

## **AGENDA**

# Shire of West Arthur Special Council Meeting Thursday 14 November 2024

#### **NOTICE OF MEETING**

#### **Dear Elected Member**

The next Special meeting of the Shire of West Arthur will be held on Thursday 14 November 2024 in the Council Chambers commencing at 7.00pm.

Vin Fordham Lamont **Chief Executive Officer** 

#### **DISCLAIMER**

No responsibility whatsoever is implied or accepted by the Shire of West Arthur for any act, omission or statement or intimation occurring during Council or Committee meetings or during formal/informal conversations with staff. The Shire of West Arthur disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings or discussions. Any person or legal entity that act or fails to act in reliance upon any statement does so at the person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or limitation of approval made by a member or officer of the Shire of West Arthur during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of West Arthur. The Shire of West Arthur warns that anyone who has an application lodged with the Shire of West Arthur must obtain and only should rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Shire of West Arthur in respect of the application.



# **Notice of Special Council Meeting**

In accordance with the Local Government Act 1995 and *Local Government (Administration) Regulations 1996* Reg 12 (2) it, is hereby notified that as from January 2023 to December 2023, Ordinary Council meetings of the Shire of West Arthur will be held as follows:

DATE	DATE LOCATION	
22 February 2024	Council Chambers	7.00pm
21 March 2024*	Council Chambers	7.00pm
18 April 2024*	Council Chambers	7.00pm
23 May 2024	Council Chambers	7.00pm
27 June 2024	Council Chambers	7.00pm
25 July 2024	Council Chambers	7.00pm
22 August 2024	Council Chambers	7.00pm
26 September 2024	Council Chambers	7.00pm
24 October 2024	Council Chambers	7.00pm
28 November 2024	Council Chambers	7.00pm
19 December 2024*	Council Chambers	7.00pm

<sup>\*</sup> March meeting third Thursday to avoid Easter

<sup>\*</sup> April meeting third Thursday to avoid Anzac Day

<sup>\*</sup> December meeting third Thursday to avoid Christmas

#### **DISCLAIMER**

#### INFORMATION FOR THE PUBLIC ATTENDING COUNCIL MEETINGS

#### **Please Note:**

The recommendations contained in this agenda are officers' recommendations only and should not be acted upon until Council has resolved to adopt those recommendations.

The resolutions of Council should be confirmed by perusing the minutes of the Council meeting at which these recommendations were considered.

Members of the public should also note that they act at their own risk if they enact any resolution prior to receiving official written notification of Councils decision.

#### **Meeting Procedures:**

- 1. All Council meetings are open to the public, except for matter raised by Council under "confidential items".
- 2. Members of the public may ask a question at an ordinary Council Meeting under "public question time".
- 3. Members of the public who are unfamiliar with meeting procedures are invited to seek advice at the meeting. If unsure about proceeding, just raise your hand when the presiding member announces public question time.
- 4. All other arrangements are in accordance with the Council's standing orders, policies and decision of the Shire of West Arthur.

#### **Council Meeting Information:**

Your Council generally handles all business at Ordinary or Special Council Meetings.

From time to time Council may form a Committee to examine subjects and then report back to Council.

Generally all meetings are open to the public; however, from time to time Council will be required to deal with personal, legal and other sensitive matters under "confidential items". On those occasions Council will generally close that part of the meeting to the public. Every endeavour will be made to do this as the last item of business of the meeting.

Public Question Time. It is a requirement of the *Local Government Act 1995* to allow at least fifteen (15) minutes for public question time following the opening and announcements at the beginning of the meeting. Should there be a series of questions the period can be extended at the discretion of the presiding member.

Written notice of each question should be given to the Chief Executive Officer fifteen (15) minutes prior to the commencement of the meeting. A summary of each question and the response is included in the meeting minutes.

When a question is not able to be answered at the Council Meeting a written answer will be provided after the necessary research has been carried out. Council staff will endeavour to provide the answers prior to the next ordinary meeting of Council.

Councillors may from time to time have a financial interest in a matter before Council. Councillors must declare an interest and the extent of the interest in the matter on the Agenda. However, the Councillor can request the meeting to declare the matter trivial, insignificant or in common with a significant number of electors or ratepayers. The Councillor must leave the meeting whilst the matter is discussed and cannot vote unless those present agree as above.

Members of staff, who have delegated authority from Council to act on certain matters, may from time to time have a financial interest in a matter on the Agenda. The member of staff must declare that interest and generally the presiding member of the meeting will advise the Officer if he/she is to leave the meeting.

Agendas, including an Information Bulletin, are delivered to Councillors within the requirements of the *Local Government Act 1995*, i.e. seventy-two (72) hours prior to the advertised commencement of the meeting. Whilst late items are generally not considered there is provision on the Agenda for items of an urgent nature to be considered.

Agendas, are delivered to Councillors within the requirements of the *Local Government Act 1995*, i.e. seventy-two (72) hours prior to the advertised commencement of the meeting. Whilst late items are generally not considered there is provision on the Agenda for items of an urgent nature to be considered.

Should an elector wish to have a matter placed on the Agenda the relevant information should be forwarded to the Chief Executive Officer in time to allow the matter to be fully researched by a Shire Officer. An Agenda item, including a recommendation, will then be submitted to Council for consideration. The Agenda closes 10 days prior to the Council Meeting.

Agendas for Ordinary Meetings are available at the Shire of West Arthur Office and on the Shire website seventy-two (72) hours prior to the meeting and the public are invited to view a copy at the Shire Office.

Agenda items submitted to Council will include a recommendation for Council consideration. Electors should not interpret and/or act on the recommendations until after they have been considered by Council. Please note the Disclaimer in the Agenda (page 3).

A copy of the unconfirmed Minutes of Ordinary and Special Meetings will be available for public inspection from the Shire of West Arthur Office and the Shire of West Arthur website within ten (10) working days after the Meeting.

# **Questions From The Public**

**Shire of West Arthur** 

PO Box 112 31 Burrowes Street Darkan WA 6392 T: (08) 9736 2400



E: shire@westarthur.wa.gov.au

Name				
Name of Organisation				
Representing (if applicable) Email Address				
Residential Address				
Postal Address(if different)				
Home Telephone No	Mob	bile No		
Agenda Item Number	Mee	eting Date		
(if applicable see below)				
Signature		Date		
QUESTION				
Each member of the public is entitled to ask up to 3 questions before other members of the public will be invited to ask their question. A total of 15 Minutes is allotted to Public Question Time at Council Meetings. If submitting questions to the Council, they are to relate to the Agenda Item tabled at that meeting.  Please Note: Members of the public must be in attendance at the Council Meeting to which they have submitted a question(s) for response. If this is not the case, the questions(s) will be treated as 'normal business correspondence and the question / response will not appear in the Council Minutes.				
Please see Notes on Public O	uestion Time on Pages 4 and 5 above.			

\* Council Meetings: Questions are to relate to a matter affecting the Shire of West Arthur.

# Application For Leave of Absence

(Pursuant to Section 2.25 of the Local Government Act 1995 (as amended))

#### **Shire of West Arthur**

PO Box 112 31 Burrowes Street Darkan WA 6392 T: (08) 9736 2400



shire@westarthur.wa.gov.au



- (1) A council may, by resolution, grant leave of absence to a member.
- (2) Leave is not to be granted to a member in respect to more than 6 consecutive ordinary meetings of the Council without the approval of the Minister.
- (3) The granting of the leave is to be recorded in the minutes of the meeting.
- (4) A member who is absent without first obtaining leave of the Council throughout 3 consecutive ordinary meetings of the Council is disqualified from continuing his or her membership of the Council.
- (5) The non-attendance of a member at the time and place appointed for an ordinary meeting of the Council does not constitute absence from an ordinary meeting of Council
  - (a) if no meeting of the Council at which a quorum is present is actually held on that day; or
  - (b) if the non-attendance occurs while
    - the member has ceased to act as a member after which written notice has been given to the member under Section 2.27 (3) and before written notice has been given to the member under Section 2.27 (5);
    - (ii) while proceedings in connection with the disqualification of the member have been commenced and are pending; or
    - (iii) while the member is suspended under section 5.117(1)(a)(iv) or Part 8; or
    - (iv) while the election of the member is disputed and proceedings relating to the disputed election have been commenced and are pending.
  - (c) If the non-attendance occurs during a period for which the member is entitled to parental leave under subsection (5B).

