



Special Meeting of Council

Agenda

1 November 2023

Shire of Yilgarn NOTICE OF MEETING



Councillors:
Please be advised that the

Special Meeting of Council

Will be held in the Council Chamber on
Wednesday, 1 November 2023
Commencing at **6pm**



Nicholas Warren
Chief Executive Officer

26/10/2023

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1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

As this meeting is the first official meeting of Council following the nomination and election of newly elected Councillors and a returning Councillor and the end of term for outgoing Councillors the Chief Executive Officer will open the meeting and Chair the process of the Swearing-In of Councillors and the election of the Shire President and Swearing-In of this position.

The CEO declared the meeting open at ____pm

Following the election of the Shire President, the CEO will vacate the Chair and the newly elected Shire President will take the Chair and undertake the election process for the Deputy Shire President position.

2. ANNOUNCEMENTS FROM THE PRESIDING MEMBER

3. ATTENDANCE

Members	Cr W Della Bosca
	Cr B Close
	Cr G Guerini
	Cr L Granich
	Cr L Rose
	Cr B Bradford
	Cr D Newbury

Council Officers	N Warren	Chief Executive Officer
	C Watson	Executive Manager Corporate Services
	G Brigg	Executive Manager Infrastructure
	F Mudau	Finance Manager
	L Della Bosca	Minute Taker

Apologies:

Observers:

Leave of Absence:

4. DECLARATION OF INTEREST

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

5.1. PUBLIC QUESTION TIME

6. SWEARING-IN OF NEWLY ELECTED AND RETURNED COUNCILLORS

Newly elected Councillors will be individually called upon to make the Declaration of Elected Member in the presence of Mr. Nicholas Warren, Chief Executive Officer of the Shire of Yilgarn.

7. ELECTION OF SHIRE PRESIDENT POSITION

In accordance with Schedule 2.3 of the *Local Government Act 1995*, the following process applies to the election of Shire President:-

2. When council elects mayor or president

- (1) The office is to be filled as the first matter dealt with —
 - (a) at the first meeting of the council after an inaugural election or a section 4.13 or 4.14 election or after an ordinary elections day; and
 - (b) at the first meeting of the council after an extraordinary vacancy occurs in the office.
- (2) If the first ordinary meeting of the council is more than 3 weeks after an extraordinary vacancy occurs in the office, a special meeting of the council is to be held within that period for the purpose of filling the office.

3. CEO to preside

The CEO is to preside at the meeting until the office is filled.

4. How mayor or president is elected

- (1) The council is to elect a councillor to fill the office.
- (2) The election is to be conducted by the CEO in accordance with the procedure prescribed.
- (3) Nominations for the office are to be given to the CEO in writing before the meeting or during the meeting before the close of nominations.
- (3a) Nominations close at the meeting at a time announced by the CEO, which is to be a sufficient time after the announcement by the CEO that nominations are about to close to allow for any nominations made to be dealt with.
- (4) If a councillor is nominated by another councillor the CEO is not to accept the nomination unless the nominee has advised the CEO, orally or in writing, that he or she is willing to be nominated for the office.
- (5) The councillors are to vote on the matter by secret ballot as if they were electors voting at an election.

- (6) Subject to clause 5(1), the votes cast under subclause (5) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 (which deals with determining the result of an election) as if those votes were votes cast at an election.
- (7) As soon as is practicable after the result of the election is known, the CEO is to declare and give notice of the result in accordance with regulations, if any.
[Clause 4 amended: No. 49 of 2004 s. 69(2)-(5); No. 66 of 2006 s. 14.]

5. Votes may be cast a second time

- (1) If when the votes cast under clause 4(5) are counted there is an equality of votes between 2 or more candidates who are the only candidates in, or remaining in, the count, the count is to be discontinued and the meeting is to be adjourned for not more than 7 days.
- (2) Any nomination for the office may be withdrawn, and further nominations may be made, before or when the meeting resumes.
- (3) When the meeting resumes the councillors are to vote again on the matter by secret ballot as if they were electors voting at an election.
- (4) The votes cast under subclause (3) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 as if those votes were votes cast at an election.

Tied Vote after Second Election

If a tied vote occurs at the resumed meeting, in accordance with Schedule 4.1 of the *Act*, the CEO is to draw lots to decide the matter. The draw should also be conducted by two persons and if available, verified by an independent person.

Following the election, the Shire President will make the Declaration of Office in the presence of Mr Nicholas Warren, CEO

CEO to vacate the Chair with the newly elected Shire President taking the Chair.

8. ELECTION OF DEPUTY SHIRE PRESIDENT POSITION

The process for the election of the Deputy Shire President is the same as for the Shire President however, the Shire President is the returning officer for this process.

Following the election, the Deputy Shire President will make the Declaration of Office in the presence of Mr Nicholas Warren, CEO

9. ELECTION OF COUNCILLORS TO VARIOUS ADVISORY COMMITTEES OF COUNCIL

9.1 SHIRE OF YILGARN AUDIT & RISK COMMITTEE

Section 7.1A of the *Local Government Act 1995* states the following in respect to the appointment of an Audit Committee

- (1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it.
- (2) The members of the audit committee of a local government are to be appointed* by the local government and at least 3 of the members, and the majority of the members, are to be council members.

** Absolute majority required.*

- (3) A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person to represent the CEO as a member of an audit committee.
- (4) An employee is not to be a member of an audit committee.

***A recommendation that arose from a report issued by the Office of Auditor General on 15 March 2019 indicated that as far as practicable, the Audit & Risk Committee should include a few Council members rather than the entire Council.**

Mrs Julie Della Bosca has indicated her willingness to continue to serve as the community representative.

The Audit and Risk Committee meet generally 2 – 3 times a year.

Recommendation

That Council, by absolute majority, appoints Crs.....,, and to the Shire of Yilgarn Audit & Risk Committee and reconfirms Mrs Julie Della Bosca as the Community representative on the Audit & Risk Committee.

9.2 SHIRE OF YILGARN BUSH FIRE ADVISORY COMMITTEE

The Shire of Yilgarn Bush Fire Advisory Committee is chaired by the Chief Bush Fire Control Officer, Council members may participate in discussion where necessary.

The Bush Fire Advisory Committee meets twice a year.

Crs Guerini and Rose were Council's previous representatives on the Bush Fire Advisory Committee.

The Regulatory Services Officer undertakes the secretarial work of the Committee and attends meetings, with the CEO attending as necessary.

