of the excavation area/s to a suitable end use;
- o) The management of noise and vibration on the site during the construction period including a proposed methodology and monitoring procedure to be put in place to minimise any impacts;
- p) Dust suppression and stabilisation of any soils disturbed or deposited on-site.
- q) Construction hours;
- r) Management of cranes used on-site; and
- s) Details of post-construction operations on the site and the removal of temporary structures, construction equipment / infrastructure, materials and waste once the development has been completed.



4. In relation to the Operational Management Plan, the following information shall be included:
  - a) Waste disposal;
  - b) Storm water management;
  - c) Fuel storage, handling and spill response;
  - d) Weed and pest management (biosecurity);
  - e) Flora and fauna protection / management;
  - f) Water management and water security;
  - g) The management of bushfire risk on the site during the operational period and responses to fire and emergency incidents;
  - h) The management of any reflected light on the site arising from any operations on the land;
  - i) Integration of the broad-hectare farming activities on-site with all proposed operations during the operational period;
  - j) Measures to ensure the use of buildings, works and materials on the site do not generate unreasonable levels of noise, vibration, dust, drainage, wastewater, waste products or reflected light.
  
5. In relation to the Traffic Management Plan, the Proponent is responsible to ensure that the Traffic Management Plan is lodged with the Local Government for review. The Traffic Management Plan shall incorporate a Traffic Impact Assessment for the transportation activities associated with the development during construction, operation and decommissioning, and to ensure that intersections and impacts to the road network are addressed. The Traffic Management Plan shall set out in detail the management commitments applicable to traffic relevant to all installations, activities and processes. The Traffic Management Plan shall include the identification of any necessary road upgrading, property access construction, roadside clearing and revegetation and the provision of road dilapidation and roadside vegetation surveys with any damage caused to the road network and roadside vegetation used by transport vehicles accessing the site to be repaired / revegetated to the requirements the Local Government for the life of the development, including the decommissioning phase. Once approved, the Proponent from time-to-time is responsible to ensure, that all installations, activities and processes carried out at all times and in all respects are in accordance with the Traffic Management Plan.
  
6. Main Roads WA advise that permits are required for overweight and oversized vehicles associated with the proposed development. It is recommended the Proponent liaise with Main Roads WA Heavy Vehicle Services Division to confirm and address the requirements for Over Sized Over Mass (OSOM) loads on all roads proposed to be used by oversized vehicles for the life of the proposed development and use of the land for the intended purposes including the final decommissioning stage.
  
7. The Proponent is advised the site is located within the Kondinin Groundwater Area, proclaimed under the *Rights in Water and Irrigation Act 1914* and therefore recommended to consult with the Department of Water and Environmental Regulation to ascertain if a licence to construct well/s and to take groundwater is required.



8. The Proponent is advised that the State Barrier Fence to the eastern boundary of the site is set within a 20 metre reserve managed by the Department of Primary Industries and Regional Development (DPIRD) and frequented by Licensed Pest Management Technicians using poisons, traps and firearms to control wild dogs, and by DPRID personnel and contractors carrying out maintenance and upgrades.
9. The Proponent is advised of their obligation to consult with and/or obtain any necessary approvals from the Department of Water and Environmental Regulation, Main Roads Western Australia and Commonwealth Department of the Environment and Energy to clear any existing native vegetation on the subject land and/or any roadsides within the Local Government's municipal boundaries prior to undertaking all transportation activities associated with the development.
10. In relation to the Noise Management and Monitoring Plan, the Proponent is responsible to ensure that the Noise Management and Monitoring Plan is lodged with the Department of Water and Environmental Regulation and the Local Government for review. The Noise Management and Monitoring Plan shall set out in detail the management commitments applicable to noise minimisation relevant to all installations, activities and processes, based on sound level measurements of plant, both individually and in combination. The Noise Management and Monitoring Plan shall take proper account of tonal components, amplitude or frequency modulations or impulses, and the Noise Management and Monitoring Plan shall demonstrate that noise emissions will achieve compliance with the requirements of the South Australian guidelines *Environmental Protection Authority – Wind Farms Environmental Noise* and the *Environmental Protection (Noise) Regulations 1997*. Once approved, the Proponent from time-to-time as directed by the Local Government is responsible to ensure that all installations, activities and processes carried out at all times and in all respects are in accordance with the Noise Management and Monitoring Plan. The Proponent is to implement and maintain reporting mechanisms and monitoring for noise complaints throughout the duration of the operation of the development. In event of a substantiated complaint being received the Proponent is required to demonstrate mitigation responses to the requirements of the Department of Water and Environmental Regulation and the Local Government. Such responses will be treated as required modifications to the Noise Management Plan.
11. In relation to Monitoring Program for bird and bat deaths, the Proponent is to ensure that a report is submitted to the Department of Biodiversity, Conservation and Attractions on an annual basis for the first three (3) years of operations with consideration for reducing the timing of reporting for the duration of the operation of the development if agreed upon by the Department of Biodiversity, Conservation and Attractions;
12. In relation to the Stormwater Management Plan, this shall be prepared in accordance with the *Stormwater Management Manual of Western Australia (DWE, 2004-2007)*. The Shire of Kondinin shall consult with the Department of Water and Environmental Regulation prior to approval.



