

Doc ID: 129673
Enquiries: Rory Mackay 08 9652 0800

8 March 2019

Tilt Renewables Ltd
PO Box 16080
Collins Street West
MELBOURNE VIC 8007

Attention: Marita Giles

Dear Marita,

AMENDMENTS TO DEVELOPMENT APPROVAL – WADDI WIND FARM.

I refer to the above matter and advise that the Shire of Dandaragan Council resolved the following at the Ordinary Meeting of Council held on 28 February 2019:

That Council pursuant to Clause 77 of the Deemed Provisions of Local Planning Scheme No.7 grant the amendments as set out in Waddi Wind Application to Amend Planning Approval - Volumes 1 and 2 dated January 2019 (Doc Ids: 127230 & 127232) to development approval granted December 2011 and as amended in April 2015 and September 2016 to Waddi Wind Farm Pty Ltd for minor height modifications to the wind turbines and wind monitoring towers.

Please note the design height modifications do not alter the conditions of approval nor afford a right of appeal to the State Administrative Tribunal. This decision relates only to the variation as set out in the conditions of approval and advice notes.

Yours sincerely,



Rory Mackay
PLANNING OFFICER

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9.3.4 REQUEST FOR AMENDMENTS TO DEVELOPMENT APPROVAL – WADDI WIND FARM

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|-------------------------|--|
| Location: | Several properties where the localities of Badgingarra, Cooljarloo and Dandaragan meet |
| Applicant: | Wind Prospect Pty Ltd on behalf of Waddi Wind Farm Pty Ltd |
| File Ref: | Development Services Apps / Development Application / 2011 / 15 |
| Disclosure of Interest: | Nil |
| Date: | 18 February 2019 |
| Author: | Rory Mackay, Planning Officer |
| Senior Officer: | David Chidlow, Executive Manager Development Services |

PROPOSAL

The proponent is requesting two amendments to the existing development approval for the Waddi Wind Farm, pursuant to Clause 77 of the Deemed Provisions of *Local Planning Scheme No.7* (LPS7). The two amendments sought are for an increase in height of the wind turbines tip and hub heights, and wind monitoring towers from 165m to 180m, 100m to 112m, and 100m to 112m respectively.

Clarification is also sought for the maximum number of wind turbines permitted as the current conditions of approval do not specify an amount.

BACKGROUND

The proposed Waddi Wind Farm is located approximately 15km north-west of Dandaragan. Development approval for the Waddi Wind Farm was issued by the Shire of Dandaragan in December 2011. In April 2015 the Shire approved an application to extend the Waddi Wind Farm development approval until 10 January 2020. In September 2016 the Shire approved the following amendments to the development approval:

1. *Amend the transmission line route for connection of the wind farm into the transmission network.*
2. *Amend the location of the on-site substation to a location 900 metres west of the current permitted location and increase the area of the on-site substation from 4 ha up to approximately 12 ha.*
3. *Increase the maximum tip height of the wind turbines (the height from ground level to the highest point of the blade tip of each wind turbine) from 152 metres to 165 metres.*
4. *Minor amendments to the wording of existing planning approval conditions (list of conditions is deleted for abbreviations)*
5. *Amendments to the location of access ways and cable routes.*
6. *Increase the number of permanent wind monitoring masts from two to three.*
7. *All other conditions of approval granted in January 2012 and April 2015 remain in force.*

The original development application lodged in 2011 was referred to the Environmental Protection Agency (EPA) for environmental impact assessment in accordance with Part 4, Divisions 1 & 2 of

the *Environmental Protection Act 1986*. The EPA reached a decision of "Not Assessed – Public Advice Given".

The proponent provides relevant information regarding the proposed amendments to the development approval including expert technical assessments of the potential impacts.

COMMENT

The applicant has submitted the following comments and details in support of the amendments:

Increase the maximum tip height of the wind turbines from 165m to 180m and an increase to the maximum hub height of the wind turbines from 100m to 112m

Wind turbine technology has been continually advancing since the original planning approval was issued for the Waddi Wind Farm in 2011 and since the amendments to the planning approval in September 2016. The latest generation of wind turbines available are increasingly exceeding a tip height (the height from ground level to the highest point of the blade tip of each wind turbine) of 165 metres and a hub height (the height from ground level to the central point of blade rotation) of 100 metres. Raising the maximum allowable tip height and hub height of the wind turbines at the Waddi Wind Farm will allow for more modern wind turbine models to be installed which are generally more efficient and cost-effective and will also provide for increased generation output from the project, lowering the cost of energy produced.