I, Shire Council from	to	ave of Absence from the West Arthur for the purpose of
Signature		Date

# Request to Attend Meeting by Electronic Means

(Local Government Act 1995 – Section 5.25 Local Government (Administration) Regulations 1996 — E: shire@westarthur.wa.gov.au 14C

#### **Shire of West Arthur**

PO Box 112 31 Burrowes Street Darkan WA 6392 T: (08) 9736 2400



the Shire President or Council must have regard to whether the location from which the member intends to attend the meeting, and the equipment that the member intends to use to attend the meeting, are	Surname Other Names					
(Please tick one)  Committee Meeting  Special Council Meeting  Consideration of Location and Equipment Available  Regulation 14C(5) – In deciding whether to authorise a member to attend a meeting by electronic means the Shire President or Council must have regard to whether the location from which the member intends to attend the meeting, and the equipment that the member intends to use to attend the meeting, are suitable for the member to be able to effectively engage in deliberations and communications during the meeting.	Date of Meeting					
(Please tick one)  Committee Meeting  Special Council Meeting  Consideration of Location and Equipment Available  Regulation 14C(5) – In deciding whether to authorise a member to attend a meeting by electronic means the Shire President or Council must have regard to whether the location from which the member intends to attend the meeting, and the equipment that the member intends to use to attend the meeting, are suitable for the member to be able to effectively engage in deliberations and communications during the meeting.	Tune of Manting					
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Consideration of Location and Equipment Available  Regulation 14C(5) – In deciding whether to authorise a member to attend a meeting by electronic means the Shire President or Council must have regard to whether the location from which the member intends to attend the meeting, and the equipment that the member intends to use to attend the meeting, are suitable for the member to be able to effectively engage in deliberations and communications during the meeting.	(Fleuse tick offe)	☐ Committee Meeting				
Regulation 14C(5) – In deciding whether to authorise a member to attend a meeting by electronic means the Shire President or Council must have regard to whether the location from which the member intends to attend the meeting, and the equipment that the member intends to use to attend the meeting, are suitable for the member to be able to effectively engage in deliberations and communications during the meeting.		☐ Special Council Meeting				
Regulation 14C(5) – In deciding whether to authorise a member to attend a meeting by electronic means the Shire President or Council must have regard to whether the location from which the member intends to attend the meeting, and the equipment that the member intends to use to attend the meeting, are suitable for the member to be able to effectively engage in deliberations and communications during the meeting.						
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Location Proposed	Regulation 14C(5) – In deciding whether to authorise a member to attend a meeting by electronic means, the Shire President or Council must have regard to whether the location from which the member intends to attend the meeting, and the equipment that the member intends to use to attend the meeting, are suitable for the member to be able to effectively engage in deliberations and communications during the meeting.					
Equipment Available						
IMPORTANT NOTE		IMPORTANT NOTE				
The Shire President or Council cannot authorise a member to attend a meeting if the member's attendance at the proposed meeting would result in the member attending more than half of the meeting type in the 12 months prior to the requested meeting date by electronic means. (Regulation 14C(3)).						
Signature Date	Signature	Date				

Please send this form to the Chief Executive Officer who will complete the member's attendance section and forward to the Shire President or the Council for consideration.

OFFICE USE ONLY				
	M	EMBERS ATTENDANCE		
Number of Meetings Attend	ed by Electror	nic Means in the 12 Months Prior to the Meeting Date		
Ordinary Council Meeting				
Special Council Meeting				
Committee Meeting				
Number of Meetings Schedu	led in the 12	Months Prior to the Meeting Date		
Ordinary Council Meeting				
Special Council Meeting				
Committee Meeting				
Would Attending the Prop Requirement?	osed Meeting	g Electronically Result in the Member Exceeding The 50%		
·	□ Yes	□ No		
Council/Shina Duasidant's Co				
Council/Shire President's Co The Shire President or Council		sider the following factors in determining whether the location		
and equipment is deemed su				
		LOCATION		
		nere are other people at the location at the time of the meeting,		
request that the person wea		om that has a door that can be closed during the meeting, and if appropriate.		
	EQUIPME	ENT AND ELECTRONIC MEANS		
The equipment must support Teams.	Council's pref	ferred electronic means for remote attendance, being Microsoft		
Is the Location and Equipment Deemed Suitable?				
	□ Yes	□ No		
Is the Request to Attend the	Proposed Me	eeting by Electronic Means Approved?		
	☐ Yes	□ No		
Signature		Date		

# Written Declaration of Interest in Matter Before Council

#### **Shire of West Arthur**

PO Box 112 31 Burrowes Street Darkan WA 6392 T: (08) 9736 2400



E: shire@westarthur.wa.gov.au

	NOTE: USE ONE FORM PER DECLARA	ATION
(1)	l,	wish to declare an
	interest in the following item to be considered by council at it	s meeting to be held on
(2)		
(3)	Agenda item	
(4)	The type of interest I wish to declare is;	
	Financial pursuant to Sections 5.60A of the Local Government	Act 1995.
	Proximity pursuant to Section 5.60B of the Local Government	Act 1995.
	Indirect Financial pursuant to Section 5.61 of the Local Govern	nment Act 1995.
	Impartiality pursuant to Regulation 22 of the Local Gov Regulations 2021	ernment (Model Code of Conduct)
(5)	The nature of my interest is	
(6)	The extent of my interest is	
	derstand that the above information will be recorded in the Mir Chief Executive Officer in an appropriate Register.	nutes of the meeting and recorded by
DECL	CLARATION BY	
Signa	nature Da	te
RECE	EIVED BY	
Signa	nature Da	te

- (1) Insert your name.
- (2) Insert the date of the Council Meeting at which the item it to be considered.
- (3) Insert the Agenda Item Number and Title.
- (4) Tick the box to indicate the type of interest.
- (5) Describe the nature of your interest.
- (6) Describe the extent of your interest (if seeking to participate in the matter under the s.5.68 of the Act).

# DISCLOSURE OF FINANCIAL INTEREST, PROXIMITY INTEREST AND/OR INTEREST AFFECTING IMPARTIALITY

#### Financial pursuant to Sections 5.60A of the Local Government Act 1995

#### 5.60A - Financial Interest

For the purpose of this Subdivision, a person has a financial interest in a matter if it is reasonable to expect that the matter will if dealt with by the local government, or an employee or committee of the local government or member of the council of the local government, in a particular way, result in a financial gain, loss, benefit or detriment for the person.

[Section 5.60A inserted by No. 64 of 1998 s. 30; amended by No. 49 of 2004 s. 50.]

#### Proximity pursuant to Section 5.60B of the Local government Act 1995

#### 5.60B - Proximity Interest

- (1) For the purposes of this Subdivision, a person has a proximity interest in a matter if the matter concerns
  - 1) a proposed change to a planning scheme affecting land that adjoins the person's land;
  - 2) a proposed change to zoning or use of land that adjoins that person's land; or
  - a proposed development (as defined in section 5.63 (5)) of land that adjoins the person's land.
- (2) In this section, land ("the proposal land") adjoins a person's land if
  - 1) the proposal land, not being a thoroughfare, has a common boundary with the person's land;
  - 2) the proposal land, or any part of it, is directly across a thoroughfare from, the person's land; or
  - 3) the proposal land is that part of a thoroughfare that has a common boundary with the person's land.
- (3) In this section a reference to a person's land is a reference to any land owned by the person or in which the person has any estate or interest.

[Section 5.60B inserted by No 64 of 1998 s. 30.]

#### Indirect Financial pursuant to Section 5.61 of the Local Government Act 1995

#### 5.61 – Indirect financial interest

A reference in this Subdivision to an indirect financial interest of a person in a matter includes a reference to a financial relationship between that person and another person who requires a local government decision in relation to the matter.

#### Impartiality pursuant to Regulation 11 of the Local Government (Rules of Conduct) Regulation 2007

#### 22 – Disclosure of interest

- In this clause
  - Interest -
  - 1) means an interest that could, or could reasonably be perceived to; adversely affect the impartiality of the person having the interest and
  - 2) includes an interest arising from kinship friendship or membership of an association.
- (2) A council member who has an interest in any matter to be discussed at a council or committee meeting attended by the member must disclose nature of the interest
  - (a) in a written notice given to the CEO before the meeting; or
  - (b) at the meeting immediately before the matter is discussed.
- (3) Subclause (2) does not apply to an interest referred to in section 5.60 of the Act.

- (4) Subclause (2) does not apply if a council member fails to disclose an interest because the person did not know
  - (a) That they had an interest in the matter; or
  - (b) That the matter in which they had an interest would be discussed at the meeting and the council member disclosed the interest as soon as possible after the discussion began.
- (5) If, under sub-regulation (2)(a), a person who is a council member discloses an interest in a written notice given to the CEO before a meeting then
  - (a) Before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
  - (b) At the meeting the person presiding is to bring the notice and its contents to the attention of the persons present immediately before a matter to which the disclosure related is discussed.
- (6) Subclause (7) applies in relation to an interest if
  - (a) Under subclause (2)(b) or (4)(b) the interest is disclosed at a meeting; or
  - (b) Under subclause (5)(b) notice of the interest is bought to the attention of the persons present at a meeting.
- (7) The nature of the interest is to be recorded in the minutes of the meeting.