Recommendation

That Council appoints Cr and Cr..... as its representatives on the Shire of Yilgarn Bush Fire Advisory Committee with the Regulatory Services Officer being responsible for secretarial duties associated with the Committee.

9.3 SHIRE OF YILGARN LOCAL EMERGENCY MANAGEMENT ADVISORY COMMITTEE

The Shire President (by virtue of the position) together with Cr Close were Council's previous representatives on the Local Emergency Management Advisory Committee.

The Regulatory Services Officer undertakes the secretarial work of the Committee and attends meetings, with the CEO attending as necessary.

The LEMC meets generally every quarter.

Recommendation

That Council appoints the Shire President together with Cr as its representatives on the Shire of Yilgarn Local Emergency Management Advisory Committee with the Chief Executive Officer and Regulatory Services Officer attending and being responsible for secretarial duties associated with the Committee.

9.4 SHIRE OF YILGARN HISTORY MUSEUM ADVISORY COMMITTEE

The Shire of Yilgarn History Museum Advisory Committee meets generally 6 times a year
Cr Rose was Council's previous representatives on the History Museum Advisory Committee.

Recommendation

That Council appoints Crs and as its representatives on the Shire of Yilgarn History Museum Advisory Committee.

9.5 SHIRE OF YILGARN TOURISM ADVISORY COMMITTEE

The Shire of Yilgarn Tourism Advisory Committee meets ad-hoc, generally every quarter, or more often as required.

Crs Cobden and Rose were Council's previous representatives on the Tourism Advisory Committee.

Recommendation

That Council appoints Crs and as its representatives on the Shire of Yilgarn Tourism Advisory Committee.

9.6 SHIRE OF YILGARN ROADS ADVISORY COMMITTEE

Crs Nolan, Close and Guerini were Councils appointed representative on the Shire of Yilgarn Roads Committee together with the Chief Executive Officer and Executive Manager Infrastructure.

Recommendation

That Council appoints Crs, and as its representatives on the Shire of Yilgarn Roads Committee.

10. ELECTION OF COUNCILLORS TO VARIOUS COMMITTEES OF COUNCIL AND EXTERNAL COMMITTEES

10.1 YILGARN COMMUNITY SUPPORT GROUP INC.

Cr Cobden was Council's previous representatives on the Yilgarn Community Support Group Inc. Committee.

*The Yilgarn Community Support Group Inc. Committee is previously the Health Agencies of the Yilgarn (HAY) Committee.

Recommendation

That Council appoints Cr as its representative on the Health Agencies of Yilgarn Committee.

10.2 LOCAL ACTION GROUP SKELETON WEED COMMITTEE

Crs Guerini and Rose were Council's previous representatives on the Local Action Group Skeleton Weed Committee.

Recommendation

That Council appoints Crs and as its representatives on the Local Action Group Skeleton Weed Committee.

10.3 WHEATBELT EAST REGIONAL ORGANISATION OF COUNCILS (WEROC)

Crs Della Bosca and Close were Council's previous representatives on the Wheatbelt East Regional Organisation of Council with the Chief Executive Officer accompanying them to these meetings.

WEROC Constitution indicates that two (2) representatives from participating Councils are eligible to be on the Board. Therefore, if two (2) Councillors are interested in being members of the WEROC Board, the Chief Executive Officer would accompany the Councillors to meetings and would only have observer status.

Recommendation

That Council appoints Crs and the Chief Executive Officer as its representatives on the Wheatbelt East Regional Organisation of Councils.

10.4 GREAT EASTERN COUNTRY ZONE (GECZ) OF WALGA

Cr Della Bosca (Shire President) and Cr Close (Deputy President) were Council's previous representatives on the GECZ with the Chief Executive Officer accompanying them to these meetings.

Recommendation

That Council appoints the Shire President and Deputy Shire President as its representatives on the Great Eastern Country Zone of WALGA with the Chief Executive Officer accompanying the above representatives to these meetings.

10.5 MT. WALTON INTRACTABLE WASTE DISPOSAL FACILITY COMMUNITY LIAISON COMMITTEE

The committee meets every quater, either in person at Coolgardie, or via electronic means.

Cr Nolan was the appointed Member to the above Committee, with Cr Close and the Regulatory Services Officer as Deputy Members.

Recommendation

That Council appoints Cr as its appointed representative on the Mt. Walton Intractable Waste Disposal Facility Community Liaison Committee with Cr..... and the Regulatory Services Officer as Deputy Members.

10.6 GREAT WESTERN WOODLANDS REFERENCE GROUP

Cr Close was Council's previous representative on the Great Western Woodlands Reference Group.

Recommendation

That Council appoints the Cr as its representative on the Great Western Woodlands Reference Group.

10.7 WHEATBELT NORTH REGIONAL ROAD GROUP AND SUB-GROUP

Cr Della Bosca (Shire President) and Cr Close (Deputy Shire President) were Council's previous representatives on the Wheatbelt North Regional Road Group and Sub-Group.

The Executive Manager Infrastructure accompanied the above Councillors to these meetings.

Recommendation

That Council appoints the Shire President and Deputy Shire President as its representatives on the Wheatbelt North regional Road group and Sub-Group.

10.8 EASTERN WHEATBELT DECLARED SPECIES GROUP

Cr Guerini was Council's previous representative on the Eastern Wheatbelt Declared Species Group.

Recommendation

That Council appoints Cr as its representative on the Eastern Wheatbelt Declared Species Group.

10.9 RURAL HEALTH WEST

Cr Cobden was Council's previous representative on Rural Health West

Recommendation

That Council appoints Crs and as its representatives on Rural Health West.

10.10 LOCAL HEALTH ADVISORY COMMITTEE

Cr Cobden was Council's previous representative on the Local Health Advisory Committee

Council currently has no representative on the District Health Advisory Committee. It is believed to be preferable for the Shire to have a representative on the Local Health Advisory Committee, a community based Committee.

Recommendation

That Council appoints Cr as its representative on the Local Health Advisory Committee.

10.11 WHEATBELT AGCARE COMMITTEE

Cr Nolan was Council's previous representative on Wheatbelt AgCare.

Recommendation

That Council appoints Cr as its representative on the Wheatbelt AgCare Committee.

10.12 CENTRAL EAST AGED CARE ALLIANCE INC. (CEACA)

Cr Della Bosca (Shire President) was Council's appointed representative on CEACA

CEACA's Constitution only allows Council to appoint a Member and does not provide for Deputy Members to be appointed although the Chief Executive Officer would always accompany Council's representatives to CEACA meetings.

Recommendation

That Council appoints Cr as its Member on the Central East Aged Care Alliance (CEACA) Inc.