Increase the maximum height of permanent monitoring masts from 100m to 112m

The original planning permit application and subsequent approval issued in 2011 provided for two permanent wind monitoring masts up to 100m in height. The amendment to the permit issued by the Shire of Dandaragan in September 2016 provided for an increase in the number of permanent wind monitoring masts from two to three. Wind characteristics are more accurately measured at the same height as the proposed wind turbine hub height as extrapolations can introduce uncertainties. With the proposed increase in wind turbine hub height from 100m to 112m, an increase to the allowable height of the wind monitoring masts from 100m to 112m is requested to provide for more accurate wind monitoring.

Expert technical studies were carried out previously to inform the environmental statement that comprised the original development application for the Waddi Wind Farm as well as to inform subsequent applications to amend development approval. Tilt Renewables (of which Waddi Wind Farm Pty Ltd is subsidiary of) has managed a process whereby these expert technical studies have been reviewed by relevant experts to assess potential impacts of the proposed amendments. A summary of those reviews and assessments is presented below with full

documentation provided in the electronic version of the attachments and has not been printed.

Aeronautical Impact Assessment

An Aeronautical Impact Assessment and Aerial Applications Assessment were completed by The Ambidji Group Pty Ltd (Ambidji Group) in November 2010 and June 2010 respectively to support the Environmental Statement that comprised the original planning application. Ambidji also prepared an Aviation Impact Assessment and Qualitative Risk Assessment to assess the potential impacts of the proposed amendments to the planning approval approved by the Shire of Dandaragan in September 2016. Landrum and Brown Worldwide (Aust) Pty Ltd (Landrum and Brown) (which acquired Ambidji Group in 2016) has prepared an Aeronautical Impact Assessment which provides the results of their assessment of potential impacts of the proposed amendments to the planning permit.

The Aeronautical Impact Assessment completed in 2018 concluded that the proposed Waddi Wind Farm:

- *Will not infringe any airport OLS;*
- *Will not infringe the PANS OPS surfaces of any airport;*
- *Will not impact on contingency procedures;*
- *Is located outside the clearance zones associated with all ATC surveillance and communications systems;*
- *Will not infringe the LSALT protection surfaces for any air route;*
- *Will not infringe the Grid LSALT protection surface in the area;*
- *Is outside the clearance zones associated with any aeronautical navigation aids;*
- *Will have a minimal impact upon local flying activities; and*
- *Will provide a significant visual navigation feature in the region.*

The Aeronautical Impact Assessment recommends that:

- *Details of the wind farm be provided to CASA and Defence for assessment of the need for obstacle lighting.*
- *Details of the wind farm be provided to Defence, for assessment of the impact on Military Low Level Flying Training operations in the area, for inclusion in local charts and briefing packages, and for confirmation of this assessment against military operated navigation aids and radar systems.*

The Aeronautical Impact Assessment will be provided to the Airservices Australia, the Department of Defence, and the Civil Aviation Safety Authority (CASA) for review when the final wind turbine layout has been determined. Conditions 3 to 6 of the current planning approval relate to aviation, requiring notification of relevant parties of final wind turbine locations and heights.

Electromagnetic Interference Assessment

Electromagnetic interference (EMI) can affect radio and TV communication services. Laurie Derrick & Associates prepared a report assessing potential impacts to support both the Environmental Statement that comprised the original planning

application and the potential impacts of the amendments to the planning approval approved by the Shire of Dandaragan in 2016. DNV GL has reviewed these previous assessments and assessed the potential impacts of the proposed amendments to the planning approval for the Waddi Wind Farm and reported their findings in a letter report. A summary of their findings are provided below.