# Describe the extent of your interest (If seeking to participate in the matter under the s.5.68 of the act) 5.68 – Councils and committees may allow members disclosing interests to participate etc. in meetings

- (1) If a member has disclosed, under section 5.65, an interest in a matter, the members present at the meeting who are entitled to vote on the matter
  - (a) may allow the disclosing member to be present during any discussion or decision making procedure relating to the matter; and
  - (b) may allow , to the extent decided by those members, the disclosing member to preside at the meeting (if otherwise qualified to preside) or to participate in discussions and the decision making procedures relating to the matter if —
    - (i) the disclosing member also discloses the extent of the interest; and
    - (ii) those members decide that the interest
      - (I) is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct in relation to the matter; or
      - (II) is common to a significant number of electors or ratepayers.
- (2) A decision under this section is to be recorded in the minutes of the meeting relating to the matter together with the extent of any participation allowed by the council or committee.
- (3) This sections does not prevent the disclosing member from discussing, or participating in the decision making process on, the question on whether an application should be made to the Minister under section 5.69.

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COUNCILLORS:

(Shire President)

#### 1 DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Presiding Member to declare the meeting open.

#### 2 ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

Cr Neil Morrell

	Cr Karen Harrington	(Deputy Shire President)
	Cr Graeme Peirce	
	Cr Robyn Lubcke	
	Cr Duncan South	
	Cr Adam Squires	
	Cr Russell Prowse	
STAFF:	Vin Fordham Lamont	(Chief Executive Officer)
	Rajinder Sunner	(Manager Corporate Services)
	Gary Rasmussen	(Manager Works and Services)
	Sharon Bell	(Community Development Officer)
	Kerryn Chia	(Projects Officer)
APOLOGIES:		
ON LEAVE OF ABSENCE:		
ABSENT:		
MEMBER OF THE PUBLIC:		
3 PUBLIC QUESTION T	IME	
4 DISCLOSURES OF INT	TEREST	

#### 5 REGULATORY SERVICES

# 5.1 DEVELOPMENT APPLICATION - PROPOSED METEOROLOGICAL MONITORING MAST

File Reference: A488 & A2510

Author: Joe Douglas, Planning Consultant

Authorising Officer: Vin Fordham Lamont, Chief Executive Officer

Date: 11/11/2024

Disclosure of Interest: Nil

Location: Lot 4652 on Deposited Plan 208721, Stewart Road, Moodiarrup or

Lot 3962 on Deposited Plan 146905, Trigwell (Unnamed Public

Road)

Applicant: Ambrosia Wind Farm Ltd

Owner: Derbar Pty Ltd (Lot 4652) & Warren Roemarie Pty Ltd (Lot 3962)

Proposal: Construction and use of a proposed meteorological monitoring mast on

one (1) of the abovementioned properties.

Attachments: 1. Development Plans

2. Submissions

#### **SUMMARY:**

Council is requested to consider granting conditional approval to a development application received for the construction and use of a proposed meteorological monitoring mast on one (1) of the abovementioned properties.

#### **BACKGROUND:**

The applicant has submitted a development application requesting Council's approval for the construction and use of a proposed meteorological monitoring mast on Lot 4652 on Deposited Plan 208721 Stewart Road, Moodiarrup or Lot 3962 on Deposited Plan 146905, Trigwell (Unnamed Public Road) for approximately five (5) years.

The proposed mast will be constructed to monitor wind speeds to help inform the design layout for the future proposed Ambrosia Wind Farm. It is significant to note whilst the application seeks approval for two (2) potential site options, the applicant intends to construct the mast on one (1) site only.

The proposed mast will have an overall height of 150 metres above natural ground level. It will be constructed using steel lattice on concrete footings and occupy an area of approximately three (3) hectares to accommodate all the associated guy wires and anchor blocks.

Specific details of the proposed development, including documentation and plans, are provided in Attachment 1.

Both lots are located in the south-eastern part of the Shire's municipal district with the Moodiarrup townsite located approximately 8.6 kilometres east of Lot 4652 and approximately 12.2 kilometres east of Lot 3962.

Lot 4652 comprises a total area of approximately 244 hectares and Lot 3962 comprises a total area of approximately 277 hectares.

Both lots are gently to moderately sloping, contain superficial natural drainage lines in various locations, and have been extensively cleared throughout aside from a number of small stands of native remnant vegetation that have been retained for land management purposes. Soils on both lots appear suitable and capable of accommodating the proposed development with little to no risk of subsidence, landslip or soil erosion.

Both lots have historically been developed and continue to be used for broadacre agriculture purposes (i.e. cropping and grazing) and contain cleared paddocks, dams, internal access tracks and boundary firebreaks. It is significant to note there are no built form improvements on either lot including any dwellings.

Whilst Lot 4652 has direct frontage to Stewart Road along its southern boundary, which is a local road under the care, control and management of the Shire, there is no constructed road carriageway along the land's frontage to this road to accommodate vehicle access. As such all access to the proposed development on this lot will be via the adjoining Lot 3440 located immediately west which has direct frontage and access to a constructed portion of Stewart Road that has been constructed to a basic rural standard (i.e. gravel road carriageway).

All access to the proposed development on Lot 3962 will be via an unnamed road reserve along this lot's northern boundary that has also been constructed to a basic rural standard and provides a direct connection to a constructed portion of Stewart Road approximately 855 metres east.

Both lots have not been identified as being priority agricultural land, are not subject to inundation or flooding during extreme storm events and do not contain any buildings or places of cultural heritage significance within their designated boundaries. A significant proportion of both lots has however been designated by the Fire and Emergency Services Commissioner as being bushfire prone. Notwithstanding this fact, as the proposed development is not habitable in nature and will not increase the potential bushfire threat there is no need to consider and address the requirements of State Planning Policy 3.7 entitled 'Planning in Bushfire Prone Areas' and the associated guidelines.

Immediately adjoining and other nearby land uses are predominantly rural in nature (i.e. broadacre cropping and grazing) on lots ranging in size from 32 to 930 hectares. The main exception to this is Lot 3955 (No.1081) Stewart Road, Moodiarrup located immediately north of Lot 3962 which has been developed and used for rural living, environmental conservation and small-scale tree farming purposes.

#### **COMMENT:**

Both lots are classified 'Rural' zone in the Shire of West Arthur Local Planning Scheme No.2 (LPS2).

The stated objectives in LPS2 for the development and/or use of any land classified 'Rural' zone are as follows:

- i) To ensure the continuation of broad-hectare agriculture as the principal land use in the district, encouraging where appropriate the retention and expansion of agricultural activities;
- ii) To provide for intensive agricultural uses and diversified farming which retain the rural character and amenity of the locality, and which are consistent with land suitability;
- iii) To help protect rural land from land degradation and further loss of biodiversity by:
  - minimising clearing of remnant vegetation;
  - encouraging retention and protection of remnant vegetation;
  - encouraging development and protection of vegetation corridors;
  - encouraging development of sustainable surface and sub-surface drainage works;
  - encouraging rehabilitation of salt-affected land;
  - encouraging soil conservation through land management measures; and

- encouraging identification and protection of wetlands;
- iv) To consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment;
- v) To allow for facilities for tourists and travellers, and for recreation uses; and
- vi) To have regard to use of adjoining land at the interface of the rural zone with other zones to avoid adverse effects on local amenities.

A meteorological mast is a use not specifically referred to in the Zoning Table of LPS2 and must therefore be considered and determined in accordance with clause 4.4.2 of the Scheme. As such, Council must determine whether the proposed use of Lots 4652 and 3962 for this purpose:

- is consistent with the objectives of the 'Rural' zone and is therefore a use that may be permitted in the zone subject to any conditions considered relevant; or
- b) may be consistent with the objectives of the 'Rural' zone and advertise the application for public comment in accordance with the procedural requirements of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*; or
- c) is not consistent with the objectives of the 'Rural' zone and is therefore not permitted in the zone.

#### Having regard for:

- i) the small area to be occupied by the proposed mast (i.e. approximately 3 hectares) and the fact the majority portion of both lots will continue to be used for broadacre agricultural purposes;
- ii) the intention to develop the proposed mast on previously cleared portions of both lots that are not salt affected and are well removed from any existing creek lines and wetlands (i.e. it will not be detrimental to any natural resources or the environment);
- the relatively minor scale of the proposed development with minimal earthworks required and no need for any surface and/or sub-surface drainage works; and
- iv) the significant benefits the proposed development will have in facilitating the current transition to renewable energy sources and the long term development and growth of the local and State economy,

it is concluded the proposal is consistent with the objectives of the subject lands' current 'Rural' zoning classification and is therefore a use that may be permitted within the zone subject to any conditions Council considers appropriate.