13. In relation to the required updates/amendments to the Aviation Impact Assessment, this must be based on the final approved site development plan. The Local Government will consult with the Civil Aviation Safety Authority and Air Services Australia prior to approval.
14. The Civil Aviation Safety Authority (CASA) has advised the Proponent is responsible for ensuring medium intensity lighting is installed on all wind turbines that infringe the lowest safe altitude (LSALT) as per Section 9.4 of the CASA Manual of Standards (MOS) Part 139 and recommended radar activated steady low intensity (200 cd) aviation hazard lighting be installed as a minimum and any wind monitoring masts associated with the development should be marked as per Section 8.110 of the Part 139 (Aerodrome) Manual of Standards with the inclusion of aviation hazard markers. CASA has also advised the Proponent that all necessary notifications to the relevant aviation authorities, including the Department of Defence, local and regional aircraft operators, CASA and Air Services Australia, to ensure all relevant aviation safety requirements are met.
15. The Civil Aviation Authority (CASA) has advised the Proponent is responsible for ensuring the coordinates and estimated survey heights of each turbine and monitoring mast must be reported to the Airservices Australia Vertical Obstacle Database (VOD) on finalisation of site plan. The coordinates and estimated survey heights of each turbine and monitoring mast 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. The Proponent is advised that 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 Australia advising pilots that the construction of tall structures in the area is imminent and to allow for the Grid LSALT heights to be increased. On the completion of works, the VOD should be advised of the surveyed height and location of each turbine and wind monitoring mast so that the wind farm details can be accurately recorded in the database.
16. It is recommended the Proponent review the State's Aboriginal Heritage Due Diligence Guidelines on the Department of Planning, Lands & Heritage's website to gain a clear understanding of their obligations under the Aboriginal Heritage Act 1972 and undertake its own risk assessment in accordance with the Guidelines regarding any potential impacts on Aboriginal heritage.
17. With respect to addressing all Electromagnetic Interference matters, the Proponent is responsible for carrying out all necessary notifications to communication providers and undertaking a pre-construction and post-construction survey of television and radio reception at dwellings 5km of the proposed wind turbines, once the final design and layout of the development has been confirmed.
18. With respect to the Proponent advising the Local Government of completion of construction of the development, including any individual stages once completed, this is to include advice on when construction is completed and when operations commence on site;



19. The Proponent shall have due regard to the Local Government's Animal, Environment and Nuisance Local Law 2016 and Health Local Law 2016.
20. The Proponent is reminded of their obligation to seek and obtain approval from the Western Australian Planning Commission pursuant to section 136(1) of the *Planning and Development Act 2005* for any lease or licence to use or occupy the subject land for any term exceeding 20 years, including any option to extend or renew the term or period.
21. The discretions listed to the Local Government and State Government Departments under the conditions of approval shall be exercised by those parties in a reasonable manner. Any dispute on conditions may be referred back to the Mid-West Wheatbelt Development Assessment Panel.
22. Should the Applicant be aggrieved by this decision, or any conditions imposed, there is a Right to Review under the *Planning and Development Act 2005*. An Application for Review might be submitted in accordance with XIU of the Planning and Development Act 2005 within 28 days of the date of decision to:  
*State Administrative Tribunal*  
GPO Box U199  
PERTH WA 6845