10.13 DEVELOPMENT ASSESMENT PANEL

Crs Cobden and Nolan were the Councils appointed Members on the DAP with Crs Close and Rose being alterative members.

Recommendation

That Council appoints Cr.....and Cr..... as members to the Development Assessment Panel with Crand Cr as alternative members.

11. CONFIRMATION OF MINUTES

12. PRESENTATIONS, PETITIONS, DEPUTATIONS

13. DELEGATES' REPORTS

14 OFFICERS REPORTS

14.1 Officers Report – Chief Executive Officer

14.1.1 Development Assessment Panel Form 1 Application –Lots 231, 640, 620 and 622

File Reference	3.1.3.4
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Author	Liz Bushby, Town Planning Innovations (TPI)
Attachments	1. Layout Plan 2. Envelope Plan 3. Photo Montage Plan

Purpose of Report

The purpose of this report is to inform Council of a Development Assessment Panel Form 1 Application lodged for a renewable energy facility and associated infrastructure on Lots 231, 640, 620 and 622.

The application has to be processed initially by the Shire; however, it will be determined by a Regional Development Assessment Panel (RDAP).

The application is being advertised for public comment, and has been referred to relevant government agencies and key stakeholders.

There is a separate item in this agenda on the DAP process – refer agenda item 9.1.2

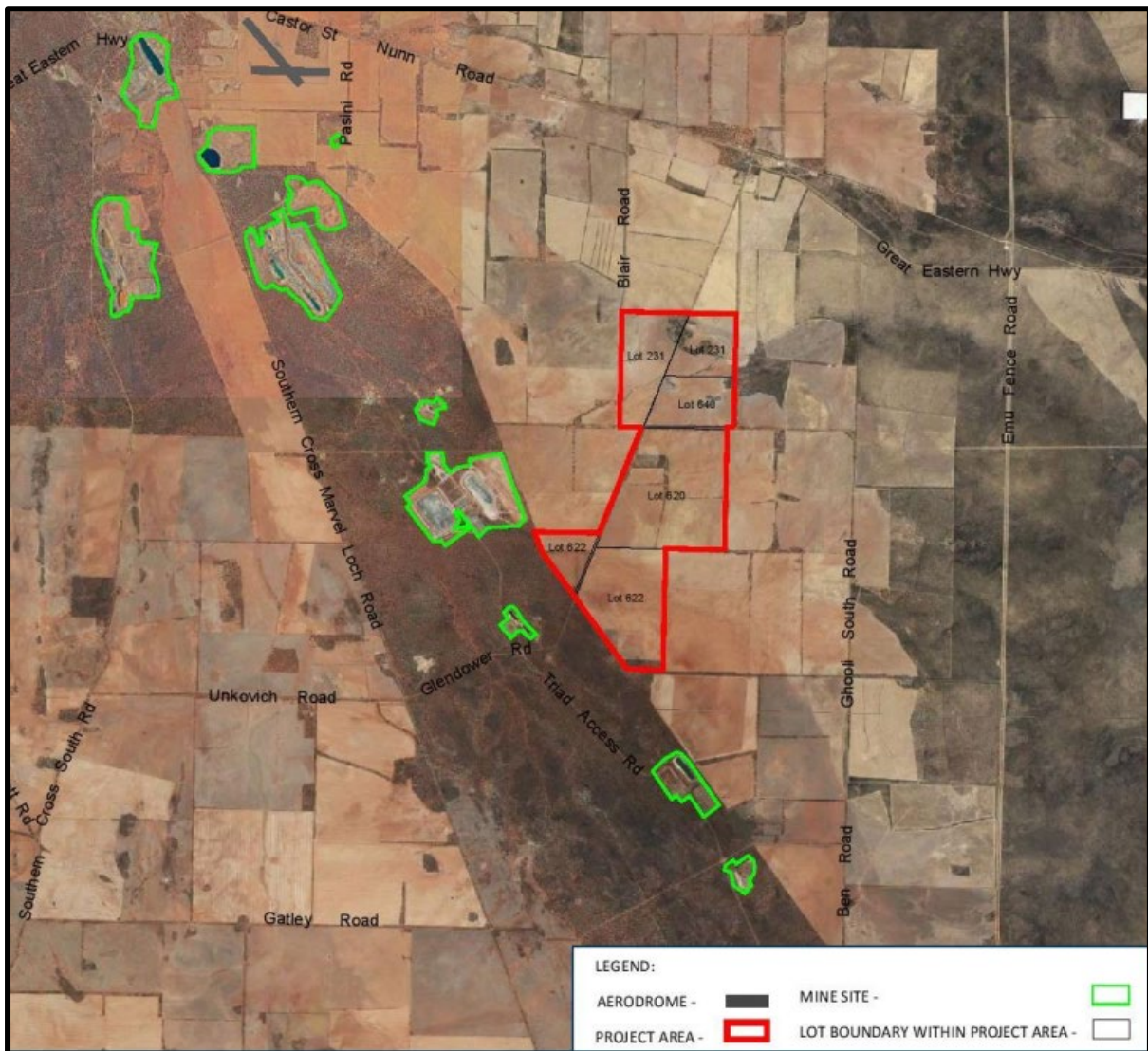
Background

- **Location**

The renewable energy facility is proposed to be located approximately 12 kilometres to the south-east of the Southern Cross townsite.

The development is proposed on four freehold rural lots comprising a total land area of approximately 1,464 hectares. The landholdings include Lots 231, 640, 620 and 622 which are located between Great Eastern Highway to the north, Emu Fence Road to the east, and Southern Cross Marvel Loch Road to the west.

A location plan is included over page for convenience.