- *One radio communications is located within 2km of approved wind turbine locations. Consultation should occur with the relevant service operator.*
- *Ten fixed point-to-point links cross the project boundary. There is one approved wind turbine location that has the potential to cause interference to two of these links through diffraction of the signals.*
- *Four wind turbine locations are within the calculated potential reflection zones for two point-to-point links. However, given the high frequency of these links, interference due to reflection or scattering of the signals is considered unlikely.*
- *The project may cause interference to nearby multi-point licences however further information is required to determine the potential of the project to impact these services.*
- *Wind turbines at approved locations may interfere with the digital terrestrial television signals from the Moora and Lancelin broadcast towers however coverage maps suggest that most of the potentially affected houses may be receiving limited or no signals from these transmitters.*

The proponent will micro-site approved wind turbine locations (as provided for in the original planning approval) to avoid the specified exclusion zones and will consult with the operators of services in the area following finalisation of the site layout and wind turbine configuration. Condition 8 of the current planning approval relates to EMI and requires that nearby residents are offered pre- and post-construction assessment of television reception and the remedy of any problems attributable to the wind farm.

Landscape and Visual Impact Assessment

GHD prepared a Report for Landscape and Visual Impact Assessment for the Waddi Wind Farm in September 2010 to support the Environmental Statement that comprised the original planning application. In May 2016, GHD prepared a Landscape and Visual Impact Assessment Addendum Report which supported the application to amend the planning permit approved by the Shire of Dandaragan in September 2016. GHD has reviewed these assessments and assessed the potential impacts of the current proposed amendments to the planning approval for the Waddi Wind Farm and reported their findings in an Addendum Report... and includes six photomontages and Zone of Visual Influence (ZVI) diagrams. A summary of their findings is provided below.

- *The land use context of the surrounding landscape has not changed since the previous assessment.*
- *There would be a marginal to imperceptible increase in impacts associated with the proposed amendments.*
- *The wind farm would not be visible from the township of Dandaragan with the proposed amendments.*
- *The ZVI mapping revealed a minor increase in visibility in the area surrounding the wind farm.*
- *The six photomontages prepared show only a marginal change to views.*
- *Shadow flicker remains within applicable limits.*

Noise Assessment

ViPAC prepared a Noise Impact Assessment for the Waddi Wind Farm in December 2010 to support the Environmental Statement that comprised the original planning application and also a statement in April 2016 assessing potential impacts of the amendments to the planning permit approved by the Shire of Dandaragan in September 2016. ViPAC has reviewed these assessments and assessed the potential impacts of the current proposed amendments to the planning approval for the Waddi Wind Farm and reported their findings in a revised Noise Assessment. The assessment found that the predicted noise levels from the wind turbine configuration proposed for the Waddi Wind Farm can comply with the criteria and requirements of the SA EPA "Environmental Noise Guidelines: Wind Farms, 2009" at the relevant residential receivers. The levels also comply with the criteria for the landholder receivers that are involved with the wind farm. In particular, the assessment found that the proposed increase in hub height and tip height will not increase the predicted noise level experienced at receivers located around the wind farm relative to the current approved hub height and tip height.

Conditions 12 to 18 of the current planning approval relate to noise and require that the final wind farm design meets applicable noise standards and that a post-construction monitoring program be implemented to verify compliance.

Traffic Assessment

ARRB prepared a prefeasibility traffic management plan for the Waddi Wind Farm in September 2010 to support the Environmental Statement that comprised the original planning application. To inform the application to amend the planning permit subsequently approved by the Shire of Dandaragan in September 2016, ARRB reviewed that assessment and assessed the potential impacts of the previously proposed amendments to the planning approval for the Waddi Wind Farm. They found that the marginal increase in blade length associated with an increase in maximum tip height from 152 metres to 165 metres would be unlikely to impact traffic or transportation beyond what was originally proposed. With a further marginal increase in tip height

proposed to 180 metres, this is similarly unlikely to impact traffic or transportation beyond the 165 metres currently approved.

Conditions 9 to 11 of the current planning approval require preparation of a Traffic Management Plan prior to commencement of construction, suitable construction of access points and preparation of a Road Condition report prior to commencement of the project. Further consultation with Main Roads WA will occur to input to the detailed design of the transmission line.

Ecology Assessment

RPS Australia completed the following assessment reports for the Waddi Wind Farm to support the Environmental Statement that comprised the original planning application.