#### **AMENDING MOTION 1**

**Moved by:** Ms Kanella Hope

**Seconded by:** Mr Justin Page

That a new Advice Note No. 2(d) be added to read as follows:

***Specify the final location and specifications of the wind turbines, to a maximum of 30 turbines and turbines setback no less than 1.8 kilometres to the nearest sensitive receptor.***

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

**REASON:** The final location and type of turbine selected is yet to be fixed and will be determined through detailed design. A maximum of 30 turbines and a setback of not less than 1.8 kilometres underpin some of the justification to approve the proposal and these parameters should be stated clearly in the approval being granted.

#### **AMENDING MOTION 2**

**Moved by:** Ms Kanella Hope

**Seconded by:** Mr Justin Page

The following amendments were made en bloc;

- (i) That Condition No.6 be amended to read as follows:

***Prior to construction commencing on-site, a Traffic Management Plan including a Traffic Impact Assessment dilapidation reporting and repair mechanisms shall be***



*submitted to the Local Government for approval. Once approved the Traffic Management Plan shall be implemented at all times to the satisfaction of the Local Government.*

- (ii) That Advice No.5 be amended to read as follows:

*In relation to the Traffic Management Plan, the Proponent is responsible to ensure that the Traffic Management Plan is lodged with the Local Government for review. The Traffic Management Plan shall incorporate a Traffic Impact Assessment for the transportation **and workforce** activities associated with the development during construction, operation and decommissioning, and to ensure that intersections and impacts to the road network are addressed. The Traffic Management Plan shall set out in detail the management commitments applicable to traffic relevant to all installations, activities and processes. The Traffic Management Plan shall include the identification of any necessary road upgrading, **road widening**, property access construction, roadside clearing and revegetation and the provision of road dilapidation and roadside vegetation surveys with any damage caused to the road network and roadside vegetation used by transport vehicles accessing the site to be repaired / revegetated to the requirements the Local Government for the life of the development, including the decommissioning phase. Once approved, the Proponent from time-to-time is responsible to ensure, that all installations, activities and processes carried out at all times and in all respects are in accordance with the Traffic Management Plan.*

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

**REASON:** Traffic management across a broad road network is a key issue in this proposal. The additional wording provides certainty as to the full scope of the Traffic Management Plan expected.

### **AMENDING MOTION 3**

**Moved by:** Ms Kanella Hope

**Seconded by:** Mr Justin Page

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

*On commencement of operations on-site a **3-year** Monitoring Program for bird and bat deaths associated with the windfarm is to be developed ~~and implemented~~ and reported annually to the **Shire of Kondinin, with data provided to the** Department of Biodiversity, Conservation and Attractions. **Consideration is to be given to implementing any management measures that arise.***

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



**REASON:** In its recommended form, this condition does not demonstrate sufficient planning need, nexus and certainty. The applicant advises, affirmed in the Environmental Assessment Report, the likelihood of bird and bat deaths is low however there is shared desire, with DBCA, to gather this data through monitoring. The Shire agreed with the suggested wording adjustment to clarify scope of this obligation. The applicant affirmed its commitment to undertaking these investigations and responding, where possible, to any issues identified.