The application has been assessed with due regard for the specific objectives and standards of the Shire's local planning framework including LPS2, the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the outcomes from public advertising including advice received from the Civil Aviation Safety Authority. This assessment has confirmed the proposal is compliant or capable of compliance with the following relevant requirements:

- The general aims and objectives of LPS2 including those specific to all land classified 'Rural' zone;
- Land capability and land use compatibility including the continuation of broadacre agricultural activity;
- Lot boundary setbacks;
- Amenity of the locality including potential environmental, visual and social impacts;
- Protection of the natural environment, water resources and cultural heritage significance;
- Vehicle access and parking;
- Aviation safety;
- Bushfire, flood risk and stormwater drainage management.

Council should also note the following key points when considering and determining the application:

- 1. The proposed mast will not give rise to any noise and air emissions (gases, dust and odours) once construction has been completed. As such there is no need to consider the requirements of State Planning Policy 4.1 entitled 'Industrial Interface' or the Environmental Protection Authority's Guidance Statement No.3 entitled 'Separation Distances between Industrial and Sensitive Land Uses'.
- 2. All works associated with the proposed development will be undertaken by up to seven (7) people over a three (3) to four (4) week period, all of whom will be accommodated off-site. Given the proposed works are temporary in nature the proponent must comply with the requirements of the *Public Health Act 2016* and associated guidelines for the management of public health risks associated with temporary toilets in Western Australia.
- 3. The Civil Aviation Safety Authority (CASA) raised no objections to the proposed development and has recommended as follows:
  - a) The mast structure is constructed with alternating markings for at least the top third of the mast (i.e. alternating contrasting bands of colour);
  - b) Marker balls or high visibility flags/sleeves being installed on the upper third of the outside guy wires to improves the mast's visibility for the benefit of aircraft operators; and
  - c) Details of the mast's coordinates and elevation be provided to Airservices Australia by the proponent for possible inclusion in an obstacle database maintained by that agency and publication on aeronautical charts.

It is significant to note CASA and the applicant's aviation consultant have confirmed the installation of low-intensity obstacle lighting at the top of the mast is not required as a further precautionary measure in this particular instance.

4. One submission was received during the mandatory 28 day public consultation process from Margaret and Phillip Scott, the owners of Lot 3955 (No.1081) Stewart Road, Moodiarrup located immediately north of Lot 3962 (see Attachment 2). Mr and Mrs Scott raised concerns regarding the potential negative impacts the proposed development will have on existing native vegetation and wildlife corridors within the road reserves to be used to accommodate all heavy vehicle movements associated with the project. As such they indicated a strong preference for the development to be undertaken on Lot 4652 with all access from Moodiarrup Road West via a new access road to be constructed at the applicant's cost though four (4) separately titled lots owned by Mr Michael Owen Meredith. Mr and Mrs Scott contend this alternative access proposal will negate the need to use any portion of Stewart Road or the unnamed road reserve along the southern boundary of their property and ensure all existing native vegetation and associated wildlife corridors are suitably protected.

In response to the concerns raised by Mr and Mrs Scott the applicant advised as follows:

- No vegetation clearing works are required to accommodate the proposed development, including the road reserves to be used to accommodate all vehicle movements;
- The majority of vehicle movements during the construction process will involve light vehicles and small rigid axle trucks. The largest vehicle to attend either of the two site options will be a 35 tonne, 6 axle semi-trailer that will be used once only to deliver the met mast structure;
- All ongoing maintenance works required following completion of the construction process will be undertaken by two (2) to three (3) people once or twice a year;
- Stewart Road is currently utilised for agricultural purposes by heavy vehicles on a more frequent and intensive scale than what will be required for the proposed met mast; and

It is not considered reasonable or necessary to construct a new access road from Moodiarrup Road West through multiple lots and across a major creek in order to access Lot 4652. A new road in this location would require more clearing due to the need to cross vegetation that fringes paddocks and creeks. Further, based on traffic advice, the installation of the met mast can be adequately serviced by the existing road network.

Advice received from the Shire's Manager Works and Services also confirmed the use of Stewart Road and the unnamed road reserve by light vehicles and small rigid axle trucks during the three (3) to four (4) week construction period, as well as a 35 tonne, 6 axle semi-trailer on a once-off basis only as proposed, is unlikely to give rise to any traffic safety issues or extraordinary wear and tear on the local road network.

- Given all access to the proposed development on Lot 4652 will be via Stewart Road through the adjoining Lot 3440 located immediately west and the fact Lot 3440 does not form part of the development application and is owned by a separate party (i.e. Mr Michael Owen Meredith), it is important to ensure unfettered rights of access are maintained at all times for the life of the development to avoid any disputes or claims of trespass, particularly in the event Lot 3440 is sold to a third party. Given Mr Meredith is a director of the company that owns Lot 4652 it is unlikely access to/from the development on this lot via Lot 3440 is going to be an issue however it is recommended Council impose conditions on any development approval granted requiring the following:
- a) Prior to the commencement of any development on Lot 4652 the applicant shall provide written confirmation to the local government's Chief Executive Officer of Mr Michael Owen Meredith's agreement to allow all access to/from Lot 4652 via his Lot 3440 on Deposited Plan 202867 located immediately west; and
- b) Within 120 days of the commencement of development on Lot 4652, unless otherwise approved by the local government, the applicant shall ensure a legal right of access to/from Lot 4652 via Lot 3440 on Deposited Plan 202867 is formalised and maintained thereafter in perpetuity (i.e. a deed of agreement and registration of a right-of-carriageway easement on the certificates of title of both lots in accordance with the *Transfer of Land Act 1893* as amended).
- 6. Whilst the proposed development is likely to have a minor negative visual impact on the immediate locality due to the height of the proposed mast in its rural landscape setting and the various markings and visibility devices recommended by CASA, this impact must be balanced with the benefits the mast will provide when planning for the Ambrosia Wind Farm. In this case it is contended the benefits outweigh the minor negative visual impact expected to arise which it should be noted are not permanent given the proposed development only has a lifespan of approximately five (5) years and was not identified as being an issue during the 28 day community consultation process.
- 7. The proposed development is consistent with the objectives of the State Planning Strategy and State Energy Transformation Strategy in terms of ensuring the delivery of secure, reliable, sustainable and affordable electricity that meets the State's growing demand. It is also consistent with the objectives of the Shire's draft Wind Farms Policy and Joint Local Planning Strategy which are aligned with the State Planning Framework. As such it is expected to make a beneficial contribution to the current transition to renewable energy sources and the long term development and growth of the local and State economy.

In light of the above findings it is concluded the proposal for Lots 4652 or 3962 is acceptable and unlikely to have any significant negative impacts on the general amenity, character, functionality and safety of the immediate locality subject to compliance with a number of conditions. As such it is recommended Council exercise discretion and grant conditional approval to the application to ensure the development proceeds in accordance with the information and plans submitted in support of the proposal and the specific requirements of the Shire's local planning framework.

An alternative to the recommendation for conditional development approval provided below is not considered necessary or recommended for the following reasons:

- i) The proposal is well founded, permissible and has scope to be approved immediately;
- ii) The proposal is capable of being implemented in accordance with the standards and requirements of the Shire's local planning framework subject to compliance with a number of conditions;
- iii) The proposal is unlikely to have any negative environmental, social, economic or governance impacts; and
- iv) The applicant is obliged to address/satisfy all other statutory and regulatory requirements to ensure the development is undertaken in an orderly and proper manner.

#### **CONSULTATION:**

The application was advertised for public comment in accordance with the procedural requirements of clause 64 of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the minimum required period of 28 days. This process included:

- Publication of a public notice and copy of the application on the Shire's website;
- Publication of a public notice in the Shire's newsletter and Facebook page;
- Correspondence to all immediately adjoining landowners inviting their feedback/comment; and
- Referral of the application to the Civil Aviation Safety Authority and Airservices Australia for review and comment.

At the conclusion of public advertising a total of two (2) submissions had been received, the specific details of which are documented above and provided in Attachment 2.

#### **STATUTORY ENVIRONMENT:**

- Planning and Development Act 2005
- Planning and Development (Local Planning Schemes) Regulations 2015
- Shire of West Arthur Local Planning Scheme No.2

#### **POLICY IMPLICATIONS:**

- State Planning Policy 2.0 Environment and Natural Resources Policy
- State Planning Policy 2.5 Rural Planning

#### **FINANCIAL IMPLICATIONS:**

There are no immediate financial implications for the Shire aside from the administrative costs associated with processing the application which are accounted for in the Shire's annual budget and have been offset in part by the development application fee paid by the applicant. All costs associated with the proposed development will be met by the applicant.