- *Fauna Assessment in October 2010;*
- *Avifauna Assessment in November 2010;*
- *Flora and Vegetation – Environmental Impacts and Management in March 2010 (prepared by Outback Ecology for RPS Australia); and*
- *Targeted Level 1 Vegetation and Flora Assessment in March 2010 (prepared by Outback Ecology for RPS Australia).*

RPS Australia subsequently completed the following assessment reports for the Waddi Wind Farm to support an application to amend the original planning approval in 2016. The scope of these assessment reports included the proposed on-site substation location and proposed transmission line route.

- *Fauna Assessment in April 2014; and*
- *Spring Flora and Vegetation Survey and Black Cockatoo Habitat Survey in April 2014.*

RPS Australia has reviewed these assessment reports and assessed any potential impacts associated with the proposed amendments. RPS found that the risk to common bat species and conservation significant bird species from the proposed amendments is not expected to significantly increase.

Condition 19 of the current planning approval requires that a clearing permit is obtained in accordance with the provisions of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 and Condition 20 requires the development and implementation of an Avian Fauna Collision Risk Monitoring Program. A clearing permit was obtained from the Department of Conservation in February 2012 in relation to the original proposed infrastructure layout. This permit has expired and a new application will be lodged in due course.

Shadow Flicker Assessment

Wind Prospect Pty Ltd prepared a shadow flicker analysis to inform the Environmental Statement that comprised the original planning application in 2011 and to inform the previous application to amend the planning permit. To inform this application, GHD has

modelled shadow flicker from 57 wind turbines on 67 dwellings and found that one dwelling existing within the Zone of Influence however the level of flicker was less than 30 hours per year. GHD's assessment is included in the Landscape and Visual Impact Assessment Addendum Report.

These above specialist assessments indicate that the proposed amendments to the development approval will have a minimal impact on the rural landscape relative to that provided for under the current approval as outlined in the matters below:

1. The existing agriculture use of the land is not adversely impacted by the proposed amendments as the land can continue to be farmed while and after installation of the renewable energy facility.
2. Nearby sensitive land uses (dwellings) are also not adversely impacted by the proposed amendments.
3. There will not be a significant impact on any species of flora or fauna listed in State or federal legislation. A clearing permit will be sought from the Department of Water and Environment Regulation.
4. There will be no increased fire management risk resulting from the proposed amendments. A fire management plan will be prepared as part of the Environmental Management Plan prior to the commencement of construction in consultation with the Department of Fire and Emergency Services.
5. There will not be any additional servicing requirements beyond what is provided for under the current approval.

These matters outlined provide consistency with the Western Australian Planning Commission's *Position Statement: Renewable energy facilities* which has the policy intent of:

To ensure that renewable energy facilities are located in areas that minimise potential impact upon the natural landscape and the environment while maximising energy production returns and operational efficiency.

Therefore, the proposed amendments achieve orderly and proper planning. In addition, the proposal in general will provide a positive social, economic and environmental benefit to the Shire of Dandaragan and wider Western Australian community through the employment, local investment and provision of renewable energy to the State of Western Australia.

The proponent is also seeking confirmation that there is no maximum number of permitted wind turbines as the conditions of approval do not state a figure. This is to be interpreted in the context of condition 1 of development approval, which reads:

The land use and development shall be undertaken generally in accordance with the approval plans. In a manner that is deemed to comply, to the satisfaction of the Chief Executive Officer.

A total of 57 turbines were denoted on the plans and specifications within the initial 2011 approved documentation. In the prescribed context this would result in any more than 57 turbines requiring another amendment to development approval. Sustainable commencement of development generally defined as

Work or development the subject of the development approval has begun by the performance of some substantial part of that work or development, resulting in the development approval being valid/activated;

The performance of this legal function provides the proponent with the ability to construct a partial number of the 57 wind turbines initially before the expiration approval date of 10 January 2020 with the opportunity to erect the remaining number of wind turbines at a later date. This may also prove functional for the proponent given Western Power's limits placed on the amount of power renewable energy facilities can contribute to the public power network over time.