#### **AMENDING MOTION 4**

**Moved by:** Ms Kanella Hope

**Seconded by:** Mr Justin Page

That Advice Note No.4 be amended to read as follows:

*In relation to the Operational Management Plan, the following information shall be included:*

- a) *Waste disposal;*
- b) *Storm water management;*
- c) *Fuel storage, handling and spill response;*
- d) *Weed and pest management (biosecurity);*
- e) *Flora and fauna protection / management;*
- f) *Water management and water security;*
- g) *The management of bushfire risk on the site during the operational period and responses to fire and emergency incidents;*
- h) *The management of any reflected light on the site arising from any operations on the land;*
- i) *Integration of the broad-hectare farming activities on-site with all proposed operations during the operational period;*
- j) *Measures to ensure the use of buildings, works and materials on the site do not generate unreasonable levels of noise, vibration, dust, drainage, wastewater, waste products, ~~or~~ reflected light **or flicker disturbance**;*
- k) **Complaint resolution mechanisms**

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

**REASON:** Amended for added certainty, noting the proponent was also agreeable to a complaint resolution mechanism being included in the Operational Management Plan.

#### **AMENDING MOTION 5**

**Moved by:** Mr Justin Page

**Seconded by:** Ms Kanella Hope

That Condition 15 be amended to read as follows:

*In conjunction with the decommissioning of the development, the Proponent shall rehabilitate the site to the satisfaction of the Local Government ~~and all affected landowners~~ to enable broad-hectare farming or other approved farming activity to resume / continue.*

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



**REASON:** To provide certainty as to the clearing authority for the condition.

**AMENDING MOTION 6**

**Moved by:** Mr Justin Page

**Seconded by:** Ms Kanella Hope

That Condition 17 be deleted and replaced with the following condition to read as follows:

~~*The Proponent shall immediately advise the Local Government of completion of construction of the development, including any individual stages once completed.*~~  
***Any concrete batching plant shall be setback a minimum distance of 500 metres from any boundaries shared with the subject site.***

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

**REASON:** The original proposed condition was not considered necessary and reflected an advice note, which is already covered in Advice Note 18. The proposed new condition was required to ensure that the temporary concrete batching facility was suitably separated from adjoining properties to avoid any potential amenity impacts.

**AMENDING MOTION 6**

**Moved by:** Mr Tony Arias

**Seconded by:** Mr Justin Page

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

~~*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 consideration and approval prior to the commencement of development.*~~

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

**REASON:** It was not considered necessary to require further approval, however, as agreed by the Local Government and the applicant, it was necessary for detailed plans of the proposed development to be submitted to the Shire.



## AMENDING MOTION 7

**Moved by:** Mr Justin Page

**Seconded by:** Ms Kanella Hope

That Condition No.18 be added to read as follows:

***This approval is for a maximum of 30 wind turbines where the minimum setback from any existing sensitive receptor shall be 1.8km***

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

For: Mr Tony Arias  
Ms Kanella Hope  
Mr Justin Page  
Cr Darren Pool

Against: Cr Paul Green

**REASON:** The proposed condition was considered necessary to provide added certainty in terms of the approval.

## REPORT RECOMMENDATION (AS AMENDED)

That the Regional JDAP resolves to:

1. **Accept** that the DAP Application reference DAP/22/02288 is appropriate for consideration as use not listed described as a "Wind Farm" land use and considered compatible with the objectives of the rural zone in accordance with Clause 18 (4) (b) of the Shire of Kondinin Local Planning Scheme No. 1;
2. **Approve** DAP Application reference DAP/22/02288 and accompanying site plan and supporting technical reports Appendices A, B, C, D, E, F, G, H, I, J, K and L 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 18 (4) (b) of the Shire of Kondinin Local Planning Scheme No.1 subject to the following conditions and advice notes:

### Conditions

1. The approved development shall be undertaken generally in accordance with the plans and undertakings provided by SynergyRED 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.
2. 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.