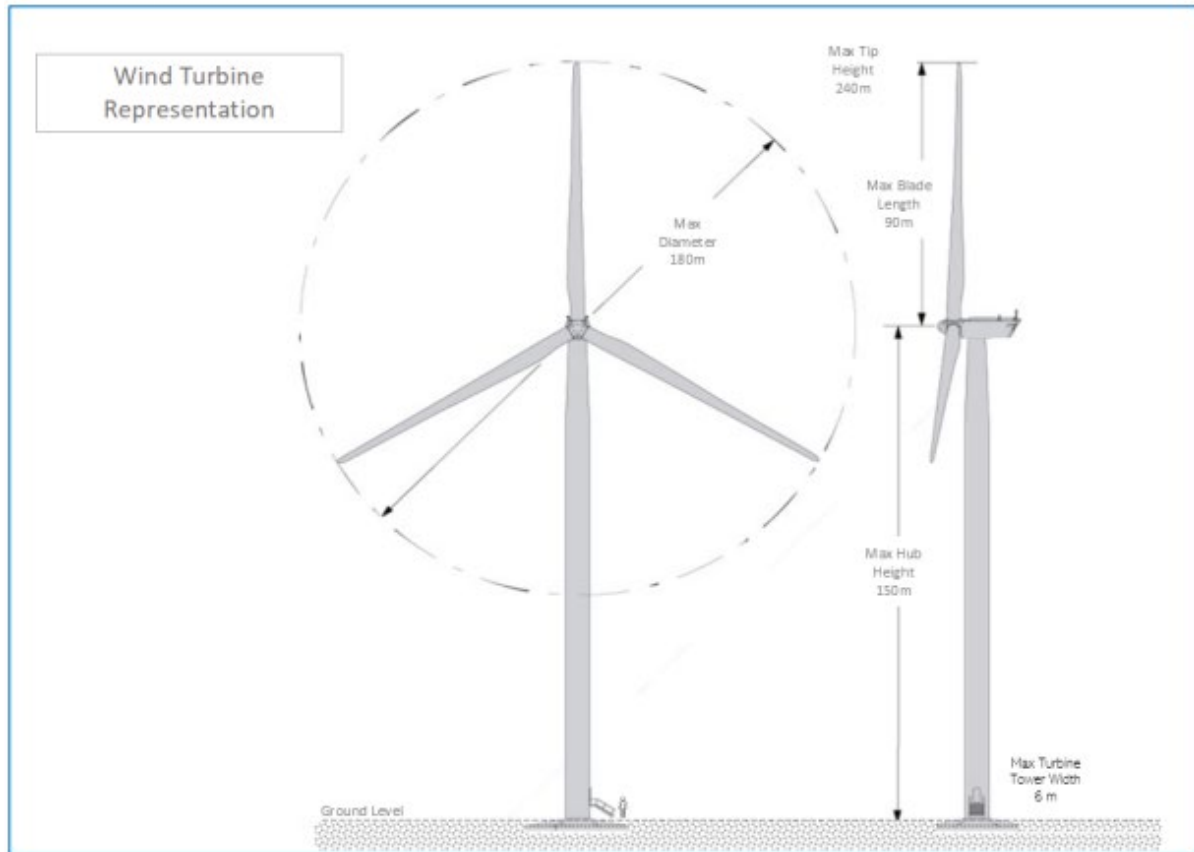
Comment

• Description of Application

The application proposes up to 10 wind turbines, up to 10 MWh of battery storage, solar array, and associated infrastructure including transformers, above and below ground cabling, roads, crane hardstands, switch rooms and communication equipment.

The combined blade length and tower height of turbines will have a maximum height of 240m Above Ground Level (AGL).

A typical design is included below.



A layout plan has been lodged with the application, however the final positioning of the turbines will be determined once detailed engineering has been carried out, therefore the applicant proposes ‘envelopes’ for each turbine.

The development envelopes have been planned with a maximum potential variance of 500 metres from the indicative turbine location within each nominated envelope. The envelopes also include a minimum 100 setback to any shared external lot boundary.

The Layout Plan is included as Attachment 1. The Envelope Plan is included as Attachment 2.

A complete copy of the application is available on the Shire website - [News Story - Notice of Public Advertisement of Form 1 - Renewable Energy Facility \(Wind Farm\) » Shire of Yilgarn](#)

- **Zoning and Land Use Permissibility**

The lots are zoned ‘Rural/Mining’ under the Shire of Yilgarn Town Planning Scheme No 2 (the Scheme).

Under the Scheme the objective of the Rural/Mining zone *‘is to be used primarily for rural, mining, agricultural, single houses and public recreation’*.

Part of the planning assessment for any application involves determining which land use definition from the Scheme ‘best fits’ the proposal.

The proposal is construed as a ‘renewable energy facility’ defined in the Scheme as *‘means premises used to generate energy from a renewable energy source and includes any building or other structure used in, or relating to, the generation of energy by a renewable resource. It does not include renewable energy electricity generation where the energy produced principally supplies a domestic and/or business premises and any on selling to the grid is secondary.’*

Table 2 (Zoning Table) lists land uses in a table format with different symbols listed under different zones. Ordinarily the symbols in Table 2 outline the permissibility of land uses in different zones.

As a ‘renewable energy facility’ is not listed in Table 2, it can be processed as what is referred to as a ‘Use Not Listed’.

In processing the ‘renewable energy facility’ as a ‘Use Not Listed’ Council has three options under the Scheme as follows:

Option 1 - Determine that the ‘renewable energy facility’ use is consistent with the objectives of the Rural/Mining zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government.

TPI does not recommend Option 1. If Council determines that renewable energy facility is permitted in the Rural/Mining zone, it will set a precedent for all future similar applications to also be treated as a permitted use in the same zone.

Option 2 - Determine that the proposed ‘renewable energy facility’ use may be consistent with the objectives of the Rural/Mining zone and advertise under clause 64 of the deemed provisions before considering an application for development approval for the use of the land.

TPI recommends Option 2 which requires the application to be advertised for public comment.

Advertising the application in accordance with Option 2 will provide the RDAP with as much information as possible to make an informed decision.

Option 3 - Determine that the 'renewable energy facility' use is not consistent with the objectives of the Townsite zone and is therefore not permitted in the zone.

TPI does not recommend Option 3 for the reasons outlined in Option 1.

- **Visual Impact**

The applicant commissioned EPCAD to complete a Visual Impact Assessment assessing potential impacts to landscape and landforms where visual amenity is a consideration.

The accepted guide for assessing potential visual impacts is the Western Australian Planning Commission's (WAPC) Visual Landscape Planning in Western Australia; a manual for evaluation, assessment, siting and design (2007).

The WAPC manual has been used for visual impact assessments for numerous other wind farm proposals in Western Australia.

The EPCAD report assesses the visual impact of the proposal on landscape using the following framework:

1. Determine visual management objectives,
2. Describe proposed development,
3. Describe potential visual impacts,
4. Develop visual management measures,
5. Prepare final recommendations and monitoring options, and
6. Conclusion.

The Visual Impact Assessment (VIA) identifies a need for a 20 kilometre investigation area surrounding the proposed development.

A map showing the 20 kilometre investigation area (in the red dotted line) is included below.



Note: The blue squares represent buildings. The yellow outline includes the development lots.