CONSULTATION

Prior to lodging the planning amendment application with the Shire, Tilt Renewables began their own stakeholder consultation. The process commenced towards the end of 2018 and is ongoing. The notification and consultation to date has consisted of:

- Letters addressed to specific stakeholders in the project providing project updates and advising of the proposed amendments, distributed by email and/or mail.
- A generic letter providing a project update and details of the proposed amendments distributed to dwellings within a 10km distance from the wind farm undertaken with assistance from the Shire of Dandaragan, a copy of which is provided in Attachment 4.
- Face-to-face meetings and discussions with members of the Shire of Dandaragan.
- The project website (www.waddiwindfarm.com.au) was updated in November 2018 with information regarding the proposed amendments to the planning approval.

As part of the consultation process for the previous planning permit amendments in 2016, an Information Session was held at the Dandaragan Hall; however this event was not well attended with feedback from only one visitor. For the planning permit amendments sought in this application, letters have therefore been provided to residents within 10km of the wind farm site. It is estimated that the letter was distributed to approximately 70 residents of which five residents provided feedback, as shown in the attached proponent schedule of submissions.

One of these five residents expressed support for the project due to employment opportunities and expressed the view that the proposed increased wind turbine tip height would be unnoticeable.

One other did not express a view for or against but sought further information regarding the project. The other three respondents objected to the proposed amendments with two of these three respondents raising issues associated with one or more of health risks, visual impact, decreased land value and noise. All respondents have been/will be engaged further by Tilt Renewables to discuss their feedback and provide responses and further information as appropriate.

The proponent notes as the development of the Waddi Wind Farm project progresses, engagement with stakeholders will be ongoing using newsletters, letters, emails, meetings and updates to the project website.

The Shire also formally advertised the amendments to the same 10km radius landowners from 29 January 2019 to 15 February 2019. Five submissions were received which are outlined with the officer's response to each in the attached schedule of submissions. Of these submissions, three submitters objected to the proposal, while one submitter recommended additional conditions be added, with the five and final submitter supporting the design amendments. It is noted two of the objectors also objected to the proponent through their consultation outlined above and are being contacted further by Tilt Renewables for further discussions and clarification. None of the submissions have influenced the officer's recommendation. The schedule of submissions has also been passed onto the proponent for their consideration and benefit of stakeholder consultation moving forward with the project.

STATUTORY ENVIRONMENT

- Local Planning Scheme No. 7
- Environmental Protection Act 1986
- Environmental Protection (Noise) Regulations 1997

POLICY IMPLICATIONS

- Environment Protection Bulletin No.21: Guidance for wind farm developments
- Position Statement: Renewable energy facilities
- Visual Landscape Planning in WA
- Wind Farms and Landscape Values

FINANCIAL IMPLICATIONS

The applicant has paid the costs of advertising the proposed amendments to affected landowners.

STRATEGIC IMPLICATIONS

- Rural Land Use Local Planning Strategy 2012
- Draft Local Planning Strategy 2016

Renewable energy projects deemed compatible with surrounding land uses are encouraged in both local planning strategies.

MINUTE EXTRACT - ORDINARY COUNCIL MEETING HELD THURSDAY 28 FEBRUARY 2019

- 2016 – 2026 Community Strategic Plan

| Goal 1: Great Place for Residential and Business Development | |
|--|--|
| Objectives | How the Shire will contribute |
| 1.2 Ensure effective and efficient development and building services | a) Process development applications and undertake building regulation functions and services |
| 1.4 Ensure Shire is "open for business" and supports industry and business development | b) Identify and engage with future new business and industry opportunities |

ATTACHMENTS

Circulated with the agenda are the following items relevant to this report:

- Waddi Wind Farm amendment application volumes 1 & 2 (Doc Ids: 127230 & 127232) (*electronic only*)
- Tilt Renewables schedule of submissions (Doc Id: 127493)
- Shire schedule of submissions (Doc Id: 128597)

VOTING REQUIREMENT

Simple majority

OFFICER RECOMMENDATION / COUNCIL DECISION

Moved Cr Scharf, seconded Cr Shanhun

That Council pursuant to Clause 77 of the Deemed Provisions of *Local Planning Scheme No.7* grant the amendments as set out in *Waddi Wind Application to Amend Planning Approval - Volumes 1 and 2* dated January 2019 (Doc Ids: 127230 & 127232) to development approval granted December 2011 and as amended in April 2015 and September 2016 to Waddi Wind Farm Pty Ltd for minor height modifications to the wind turbines and wind monitoring towers.

CARRIED 9 / 0