3. 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.
4. Prior to construction commencing on-site, a Construction Management Plan shall be submitted to the Local Government for approval. Once approved the Construction Management Plan shall be implemented at all times to the satisfaction of the Local Government during the construction phase.
5. Prior to operations commencing on-site, 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 to the satisfaction of the Local Government during the operational phase.
6. Prior to construction commencing on-site, a Traffic Management Plan including a Traffic Impact Assessment shall be submitted to the Local Government for approval. Once approved the Traffic Management Plan shall be implemented at all times to the satisfaction of the Local Government.
7. The Proponent shall ensure the installation of any traffic warning/safety signage in relation to the approved development during the transportation, construction and decommissioning phases is to the satisfaction of the Local Government.
8. Prior to construction commencing on-site, a Noise Management and Monitoring Plan shall be submitted to the Local Government (upon advice from the Department of Water and Environmental Regulation) for approval. Once approved the Noise Management and Monitoring Plan shall be implemented at all times to the satisfaction of the Local Government.
9. On commencement of operations on-site a 3-year Monitoring Program for bird and bat deaths associated with the windfarm is to be developed and reported annually to the Shire of Kondinin, with data provided to the Department of Biodiversity, Conservation and Attractions. Consideration is to be given to implementing any management measures that arise.
10. The Proponent shall prior to construction commencing on-site, prepare and submit a Bushfire Management Plan to the Local Government for approval. Once approved the Bushfire Management Plan shall be implemented at all times to the satisfaction of the Local Government upon advice from the Department of Fire and Emergency Services.
11. Prior to any construction commencing on-site, a Stormwater Management Plan shall be submitted to the Local Government for approval. Once approved the Stormwater Management Plan shall be implemented at all times to the satisfaction of the Local Government.
12. On confirmation of the final layout and design of the Wind Turbines the Aviation Impact Assessment prepared by Aviation Projects accompanying this development application shall be updated and submitted to the Local Government for approval on advice from the Civil Aviation Safety Authority and/or Air Services Australia as necessary.



13. The Proponent 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 received from Water Corporation and the Department of Health as necessary.
14. All primary and ancillary infrastructure must be decommissioned and removed from the site within two (2) years of cessation and operation of the development, unless the Local Government approves otherwise.
15. In conjunction with the decommissioning of the development, the Proponent shall rehabilitate the site to the satisfaction of the Local Government to enable broad-hectare farming or other approved farming activity to resume / continue.
16. No signs or hoardings are to be erected in relation to the development without the separate approval of the Local Government.
17. Any concrete batching plant shall be setback a minimum distance of 500 metres from any boundaries shared with the subject site.
18. This approval is for a maximum of 30 wind turbines where the minimum setback from any existing sensitive receptor shall be 1.8km

#### **Advice Notes**

1. The Proponent is advised that this is a development approval only which does not negate the requirement for any additional approvals that may be required under separate legislation including but not limited to the Civil Aviation Building Code of Australia, Building Act 2011, Health Act 1911, Health (Treatment of Sewerage and Disposal of Effluent and Liquid Waste) Regulations 1974, Environmental Protection (Clearing of Native Vegetation) Regulations 2004, Environmental Protection (Noise) Regulation 1997, Traffic Act 2000, Main Roads Act 1930, Aboriginal Heritage Act 1972, Civil Aviation Act 1988, Civil Aviation Safety Regulations 1998, Rights in Water and Irrigation Act 1914, and the obtaining of works licences as required. It is the Proponent's responsibility to obtain any additional approvals required before the development / use lawfully commences.
2. In relation to addressing Schedule 2, clause 74 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as conditioned above, the following detailed plans are required and shall include the following information:
  - a) A site development plan, drawn to scale, showing contours, natural environmental features, including all vegetation, revegetation, waterways/creek lines, and the final layout, orientation and siting arrangements of all wind turbines and hardstand infrastructure, including setback distances between wind turbines and vegetation, setback distances between wind turbines and all sensitive uses on the subject land and immediately adjoining properties, temporary and permanent wind monitoring towers, all buildings and amenities, site access and egress points to public roads, internal access roads, vehicle parking areas, underground and above ground power and transmission cables, overhead power lines, fencing, laydown and stockpile areas, construction compounds, temporary concrete