It is significant to note should the applicant/landowners be aggrieved by Council's final decision in this matter they have the right to seek a formal review of that decision by the State Administrative Tribunal. Should this occur for whatever reason, which is considered unlikely in this particular case given the recommendation for conditional approval, the Shire would need to respond. The cost to respond to an appeal cannot be determined at this preliminary stage but could be expected, based on the recent experience of other local government authorities in Western Australia, to range anywhere from \$5,000 to \$60,000 excluding GST and possibly more depending upon how far the matter proceeds through the review process.

#### **STRATEGIC IMPLICATIONS:**

The proposed development is generally consistent with the following elements of the Shire's Local Planning Strategy (2006), Draft Joint Local Planning Strategy (2024), Strategic Community Plan Towards 2031, Corporate Business Plan 2021-2025 and Economic Development Strategy 2023-2033:

#### Local Planning Strategy (2006)

- Section 5.1 Support the diversification of agricultural production and other rural land uses that
  complement established farming practices and have potential to expand the economic base and
  population of the district; and
- Section 6 Encourage and support environmental conservation and protection within the district.

#### **Draft Local Planning Strategy (2024)**

- Section 1.2.4.1 Protect, conserve and enhance environmental and landscape values for the benefit
  of current and future generations;
- Section 1.2.4.3 Manage land use to protect water resources for drinking water, amenity, environmental management, recreation, tourism, agriculture, mining, industry and cultural heritage;
- Section 1.2.5.8 Plan for strategic regional infrastructure which supports the ongoing sustainable development in the Strategy Area and surrounding region.
- 1.3.2.14 Support the protection and conservation of sites with significant heritage and cultural values and continue to reflect the Shire's unique heritage.

#### Strategic Community Plan Towards 2031

Local Economy Outcome 2.2 – A growing, diverse business community;

Local Economy Outcome 2.3 – Existing businesses develop and grow;

Natural Environment Outcome 3.1 – Maintain and improve our key natural assets;

Natural Environment Outcome 3.3 – Our natural biodiversity is maintained and valued;

Built Environment Outcome 4.1 – Our road network is well maintained;

Built Environment Outcome 4.3 – Our cultural heritage is preserved and promoted; and

Built Environment Outcome 4.4 – Appropriate planning and development.

#### Corporate Business Plan 2023/24 – 2026/27

Art, Culture and Heritage – Maintain and preserve heritage buildings and places;

Economic Development – Support agricultural diversification opportunities;

Asset Management - Our built infrastructure, including road network, is well maintained; and

Climate and Environment – Maintain and improve key natural assets.

#### Economic Development Strategy 2023-2033

Priority 2: Infrastructure Development - Built infrastructure that is well maintained and meets the needs of our community;

Priority 5: Strategic Industries and Diversification - Greater economic resilience through industry diversification; and

Priority 6: Investment Attraction - New industry development and diversified job opportunities.

#### **RISK IMPLICATIONS:**

Risk management is the removal of uncertainty from business decisions. Risk is expressed in terms of likelihood it may occur and the consequences that may flow from it. The consequences may be positive or negative or simply a deviation from the expected. The risk or consequence may be related to health and safety; financial; business or service interruption; compliance; reputation; or the environment. Reference to the risk matrix below will generate a risk rating by assessing the likelihood and consequence and multiplying these scores by each other. The greater the risk rating, the greater the risk and the higher the

need for specific plans to be developed. All items with a risk rating greater than 10 should be added to the Risk Register and specific controls developed.

#### **Risk Themes:**

A risk theme is the categorising of risk. For example, the collection of risks that represent compliance failure. The risk themes in the shire Risk Register include:

- Business Disruption
- Community Disruption
- IT or Communications Failure
- External Threat or Fraud
- Misconduct
- Inadequate safety or security practices
- Inadequate project or change management
- Errors Omissions or Delays
- Inadequate Document Management Processes
- Inadequate supplier / contract management
- Providing inaccurate advice / information
- Ineffective Employment practices
- Compliance failure
- Inadequate asset management
- Inadequate engagement practices
- Ineffective facility or event management
- Inadequate environmental management

#### **Risk Matrix:**

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

Description of Key Risk	Development occurs in a manner not consistent with legislative requirements
Risk Likelihood (based on history and with existing controls)	Unlikely (2)
Risk Consequence	Minor (2)
	Non-compliance results in imposed penalties.
Risk Rating (Prior to Treatment or Control): Likelihood x Consequence	Low (4)
Principal Risk Theme	Compliance failure
Risk Action Plan (Controls or Treatment	Ensure compliance with conditions of approval and
Proposed)	other applicable regulations.

#### **VOTING REQUIREMENTS:**

Simple Majority

#### **OFFICER RECOMMENDATION:**

#### That Council

- Determine the proposed development of a meteorological monitoring mast on Lot 4652 on Deposited Plan 208721 Stewart Road, Moodiarrup or Lot 3962 on Deposited Plan 146905, Trigwell (Unnamed Public Road) is consistent with the objectives of the land's current 'Rural' zoning classification in the Shire of West Arthur Local Planning Scheme No.2 and may therefore be permitted in the zone; and
- 2. Approve the development application submitted by Ambrosia Wind Farm Ltd for the construction and use of a proposed new meteorological monitoring mast on Lot 4652 on Deposited Plan 208721 Stewart Road, Moodiarrup or Lot 3962 on Deposited Plan 146905, Trigwell (Unnamed Public Road) subject to the following conditions and advice notes:

#### **Conditions**

- 1. The proposed development shall be undertaken in accordance with the documentation and plans submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by the local government.
- 2. Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of the local government.
- 3. The proposed development shall be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period it shall not be carried out without the further approval of the local government having first being sought and obtained.
- 4. This approval is valid for a period of five (5) years only unless otherwise approved by the local government.
- 5. Prior to the commencement of development the applicant shall provide written confirmation to the local government's Chief Executive Officer of which lot it intends to develop. In so doing the approval to develop the alternative lot is no longer valid and may not be acted upon by the applicant or the landowner.
- 6. Prior to the commencement of any development on Lot 4652 the applicant shall provide written confirmation to the local government's Chief Executive Officer of Mr Michael Owen Meredith's agreement to allow all access to/from Lot 4652 via his Lot 3440 on Deposited Plan 202867 located immediately west.
- 7. Within 120 days of the commencement of development on Lot 4652, unless otherwise approved by the local government, the applicant shall ensure a legal right of access to/from Lot 4652 via Lot 3440 on Deposited Plan 202867 is formalised and maintained thereafter in perpetuity (i.e. a deed of agreement and registration of a right-of-carriageway easement on the certificates of title of both lots in accordance with the *Transfer of Land Act 1893* as amended).
- 8. The proposed mast shall be constructed with alternating markings for at least the top one third portion of the structure (i.e. alternating contrasting bands of colour) in accordance with Part 139 (Aerodromes) Manual of Standards 2019. Marker balls or high visibility flags/sleeves must also be installed on the upper one third portion of the outside guy wires to improves the mast's visibility for the benefit of aircraft operators.
- 9. Details of the proposed mast's coordinates and elevation shall be provided to Airservices Australia by the applicant for inclusion in an obstacle database maintained by that agency and publication on aeronautical charts. Evidence of the notification required by this condition shall be provided to the local government within seven (7) days of the notification being provided to Airservices Australia.

- 10. The removal and/or trimming of any native vegetation within any local road reserves used to access the proposed development is not permitted.
- 11. The applicant shall, at its own cost, arrange for the immediate repair of any damage and/or extraordinary wear and tear on the local road network arising from the proposed development in accordance with any written directive and specifications issued by the local government's Chief Executive Officer.
- 12. All waste generated during the construction process shall be disposed or recycled at an approved/licensed waste disposal and/or recycling facility. No waste is permitted to be stored and disposed on the land.
- 13. The proposed mast and all associated improvements shall be removed from the land in their entirety with the area they occupied reinstated to its original condition insofar as practicable within 90 days of expiry of this approval unless otherwise approved by the local government.

#### **Advice Notes**

- This approval is not an authority to ignore any constraint to development on the land which may
  exist through contract or on title, such as an easement or restrictive covenant. It is the
  responsibility of the applicant and not the local government to investigate any such constraints
  before commencing development. This approval will not necessarily have regard to any such
  constraint to development, regardless of whether or not it has been drawn to the local
  government's attention.
- 2. This is a development approval of the Shire of West Arthur under its Local Planning Scheme No.2. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.
- In accordance with section 70 of the Building Act 2011 and Schedule 4 of the Building Regulations 2012, a building permit application for the proposed structure is not required. To confirm this please contact the local government's Building Surveyor Mr Peter Hulme on 9257 9941 or peter.hulme@kalamunda.wa.gov.au.
- 4. The applicant is reminded of its obligation to ensure compliance with the requirements of the *Public Health Act 2016* and associated guidelines for the management of public health risks associated with temporary toilets in Western Australia. To confirm the relevant requirements in this regard please contact the local government's Environmental Health Officer Mr Peter Toboss on 9890 0900 or eho@narrogin.wa.gov.au.
- 5. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of West Arthur Local Planning Scheme No.2 and may result in legal action being initiated by the local government.
- 6. If the applicant/landowner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be submitted directly to the State Administrative Tribunal within 28 days of the determination.