The VIA states that within the investigation area, most of the land that is used for agricultural purposes is almost entirely cleared to allow cropping. Stands of remnant vegetation, screening mine sites, roads and townsites take up the balance. These open spaces are vast, only interspersed by stands of remnant roadside vegetation at road verges.

The VIA examines the landscape character surrounding the development, vegetation types, land uses, typical views and key views.

It identifies and maps four Landscape Character Units (LCU) with different values as follows:

Landscape Character Unit	Landscape Value
LUC1 – Broad Agrarian Plain	Low/moderate
LUC 2 – Rural townsite	Low
LUC 3 – Vegetated Kalgoorlie Plain	Moderate
LUC 4 – Industrial	Low

Key views are from locations of high sensitivity, where the visual experience is of a broad landscape or panorama.

The VIA selects a series of 34 viewpoint locations representative of a viewer experience for assessment. Out of the 34 viewpoints, 3 were identified as potentially having high visibility of the turbines, and 5 were identified as potentially having moderate to high visibility.

Out of the 34 viewpoints, 26 were identified as having either low, or low to moderate visibility.

When looking at the 20 kilometre Zone of Visual Influence (ZVI) the VIA identifies that:

- (a) The visibility of the turbines becomes of less dominance at 17km to 18km.
- (b) Because the land is gently undulating towards being flat, much of the investigation area shows high visibility to the proposed development.
- (c) The Zone of Influence looks at the theoretical visibility of all ten turbines in the landscape.
- (d) There is minor screening of the vicinity of the proposal behind mine tailings, mullock heaps, and in depressions at the far periphery of the project.

Areas for photo montages have been selected based on (1) the significance of the site for vistas in the public realm and (2) the visibility of the turbines in the 20 kilometre investigation area.

The following points were selected for closer analysis –

- Location 4 – Great Eastern Highway
- Location 6 - Wimmera Hill Lookout
- Location 8 - Great Eastern Highway
- Location 10 - Great Eastern Highway
- Location 14 - Great Eastern Highway
- Location 18 - Great Eastern Highway
- Location 20B - Ghooli S Road
- Location 22 - Blair Road
- Location 30 - Southern Cross Train Station
- Location 34 – Airport

A plan showing the locations where photomontages have been provided is included as Attachment 3.

The VIA identifies that:

- (a) the view from the Wimmera Lookout and the airport show higher levels of project visibility within the landscape, than any other areas of scenic value.
- (b) The development will be visible from Great Eastern Highway however views are impacted by high traffic speeds and scattered roadside vegetation.
- (c) The potential visual impact of the development area to Southern Cross and the number of residents/visitors who will be able to see the proposal, is moderate to high. The impact is reduced to moderate based on the lower values of the landscape character.

TPI is still assessing the VIA and is liaising with the applicant over some aspects of the assessment.

- **Noise**

A Noise Impact Assessment has been prepared by a noise consultant.

The assessment references both the *Environmental Protection (Noise) Regulations 1997* and the *South Australian Environmental Protection Authority – Wind Farms Environment Noise Guidelines (2009)* as required under a current WA Planning Commission Position Statement on Renewable Energy Facilities (WAPC Statement).

The WAPC Statement requires turbines to be setback a minimum of 1500 metres to any noise sensitive land use (dwellings). The turbines are setback a minimum of 2000 metres to any dwelling.

The assessment concludes that noise emissions at identified receiver locations (dwellings) are calculated at approximately 25 dB(A), which comply with the most stringent noise criteria of 35 dB(A) at all hub-heights and wind speeds.

The Noise Impact Assessment has been referred to the Department of Water, Environment and Regulation (DWER) Noise Branch for advice. DWER has a dedicated team of expert noise officers who provide technical advice on Noise Impact Assessments.

- **Aviation Safety**

An Aviation Impact Assessment has been lodged as part of the application.

It concludes that:

- (a) The Project is within 30 nm of Southern Cross aerodrome and will affect the Procedures for Air Navigation Services - Aircraft Operations PANS-OPS surfaces.
- (b) There are no verified Aircraft Landing Areas in the vicinity of the project.
- (c) The project will not infringe the obstacle limitation surface of any certified aerodrome.

- (d) The published Lowest Safe Altitude (LSALT), for a particular airspace grid or air route, provides a minimum of 1000 ft clearance above the controlling (highest) obstacle within the relevant airspace grid or air route tolerances. The Project Area is located within a Grid with an LSALT of 3000 ft and associated protection surface of 2000 ft AMSL. At a maximum height of 2224.41 ft AMSL the highest turbine infringe this protection surface by 224.41 ft necessitating an increase to the Grid LSALT of 300 ft to 3300 ft AMSL. All turbines infringe the 2000 ft protection surface.
- (e) The Project will not infringe any protection areas associated with aviation facilities.

The proponent was requested to undertake consultation with aviation stakeholders prior to lodgement of the DAP application, however the request was made when they were ready to formally lodge the proposal. Whilst early consultation is actively encouraged, it cannot be forced onto a proponent.

Subsequently, the Shire has referred the Aviation Assessment to key aviation stakeholders including the Civil Aviation Safety Authority (CASA), Air Services Australia, the Department of Defence, Aerodrome Management Services, and known users of the Southern Cross airport.

CASA has already responded and advised that:

- (a) CASA is restricted due to a lack of regulation and can only provide advice when it comes to tall structures that are outside the obstacle limitation surfaces of an airport. In this case the wind farm, while very close, will be outside the OLS for Southern Cross Airport.
- (b) The international standard for such lighting is 2,000cd and is usually mandatory. CASA has provided the UK standard which essentially is the same as applied throughout Europe, the USA and NZ.
- (c) The advice that CASA supplies is that (in general) any structure exceeding 200m AGL should have aviation hazard lighting. We accept 200 candela low intensity aviation hazard lighting to minimise visual disruption for nearby residents.
- (d) Because CASA can only provide advice, the planning authority must determine whether hazard lighting should be installed and include that determination in the planning conditions.
- (e) Airservices will need to be advised of the finished location and height of each turbine so that their locations can be recorded in aviation publication and charts.
- (f) While CASA's preference is for lights on the turbines, not all will need lights. T1, T6 and T10 for example would be sufficient to identify the extremities of the wind farm.

TPI liaised further with CASA over any impact on procedures for pilots who use the Southern Cross Airport. CASA advised that:

- (a) Airservices will need to conduct a separate assessment on whether the turbines will infringe the instrument flight procedures. If they do, the Council (as operator of the airport) can agree to the changes but is not obliged to.
- (b) Alternatively, Council can direct the proponent to either modify the wind farm design or height or relocate the wind farm.