- batching plant and storage facilities, energy storage structures, sub-stations, power conversion stations, and any public access opportunities;
- b) Small-scale plans and cross-sections, drawn to scale, showing the dimensions, height, building materials, elevations and colours of the proposed wind turbines, permanent wind monitoring towers, permanent buildings and amenities; and
  - c) Demonstrated suitable setbacks between the wind turbines and remnant vegetation to mitigate any potential risks to known fauna within the locality.
  - d) Specify the final location and specifications of the wind turbines, to a maximum of 30 turbines and turbines setback no less than 1.8 kilometres to the nearest sensitive receptor.
3. In relation to the Construction Management Plan, the following information shall be included:
- a) The location, width, drainage and surfacing standards for site access tracks and access and egress points to public roads;
  - b) Storm water management;
  - c) The delivery and storage of construction materials and equipment to the site;
  - d) Waste disposal;
  - e) Fuel storage, handling and spill response;
  - f) Weed and pest management (biosecurity);
  - g) Flora and fauna protection / management;
  - h) Water management and water security;
  - i) Measures to minimise the impact of the approved development on the amenity of the locality due to the transportation of materials to and from the site;
  - j) Integration of the broad-hectare farming activities on-site with all proposed construction works;
  - k) The management of bush fire risk on the site during the construction period and responses to fire and emergency incidents;
  - l) Details of all temporary land uses, associated built form of structures and the operation and management of those temporary uses including likely timeframes for such uses;
  - m) The parking arrangements and provision of temporary amenities for contractors and sub-contractors;
  - n) The extent of earthworks proposed on site, the method of stabilising those earthworks and any on-going management required to prevent wind or water borne erosion including the extraction of any road making materials from within the site and the rehabilitation of the excavation area/s to a suitable end use;
  - o) The management of noise and vibration on the site during the construction period including a proposed methodology and monitoring procedure to be put in place to minimise any impacts;
  - p) Dust suppression and stabilisation of any soils disturbed or deposited on-site.
  - q) Construction hours;
  - r) Management of cranes used on-site; and
  - s) Details of post-construction operations on the site and the removal of temporary structures, construction equipment / infrastructure, materials and waste once the development has been completed.



4. In relation to the Operational Management Plan, the following information shall be included:
  - a) Waste disposal;
  - b) Storm water management;
  - c) Fuel storage, handling and spill response;
  - d) Weed and pest management (biosecurity);
  - e) Flora and fauna protection / management;
  - f) Water management and water security;
  - g) The management of bushfire risk on the site during the operational period and responses to fire and emergency incidents;
  - h) The management of any reflected light on the site arising from any operations on the land;
  - i) Integration of the broad-hectare farming activities on-site with all proposed operations during the operational period;
  - j) Measures to ensure the use of buildings, works and materials on the site do not generate unreasonable levels of noise, vibration, dust, drainage, wastewater, waste products, reflected light or flicker disturbance;
  - k) Complaint resolution mechanisms.
  
5. In relation to the Traffic Management Plan, the Proponent is responsible to ensure that the Traffic Management Plan is lodged with the Local Government for review. The Traffic Management Plan shall incorporate a Traffic Impact Assessment for the transportation and workforce activities associated with the development during construction, operation and decommissioning, and to ensure that intersections and impacts to the road network are addressed. The Traffic Management Plan shall set out in detail the management commitments applicable to traffic relevant to all installations, activities and processes. The Traffic Management Plan shall include the identification of any necessary road upgrading, road widening, property access construction, roadside clearing and revegetation and the provision of road dilapidation and roadside vegetation surveys with any damage caused to the road network and roadside vegetation used by transport vehicles accessing the site to be repaired / revegetated to the requirements the Local Government for the life of the development, including the decommissioning phase. Once approved, the Proponent from time-to-time is responsible to ensure, that all installations, activities and processes carried out at all times and in all respects are in accordance with the Traffic Management Plan.
  
6. Main Roads WA advise that permits are required for overweight and oversized vehicles associated with the proposed development. It is recommended the Proponent liaise with Main Roads WA Heavy Vehicle Services Division to confirm and address the requirements for Over Sized Over Mass (OSOM) loads on all roads proposed to be used by oversized vehicles for the life of the proposed development and use of the land for the intended purposes including the final decommissioning stage.
  