# METEOROLOGICAL MAST DEVELOPMENT APPLICATION

Ambrosia Wind Farm

Prepared for SHIRE OF WEST ARTHUR 14 August 2024



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#### URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director Megan Gammon
Consultant Luke Mifsud
Project Code P0050504

Report Number Updated Lodgement – 14 August 2024

Urbis acknowledges the important contribution that Aboriginal and Torres Strait Islander people make in creating a strong and vibrant Australian society.

We acknowledge, in each of our offices, the Traditional Owners on whose land we stand.

All information supplied to Urbis in order to conduct this research has been treated in the strictest confidence. It shall only be used in this context and shall not be made available to third parties without client authorisation. Confidential information has been stored securely and data provided by respondents, as well as their identity, has been treated in the strictest confidence and all assurance given to respondents have been and shall be fulfilled.

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# 1. INTRODUCTION

This report has been prepared by Urbis on behalf of Ambrosia Wind Farm Pty Ltd to support a development application for the installation of a meteorological mast ('met mast') for the future Ambrosia Wind Farm located within the Shire of West Arthur, south-east of Collie.

The Ambrosia Wind Farm is being developed in partnership between Green Wind Renewables (**GWR**) and Aula Energy, a portfolio company of Macquarie Asset Management. This partnership is seeking to develop, finance and construct a portfolio of large-scale onshore wind farms in Western Australia that includes Ambrosia Wind Farm, which encompasses rural land located within the Shire of West Arthur.

This application proposes two potential locations for the met mast. Ambrosia Wind Farm Pty Ltd is seeking development approval for both locations to provide flexibility in choosing the most suitable site, however the intent is that only one met mast will be constructed and installed.

The proposed met mast will measure approximately 150 metres tall and is designed to measure wind speeds at various heights. This is crucial to understand the wind conditions on the site and will assist in determining the final layout of the turbines. The met mast will be a temporary structure that will be in place for approximately 5 years, after which it will be deconstructed and removed from the site.

It is noted that the future development of Ambrosia Wind Farm will be subject to a separate development application supported by extensive technical assessments.

URBIS 20240608 - GWR AMBROSIA - FINAL MET MAST DA

INTRODUCTION

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# 2. SITE CONTEXT

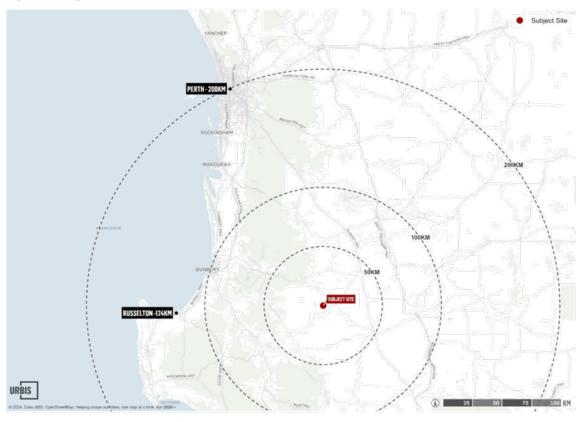
## 2.1. LOCATION AND BACKGROUND

The proposed met masts are located within the Shire of West Arthur (Shire), approximately 200km southeast of the Perth CBD, 124km east of Busselton and 53km south-east of Collie.

Locally, the proposed met masts are located on rural land. The area is characterised by its rural setting, surrounded by farmland and natural bushland. The sites form part of land within the Wheatbelt region with agriculture and farming being significant industries in the area.

The regional context of the site is shown at Figure 1 below and the subject site is shown at Figure 2.

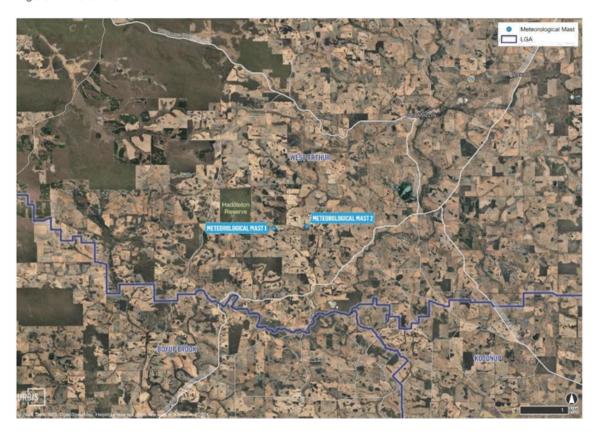
Figure 1 - Regional Context Plan



URBIS 20240608 - GWR AMBROSIA - FINAL MET MAST DA

2 SITE CONTEXT

Figure 2 - Aerial Plan



URBIS 20240608 - GWR AMBROSIA - FINAL MET MAST DA

SITE CONTEXT

## 2.2. LOT PARTICULARS

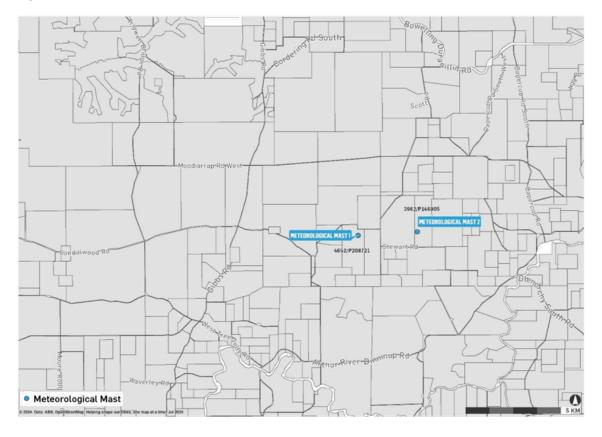
Two met mast locations are proposed, located on two separate, private landholdings. **Table 1** presents the relevant lots applicable to this development application and **Figure 3** provides a cadastral plan of the subject site.

Certificates of Title for the two affected lots are provided at Appendix A.

Table 1 - Lot Particulars

Report Ref.	Lot No.	Plan / Diagram	Volume	Folio	Street Address	Area (ha)	Proprietor(s)	Encumbrances / Other
Met Mast 1	4652	P208721	383	100A	N/A	244.0042	Derbar Pty Ltd	See Certificate of Title
Met Mast 2	3962	P146905	2121	704	N/A	277.2881	Warren Roemarie Pty Ltd	See Certificate of Title

Figure 3 - Cadastral Plan



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4 SITE CONTEXT

# 3. PRE-LODGEMENT CONSULTATION

GWR on behalf of Ambrosia Wind Farm Pty Ltd has undertaken consultation with nearby landholders (**Figure 4**) and relevant government stakeholders over the past **six** months, informing this application and the broader wind farm development.

Importantly, GWR has maintained close engagement with the two private landowners impacted by the met mast locations to ensure a detailed understanding of the proposal and programme, and level of support (evidenced by being a signatory to this application).

Refer to Table 2 below for a summary of the consultation undertaken to date.

Table 2 - Consultation Summary

Stakeholder	Consultation Outcomes		
Shire of West Arthur	The Shire has been consulted on the details of this met mast proposal as well as the broader wind farm project.		
Landowners: Derbar Pty Ltd and Warren Roemarie Pty Ltd.	The landowners are signatories to and support this Development Application with the understanding that the meteorological masts are temporary, with the subject site to be remediated post-decommissioning		
Adjacent landowners	Consultation with key landowners surrounding the met masts (within 3km) has been undertaken (refer <b>Figure 4</b> ) in addition to a broader engagement process for the wind farm. No significant issues have been raised in relation to the met masts, with broad support being received.		
Gnaala Karla Boodja - Aboriginal Corporation	Consultation has commenced with GKB regarding the execution of a Noongar Standard Heritage Agreement (NSHA), with the Activity Notice for the Met Mast to be submitted once the NSHA is signed.		
Lakeside Camping	Consultation was undertaken in relation to aviation safety		
Civil Aviation Safety Authority (CASA)	Notification of the proposal to CASA will be provided before construction commences.		
Wider Community within Shire of West Arthur	Information on the met mast was included in the local community newsletter "The Bleat" published on 30 July.  Information on the met mast has been uploaded to the Ambrosia Wind Farm website https://ambrosiawindfarm.com.au/		

URBIS 20240608 - GWR AMBROSIA - FINAL MET MAST DA

PRE-LODGEMENT CONSULTATION

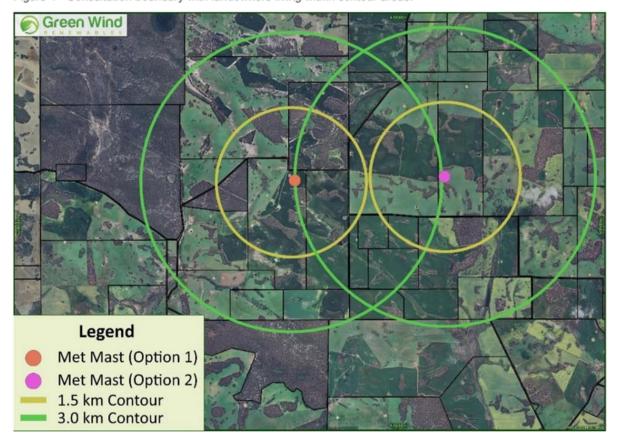


Figure 4 - Consultation boundary with landowners living within contour areas.