- (c) Also, Southern Cross airport is currently published as a code 2 facility. Siting the wind farm where proposed might prevent any future opportunities to upgrade to a code 3 facility to allow SAAB 340 (Rex) and larger sized aircraft because RWY 14/32 approach and departures will be over the top of the wind farm.
- (d) An increase in airport code lowers the approach and take off surfaces and increases their length from 2.5 km to 15 km. It would also mean the instrument flight procedures would change to different criteria and the minimum decent altitude could increase. You might need to seek more information if there are future plans to upgrade the facility.
- (e) Your airport manager / airport reporting officer should be able to explain the impact if you're not entirely clear on the above information.

Any potential impact of the proposal on the Southern Cross airport is an important consideration, however a full assessment cannot be made until advice is received from Air Services Australia, Aerodrome Management Services and other key stakeholders.

Importantly, CASA has confirmed that as the operator of the airport, the Shire can decide whether to agree to any instrument flight procedures, and are not obliged to.

This 'aviation' issue may need to be referred to a future Council meeting once external comments have been received. TPI will continue to liaise with the Shire Chief Executive Officer over aviation issues.

- **Environmental Impact**

A flora and fauna assessment by Ecoscape Australia Pty Ltd has been lodged.

The assessment:

- a) concludes that the project area did not intersect any mapped Environmentally Sensitive Areas or any Department of Biodiversity, Conservation and Attractions (DBCA) legislated Nature Reserves;
- b) notes the nearest Environmentally Sensitive Areas are located 9km east of the project area at the Yellowdine Nature Reserve;
- c) examined the nearest legislated conservation land to the project area listed as Nature Reserve R25801, which is 8km northwest of the project area, Yellowdine Nature Reserve is 9km east, and Wokallarry Nature Reserve some 19 km southwest;
- d) identified no Threatened or Priority Ecological Communities as occurring within the Investigation Area
- e) identified 17 conservation listed fauna species likely to occur within the project area and an applied 70km buffer. Of these species, only *Leipoa ocellata* (Malleefowl), and *Tringa nebularia* (Common Greenshank) have been recorded in the previous 20 years.

Apart from possible minor clearing associated with the powerline connection and access tracks during the construction phase, the proposed development will substantially avoid the clearing of remnant vegetation.

The applicant has advised that management measures will include setting back turbines a minimum of 70 metres from any native vegetation, developing an Environmental Management Plan prior to construction, and undertaking further studies.

- **Traffic Management, Access and Local Road Upgrades**

As access for construction will be via Great Eastern Highway, the application has been referred to Main Roads WA for comment.

The applicant has advised that they will grade Glendower Road and Ghooli South Road in consultation with the Shire so that they can be used for access during construction.

A Traffic Management Plan will be lodged prior to construction. The applicant has advised that the Traffic Management Plan will propose strategies to minimise traffic impact, risks, and disruption to local communities, along with suitable access points and preparation of a road condition report prior to commencement of the construction.

The application has been referred to Main Roads WA for comment.

- **Consultation**

Shire Administration has commenced advertising of the application for public comment. Advertising for neighbours and the general public closes on the 19 October 2023.

Advertising to relevant government agencies and service providers closes on the 10 November 2023.

All issues raised during consultation will need to be examined and be included in a future agenda item to the RDAP, known as a Responsible Authority Report (RAR). Two Councillors may form part of the RDAP.

A RAR has to be lodged to the RDAP by Tuesday, 12 December 2023 unless the applicant agrees to an extension of time to provide additional information, or for preparation of the RAR. Without agreement by the applicant, the RAR must be lodged by the 12 December 2023.

It should be noted that the proponent has undertaken some preliminary consultation, which is outlined in their development application report.

Statutory Environment

Planning and Development (Local Planning Schemes) Regulations 2015 - The *Planning and Development (Local Planning Schemes) Regulations 2015* were gazetted on 25 August 2015, and became effective on 19 October 2015.

The Regulations include 'Deemed Provisions' that automatically apply and override parts of the Shire of Yilgarn Town Planning Scheme No 3.

Clause 67 outlines ‘matters to be considered by the local government’ including and not limited to the aims and provisions of the Scheme, orderly and proper planning, any approved state policy, a local planning strategy, a local planning policy, the compatibility of the development with its setting including to development on adjoining land, amenity, loading, access, traffic and any submissions received on a proposal.

Planning and Development (Development Assessment Panels) Regulations 2015 – Outline requirements for applications, DAP powers, DAP membership and meetings.

Shire of Yilgarn Town Planning Scheme No 2 – explained in the body of this report.

Strategic Implications

There are no known strategic implications associated with the proposal.

Policy Implications

There are no Local Planning Policies that are relevant to this application.

The Western Australian Planning Commission has a Position Statement on Renewable Energy Facilities which is used as a guide for assessment, and outlines the need to consider early consultation, environmental impact, visual impact, noise impact, aviation safety, heritage, and construction impact.

There are other relevant documents that need to be taken into account such as the South Australian Environmental Protection Authority-Wind Farms Environmental Noise Guidelines (2009), and CASA Advisory Circular AC139.E-05 (V1.1) Obstacles (including wind farms) outside the vicinity of a CASA certified aerodrome.

The WAPC Position Statement references South Australian Guidelines, however applicants still need to demonstrate compliance with the WA Noise Regulations.

Financial Implications

The Shire pays consultancy fees to Town Planning Innovations.

Risk Implications

There are no known risks associated with the proposed development because it will be determined by a RDAP. Council is not the decision making authority for the application.