7. The Proponent is advised the site is located within the Kondinin Groundwater Area, proclaimed under the *Rights in Water and Irrigation Act 1914* and therefore recommended to consult with the Department of Water and Environmental Regulation to ascertain if a licence to construct well/s and to take groundwater is required.



8. The Proponent is advised that the State Barrier Fence to the eastern boundary of the site is set within a 20 metre reserve managed by the Department of Primary Industries and Regional Development (DPIRD) and frequented by Licensed Pest Management Technicians using poisons, traps and firearms to control wild dogs, and by DPRID personnel and contractors carrying out maintenance and upgrades.
9. The Proponent is advised of their obligation to consult with and/or obtain any necessary approvals from the Department of Water and Environmental Regulation, Main Roads Western Australia and Commonwealth Department of the Environment and Energy to clear any existing native vegetation on the subject land and/or any roadsides within the Local Government's municipal boundaries prior to undertaking all transportation activities associated with the development.
10. In relation to the Noise Management and Monitoring Plan, the Proponent is responsible to ensure that the Noise Management and Monitoring Plan is lodged with the Department of Water and Environmental Regulation and the Local Government for review. The Noise Management and Monitoring Plan shall set out in detail the management commitments applicable to noise minimisation relevant to all installations, activities and processes, based on sound level measurements of plant, both individually and in combination. The Noise Management and Monitoring Plan shall take proper account of tonal components, amplitude or frequency modulations or impulses, and the Noise Management and Monitoring Plan shall demonstrate that noise emissions will achieve compliance with the requirements of the South Australian guidelines *Environmental Protection Authority – Wind Farms Environmental Noise* and the *Environmental Protection (Noise) Regulations 1997*. Once approved, the Proponent from time-to-time as directed by the Local Government is responsible to ensure that all installations, activities and processes carried out at all times and in all respects are in accordance with the Noise Management and Monitoring Plan. The Proponent is to implement and maintain reporting mechanisms and monitoring for noise complaints throughout the duration of the operation of the development. In event of a substantiated complaint being received the Proponent is required to demonstrate mitigation responses to the requirements of the Department of Water and Environmental Regulation and the Local Government. Such responses will be treated as required modifications to the Noise Management Plan.
11. In relation to Monitoring Program for bird and bat deaths, the Proponent is to ensure that a report is submitted to the Department of Biodiversity, Conservation and Attractions on an annual basis for the first three (3) years of operations with consideration for reducing the timing of reporting for the duration of the operation of the development if agreed upon by the Department of Biodiversity, Conservation and Attractions;
12. In relation to the Stormwater Management Plan, this shall be prepared in accordance with the *Stormwater Management Manual of Western Australia (DWE, 2004-2007)*. The Shire of Kondinin shall consult with the Department of Water and Environmental Regulation prior to approval.



13. In relation to the required updates/amendments to the Aviation Impact Assessment, this must be based on the final approved site development plan. The Local Government will consult with the Civil Aviation Safety Authority and Air Services Australia prior to approval.
14. The Civil Aviation Safety Authority (CASA) has advised the Proponent is responsible for ensuring medium intensity lighting is installed on all wind turbines that infringe the lowest safe altitude (LSALT) as per Section 9.4 of the CASA Manual of Standards (MOS) Part 139 and recommended radar activated steady low intensity (200 cd) aviation hazard lighting be installed as a minimum and any wind monitoring masts associated with the development should be marked as per Section 8.110 of the Part 139 (Aerodrome) Manual of Standards with the inclusion of aviation hazard markers. CASA has also advised the Proponent that all necessary notifications to the relevant aviation authorities, including the Department of Defence, local and regional aircraft operators, CASA and Air Services Australia, to ensure all relevant aviation safety requirements are met.
15. The Civil Aviation Authority (CASA) has advised the Proponent is responsible for ensuring the coordinates and estimated survey heights of each turbine and monitoring mast must be reported to the Airservices Australia Vertical Obstacle Database (VOD) on finalisation of site plan. The coordinates and estimated survey heights of each turbine and monitoring mast 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. The Proponent is advised that 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 Australia advising pilots that the construction of tall structures in the area is imminent and to allow for the Grid LSALT heights to be increased. On the completion of works, the VOD should be advised of the surveyed height and location of each turbine and wind monitoring mast so that the wind farm details can be accurately recorded in the database.
16. It is recommended the Proponent review the State's Aboriginal Heritage Due Diligence Guidelines on the Department of Planning, Lands & Heritage's website to gain a clear understanding of their obligations under the Aboriginal Heritage Act 1972 and undertake its own risk assessment in accordance with the Guidelines regarding any potential impacts on Aboriginal heritage.
17. With respect to addressing all Electromagnetic Interference matters, the Proponent is responsible for carrying out all necessary notifications to communication providers and undertaking a pre-construction and post-construction survey of television and radio reception at dwellings 5km of the proposed wind turbines, once the final design and layout of the development has been confirmed.
18. With respect to the Proponent advising the Local Government of completion of construction of the development, including any individual stages once completed, this is to include advice on when construction is completed and when operations commence on site;