6 PRE-LODGEMENT CONSULTATION

URBIS 20240608 - GWR AMBROSIA - FINAL MET MAST DA

# 4. PROPOSED DEVELOPMENT

#### 4.1. OVERVIEW

This application seeks development approval for two met mast locations. Ambrosia Wind Farm Pty Ltd is seeking approval for both locations while further wind analysis is being undertaken, however it is the intent that GWR will construct and install one met mast which will be confirmed prior to construction. The key elements of the met mast can be summarised as follows:

- The met mast will be approximately 150 metres tall. It will be designed to measure wind speeds at various heights, which will be crucial to understand the wind conditions of the site and assist in determining the final layout of the turbines.
- The met mast will be delivered to site in sections on a flatbed truck. Installation of the met mast will take approximately 7 weeks which includes a period of 3 to 4 weeks for concrete to cure. A construction workforce of 5 to 7 people will be present for the installation, as well as an excavator and small crane.
- Parking for construction workers will occur on private property most likely adjacent to the met mast
  construction in the cropped area. Given the short-term nature of the construction period, formalised
  carparking is not required. Access to the proposed location is to be from Stewart Road.
- The erection of the mast only takes a few days depending on weather conditions. The crane is used
  only to erect the first few sections of the mast. After that, a gin pole is used to continue building up to
  the desired height.
- The met mast is locked in place through a square tower foundation which comprises a concrete structure and measures approximately 60.0cm wide and 1.0 metre deep with provision of key anchor points which stabilise the met mast at the height proposed.
- At various height intervals on the mast, there are devices that measure wind speed and direction, as well as temperature and other climate variables.
- There is potential for micro siting of the met mast and guy wire anchor points following geotechnical and heritage investigations.
- The met mast will be a temporary structure that will be in place for approximately 5 years, after which
  it will be decommissioned and completely removed from site. This will involve removing all
  foundations and remediating the site to its previous land use.

The proposed locations have been selected to maximise wind speeds, while avoiding any sensitive areas from an environmental or heritage perspective. Each met mast location is readily accessible to nearby internal roads, minimising the need for significant infrastructure and/road upgrades.

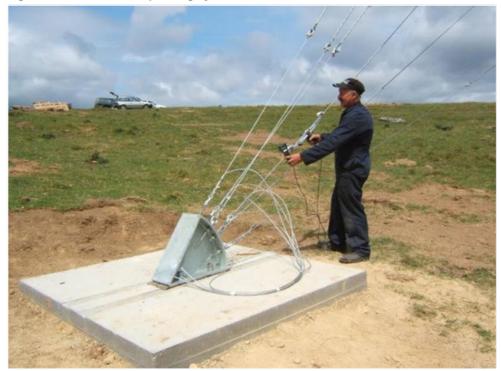
Plans and specifications of the proposed met mast are provided at **Appendix B**, with example imagery of the met mast provided at **Figure 5**.

URBIS 20240608 - GWR AMBROSIA - FINAL MET MAST DA

PROPOSED DEVELOPMENT

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Figures 5 - Met Mast Example Imagery







8 PROPOSED DEVELOPMENT

URBIS 20240608 - GWR AMBROSIA - FINAL MET MAST DA

#### 4.2. TECHNICAL CONSIDERATIONS

A number of technical considerations will inform the proposed layout of Ambrosia Wind Farm – including ecology, heritage, bushfire, shadow flicker, aviation, landscape and visual assessment and other technical elements. These investigations have commenced and have been utilised to inform this met mast development application.

A summary of the key relevant considerations is provided below, from an environmental, heritage, aviation, bushfire and landscape/visual impact perspective.

#### 4.2.1. Environmental

Existing environmental studies for the Ambrosia Wind Farm identify that there are no limiting environmental issues applicable to this development, with the sites not located near any major waterbodies. It was then not seen necessary to conduct further environmental studies.

In addition, the subject sites are located on land utilised for agrarian cropping and pasturing purposes and exist in a state that is cleared from remnant vegetation. Therefore, the clearing of native vegetation, and subsequent approvals under the *Environmental Protection Act 1986* is not required.

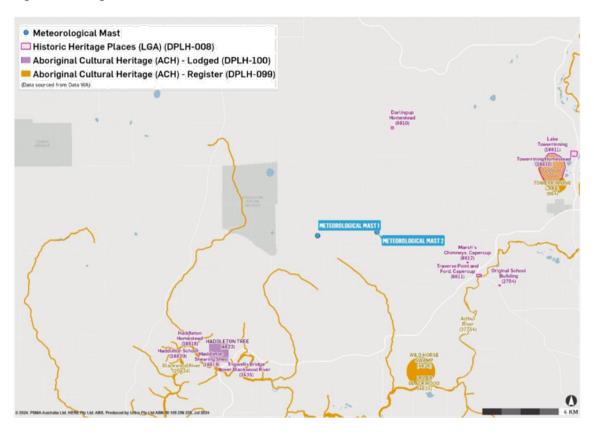
#### 4.2.2. Heritage

An Aboriginal and Historical Due Diligence Assessment has been being prepared by Urbis to inform the wind farm proposal including the proposed met masts. This assessment considers the potential impact of the subject area, including Aboriginal Cultural Heritage (ACH), registered sites and lodged places, historic (non-Aboriginal heritage) places located within the site, and potential archaeological constraints in view of relevant heritage controls.

A summary of the key findings of this assessment in the context of the two met mast locations is provided below. The heritage context of the site and surrounds is shown at **Figure 6**.

Figure 6 - Heritage Context Plan

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## 4.2.2.1. Aboriginal Cultural Heritage

The met mast locations are located on the traditional lands of the Gnaala Karla Boodja People (GKB).

The Aboriginal Cultural Heritage Inquiry System (ACHIS) identifies one registered ACH site within the curtilage of the subject site. The Blackwood River (ID 20434) extends south of the met mast locations etc.

The registered boundary of this Site ID 20434 is approximately 2km from the nearest proposed met mast location. According to available satellite imagery, the nearest tributary to the met masts may extend and be closer than this estimated distance. As water has been documented to hold strong cultural value for Aboriginal people, including for GKB, this means there is a potential for impact if there are natural water bodies within proximity to the met mast locations. More importantly, this site also has intangible cultural values as it is a Creation / Dreaming Narrative site, therefore, it is important to understand the impact on those values as well.

An archaeological and ethnographic site inspection will be undertaken prior to construction to confirm the potential impact on the values of the Blackwood River by the proposed works. In April 2024, Green Wind Renewables provided GKB Aboriginal Corporation with a draft Noongar Standard Heritage Agreement (NSHA) for execution. Once the NSHA is signed by both parties, An Activity Notice for the proposed works associated to the installation of the met mast will be submitted and the site inspections will be conducted with the participation of GKB representatives.

Registered ACH sites in the broader landscape include Wild Horse Swamp (ID 4626), Upper Blackwood River (ID 4625), and Towerrinning Lake (ID 964). As these ACH sites are located more than 5km away from the proposed met mast locations, the works will not impact the heritage values of these ACH sites. At this point, we are anticipating no impacts on the cultural values of any of the mentioned sites, therefore, a Section 18 consent under the *Aboriginal Heritage Act 1972* will not be required.

It should be noted that the ACH boundaries available through ACHIS are not exhaustive of all possible ACH in Western Australia do not include sites that have not previously been identified, recorded, and registered. A detailed survey will be undertaken to inform the broader wind farm application.

## 4.2.2.2. Historic Heritage

A number of historic heritage places listed under the Shire of West Arthur Local Heritage Survey also exist within and in proximity to the met mast option locations. As these are not Heritage Listed (registered) places, there are no statutory requirements that apply. All places are assigned a Level 3 (some/moderate) or Level 4 (little) level of significance. The places which are included within the subject site include:

- Darlingup Homestead (8810)
- Marsh's Chimneys, Capercup (8812)

Traverse Point and For, Capercup (8811) is also within very close proximity to the met mast locations. A summary of the key heritage places and a broad assessment of impact of the proposed met masts is provided in **Table 3** below.