Risk Category	Description	Rating (Consequence x Likelihood)	Mitigation Action
Health/People	Impact to people due to development.	Low 2	Due procedure ensures minimal risks/impacts.
Financial Impact	Nil	Nil	Nil

Service Interruption	Nil	Nil	Nil
Compliance	Compliance with Planning and Building Standards	Low 2	Compliance with relevant legislation
Reputational	Nil	Nil	Nil
Property	Nil	Nil	Nil
Environment	Nil	Nil	Nil

Risk Matrix						
Consequence		Insignificant	Minor	Moderate	Major	Catastrophic
Likelihood		1	2	3	4	5
Almost Certain	5	Moderate (5)	High (10)	High (15)	Extreme (20)	Extreme (25)
Likely	4	Low (4)	Moderate (8)	High (12)	High (16)	Extreme (20)
Possible	3	Low (3)	Moderate (6)	Moderate (9)	High (12)	High (15)
Unlikely	2	Low (2)	Low (4)	Moderate (6)	Moderate (8)	High (10)
Rare	1	Low (1)	Low (2)	Low (3)	Low (4)	Moderate (5)

Officer Recommendation

That Council:

- Determine that the proposed 'renewable energy facility' use may be consistent with the objectives of the Rural/Mining zone and advertise the application in accordance with clause 64 of the deemed provisions before (the Regional Development Assessment Panel) considers the application for development approval for the use of the land.*
- Note that Shire Administration has commenced advertising of the application as there are strict statutory timeframes that need to be met as part of the DAP process. Advertising for neighbours and the general public closes on the 19 October 2023. Advertising to relevant government agencies and service providers closes on the 10 November 2023.*