19. The Proponent shall have due regard to the Local Government's Animal, Environment and Nuisance Local Law 2016 and Health Local Law 2016.
20. The Proponent is reminded of their obligation to seek and obtain approval from the Western Australian Planning Commission pursuant to section 136(1) of the *Planning and Development Act 2005* for any lease or licence to use or occupy the subject land for any term exceeding 20 years, including any option to extend or renew the term or period.
21. The discretions listed to the Local Government and State Government Departments under the conditions of approval shall be exercised by those parties in a reasonable manner. Any dispute on conditions may be referred back to the Mid-West Wheatbelt Development Assessment Panel.
22. Should the Applicant be aggrieved by this decision, or any conditions imposed, there is a Right to Review under the *Planning and Development Act 2005*. An Application for Review might be submitted in accordance with XIU of the Planning and Development Act 2005 within 28 days of the date of decision to:  
*State Administrative Tribunal*  
GPO Box U199  
PERTH WA 6845

**The Report Recommendation (as amended) was put and CARRIED UNANIMOUSLY.**

**REASON:** The Panel having considered the Responsible Authority Report (RAR) and all materials and information presented, was satisfied with the RAR recommendation but with the amended conditions. The Panel was satisfied that all relevant planning considerations had been appropriately addressed.

The proposed use was appropriate for consideration as use not listed, described as a "Wind Farm" land use, and considered compatible with the objectives of the rural zone of the Shire of Kondinin Local Planning Scheme No. 1 and was consistent with the planning framework.

The locational characteristics of the subject site were appropriate for the proposed development as the site is used for cropping and grazing, with some isolated remnant pockets of vegetation. The adjoining properties are predominantly, cleared farmland for broad-hectare with similar land uses surrounding. To the east is the Great Western Woodlands separated by the State Barrier Fence. A High Voltage 132kV transmission lines bisects between the two freehold lots on an east-west axis, servicing the Western Power Kondinin to Bunbury transmission line.

The Panel was satisfied with the Applicant's proposed strategy for managing potential amenity impacts on surrounding rural properties were suitably addressed, including by conditions of approval.



**9. Form 2 – Responsible Authority Reports – DAP Amendment or Cancellation of Approval**

Nil

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

The Presiding Member noted the following SAT Applications –

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DP/14/00039 DR 65/2020	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
DAP/21/02063 DR241/2021	Shire of Dardanup	Lot 2 Banksia Road, Crooked Brook	Cleanaway Dardanup Landfill Facility	5 November 2021
DAP/21/02120 DR49/2022	City of Busselton	Lot 400 (No.24) Dunn Bay Road, Dunsborough	Proposed six storey mixed use (Restaurant/Cafe and Multiple Dwellings) Development	23 March 2022

**11. General Business**

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2020 only the Presiding Member may publicly comment on the operations or determinations of a DAP and other DAP members should not be approached to make comment.

**12. Meeting Closure**

There being no further business, the Presiding Member declared the meeting closed at 11.19am.