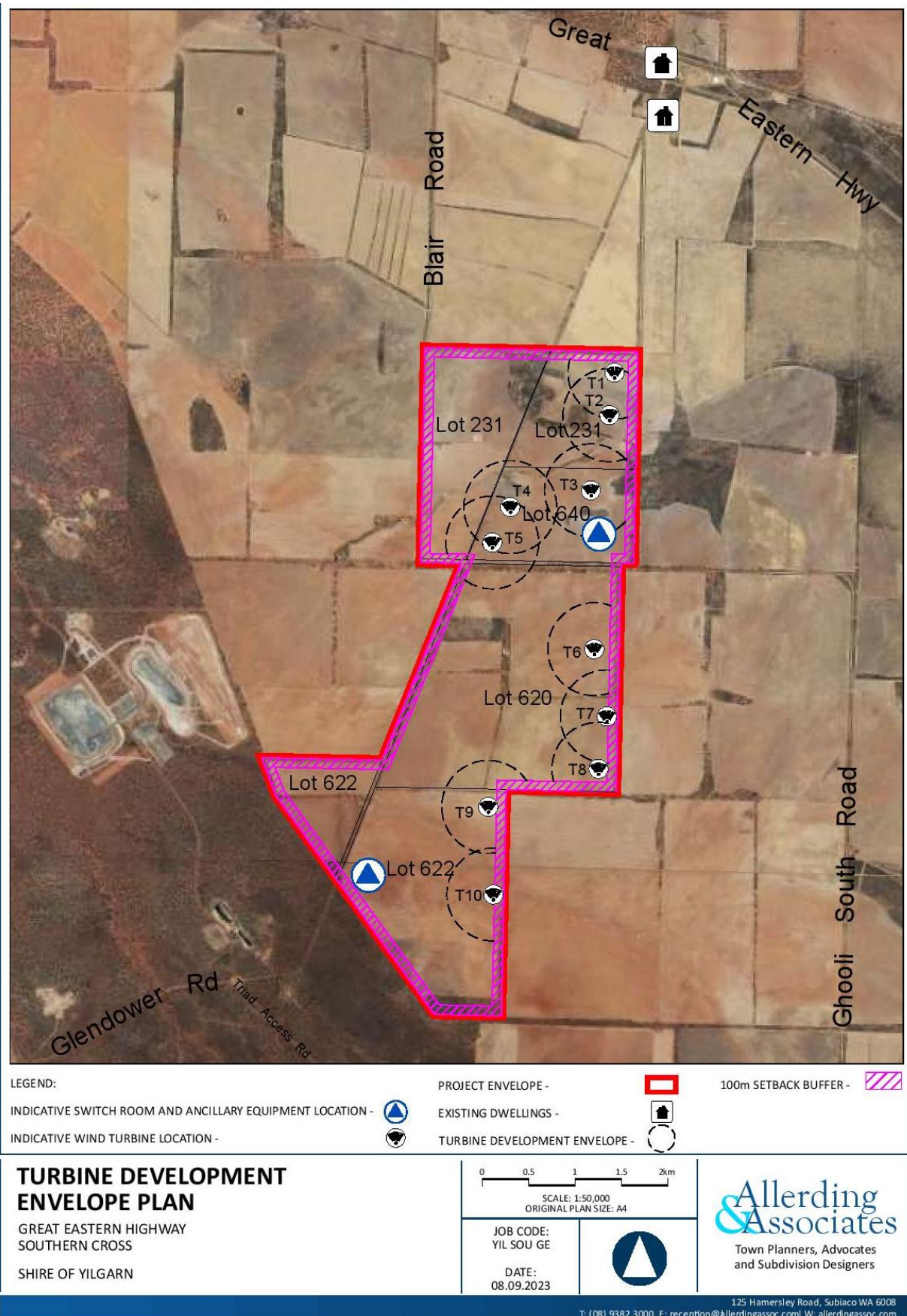


Figure 3: Turbine Development Envelope Plan

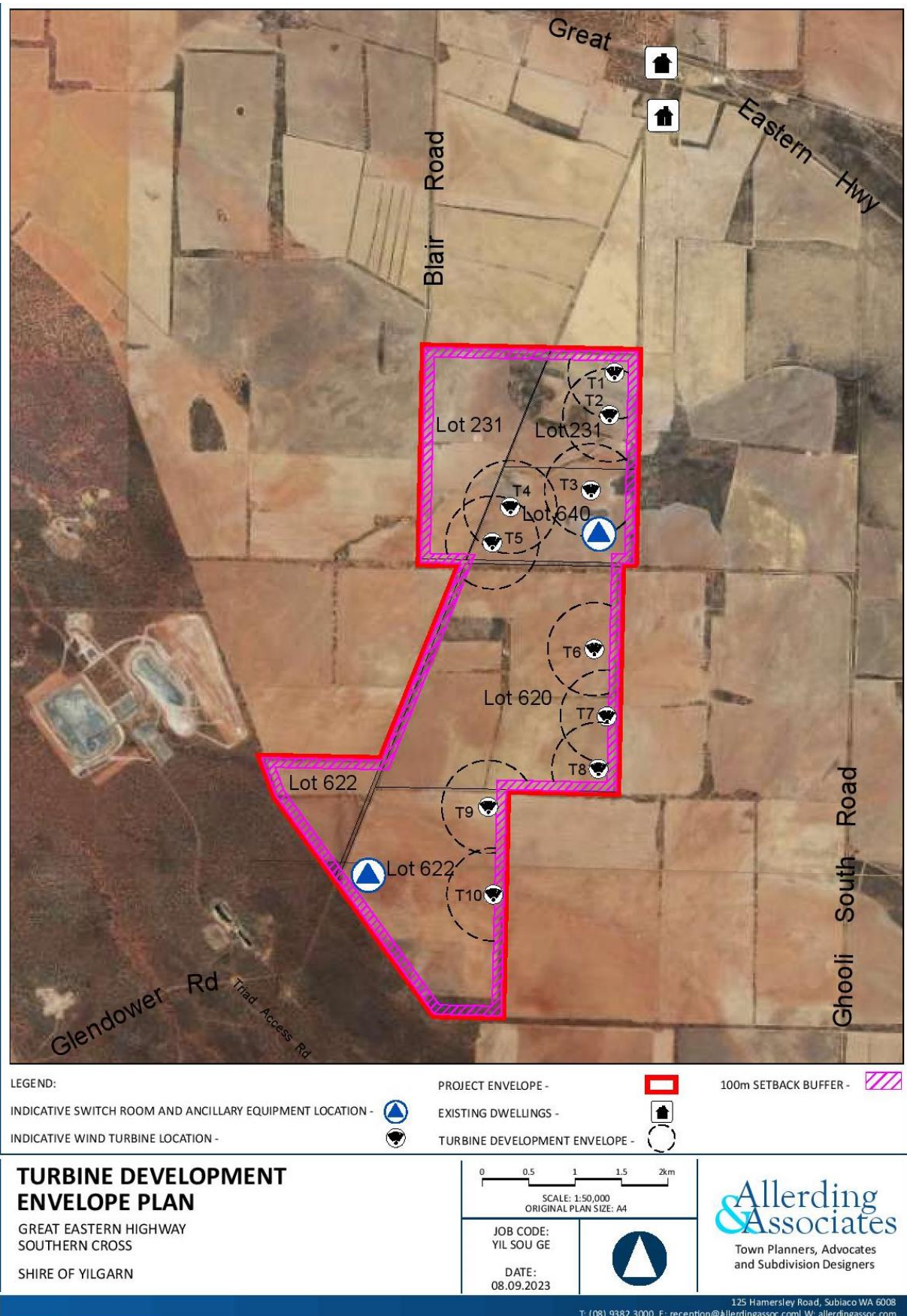
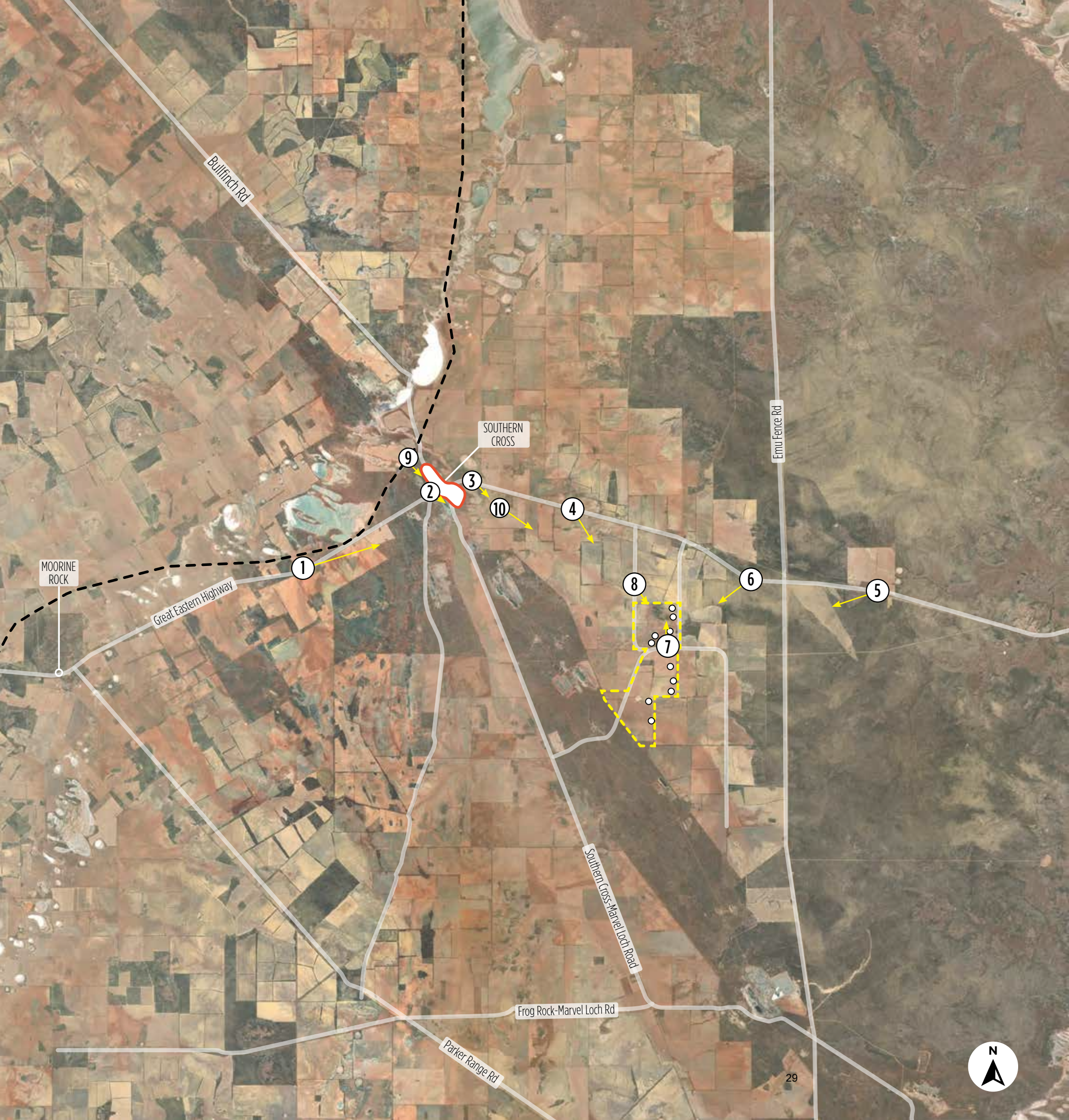


Figure 3: Turbine Development Envelope Plan



PHOTOMONTAGE LOCATION PLAN

Figure 8

Scale - 1 : 200,000



- Southern Cross Townsite
- Project Envelope
- Wind Turbine Locations (Numbered Below)
- Train Line
- Roads
- Photomontage Number (See **Appendix II** - Photomontages)

15 APPLICATION FOR LEAVE OF ABSENCE

16 MOTIONS FOR WHICH PREVIOUS NOTICE HAS BEEN GIVEN

**17 NEW BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION
OF THE MEETING**

18 MEETING CLOSED TO THE PUBLIC-CONFIDENTIAL ITEMS

19 CLOSURE