Table 3 - Historic Heritage

Heritage Place	Statement of Significance	Potential for Impact
8810 Darlingup Homestead	One of the original buildings in the district, its construction type being unique, and its age make it a notable contribution to the buildings in the district.	This place is located a minimum of 7.5km from the proposed met mast locations. This is sufficient distance from the proposed location of works that the met mast will not impact the construction typology or ability to interpret the age of this heritage place.
8812 Marsh's Chimneys, Capercup	Notable as the site of one of the first dwellings in the West Arthur Shire and for its association with the pioneering Marsh family.	This place is located a minimum of 5km from the proposed met mast locations. This is sufficient distance from the proposed location of works that the met mast will not impact the integrity of this heritage place and its association with the Marsh family.

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PROPOSED DEVELOPMENT 20240608 - GWR AMBROSIA - FINAL MET MAST DA

Heritage Place	Statement of Significance	Potential for Impact
8811 Traverse Point and Ford, Capercup	Notable as the original starting point for the surveying of the first location in the area and the ford was a river crossing in the times before bridges allowing travellers, teams, shepherds, and traders to safely cross the river.	This place is located a minimum of 5.5 km from the proposed met mast locations. This is sufficient distance from the proposed location of works that the met mast will not impact the integrity of this heritage place and its significance as the original starting point for the surveying of the first location in the area, or an important ford river crossing.

# 4.2.3. Aviation Impact

An Aviation Impact Assessment has been prepared by Aviation Projects for the location of both met masts. The assessment concludes that both proposed locations will not impact aviation operations in the area, specifically noting that both locations will not impede on the low safe altitude, is not within controlled airspace, and will not affect communication, navigation, or surveillance facilities.

However, the assessment notes that there may be some low-level aircraft operations in the area related to the associated activities in the area (e.g. relating to surrounding rural uses). On this note, the assessment recommended several actions to be undertaken:

- While not mandatory, the Assessment recommends marking the meteorological towers with flags or balls, contrasting colours, and alternating mast markings. This is consistent with CASA's initial recommendation;
- The requirements for obstacle lighting do not strictly apply to the proposed WMT locations as they
  will not infringe on any certified aerodrome's Obstacle Limitation Surfaces (OLS) or other surfaces as
  specified. At 151.2 m (496 ft) AGL the WMT is just below what is considered as normally navigable
  airspace (500 ft AGL), with it normally considered that obstacle lighting would not be required.
  - In this instance, CASA has recommended that the met mast utilise low intensity red obstacle/hazard lights during poor light and hours of darkness, with the need to consider community impact from the lighting. This is purely a recommendation and is not enforceable. However, CASA has also noted that they are not aware of any regulated or unregulated aerodromes in the vicinity (approximately 2.5km). If there are any unregulated aerodromes in the vicinity (e.g. landing areas), this is to be highlighted by the relevant local government.
- Report the construction details of the metrological mast as soon as reasonably possible to the CASA
  after development approval is achieved and the location of the mast is confirmed. This is required
  under the Civil Aviation Safety Regulations 1998; and
- Details and location of the mast should be provided to Air Services Australia. This will be done
  concurrently with the reporting to CASA.

Refer to Appendix C for a copy of the Aviation Impact Assessment.

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# 4.2.4. Landscape and Visual Impact

To illustrate the potential impact of the met mast locations, an indicative viewshed has been prepared and is shown below at **Figure 7 and 8** (full copies and location plan included at **Appendix D**). These views are taken as follows:

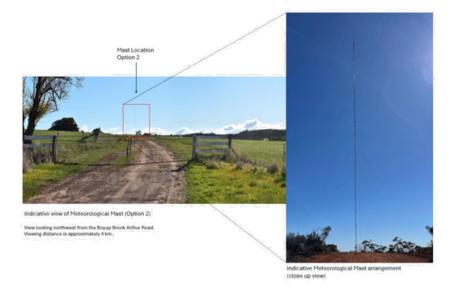
- Met Mast 1 view looking north-east from Boyup Brook Arthur Road (viewing distance approximately 5.0km)
- Met Mast 2 view looking north-west from Boyup Brook Arthur Road (viewing distance approximately 4.0km)

Both images demonstrate that the proposed met masts will not be a dominant feature in the rural landscape. A more detailed landscape and visual impact assessment will be undertaken in the future to support the broader wind farm application.

Figure 7 - Viewshed Image (Met Mast Location 1)



Figure 8 - Viewshed Image (Met Mast Location 2)



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# 4.2.5. Bushfire

A large portion of the broader area is designated bushfire prone under the Department of Fire Emergency Service mapping, as shown at Figure 9. State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP 3.7) directs how land use should address bushfire risk management in Western Australia. It applies to all land which has been designated as bushfire prone by the Fire and Emergency Services (FES) Commissioner.

While both locations of the met masts are located within land identified as bushfire prone, given the structures are non-habitable, an assessment was not considered warranted to support this application.

Figure 9 - Bushfire Prone Mapping



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# 5. STATE PLANNING FRAMEWORK

# 5.1. STATE PLANNING ASSESSMENT

Table 4 below highlights the relevant state planning documents that may apply to the proposed met masts.

Table 4 - State Planning Assessment

State Planning Policy	Comment
State Planning Policy 2.5 – Rural Planning The key objectives set out by SPP 2.5 is to protect and preserve Western Australia's rural land assets for their economic, ecological, and landscape values. Thus, requiring broad compatibility between land uses in the delivery of this policy.	The subject sites are currently located on lands zoned 'Rural' under the Shire of West Arthur Planning Scheme and therefore SPP 2.5 is applicable for consideration. The construction of the proposed met mast will not result in a land use conflict with the rural uses of the sites, impact on environmental or water assets, or result in a notable reduction of usable rural land, and therefore the proposal meets the requirements of this policy.
State Planning Policy 3.5 – Historic Heritage Conservation  The key objectives set out SPP 3.5 is to ensure the preservation and conservation of historic places and areas of significance in Western Australia, as well as provide greater levels of certainty for landowners and communities.	An Aboriginal and Historical Due Diligence Assessment has been prepared by Urbis to inform the wind farm proposal including the proposed met masts. The assessment concludes that the proposed location and design of the met masts will have limited impact of sites of heritage significance, as detailed in <b>Section 3.2.1</b> of this report.
State Planning Policy 3.7 – Planning in Bushfire Prone Areas  The key objective of SPP 3.7 is to implement effective, risk-based land use planning and development to preserve life and reduce the impact of bushfire on property and infrastructure.	Given the proposal for the met mast is minor in scale, this level of assessment under SPP 3.7 was not considered warranted. A detailed Bushfire Attack Level Assessment/Bushfire Management Plan will be prepared to accompany the broader wind farm application.
Position Statement – Renewable Energy Facilities  This position statement outlines the WA Planning Commissions requirements to support the consistent consideration and provision of renewable energy facilities within WA.	Consistent with this Position Statement, the proposed met masts have been informed by considerable technical inputs, from an ecological, heritage, bushfire, landscape and aviation perspective.

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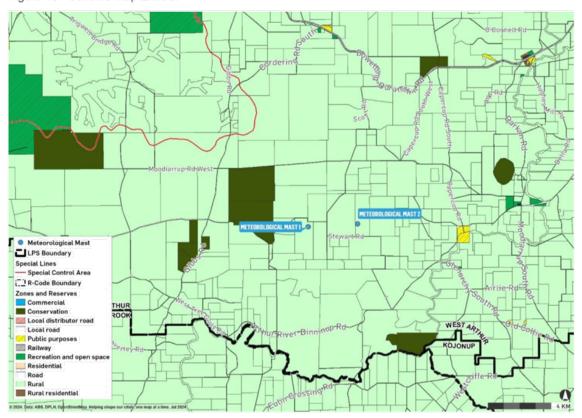
14 STATE PLANNING FRAMEWORK

#### LOCAL PLANNING FRAMEWORK 6.

#### SHIRE OF WEST ARTHUR LOCAL PLANNING SCHEME NO. 2 6.1.

The two met mast locations are both zoned Rural under the Shire of West Arthur Local Planning Scheme No.2 (LPS 2) as shown in Figure 10 below.

Figure 10 - Scheme Map Extract



As set out in Clause 4.2 of the LPS 2, the objectives of the Rural Zone are as follows:

- To ensure the continuation of broad-hectare agriculture as the principal land use in the district, encouraging where appropriate the retention and expansion of agricultural activities.
- To provide for intensive agricultural uses and diversified farming which retain the rural character and amenity of the locality, and which are consistent with land suitability.
- To help protect rural land from land degradation and further loss of biodiversity by:
- minimising clearing of remnant vegetation
- encouraging retention and protection of remnant vegetation
- encouraging development and protection of vegetation corridors
- encouraging development of sustainable surface and sub-surface drainage works
- encouraging rehabilitation of salt-affected land
- encouraging soil conservation through land management measures
- encouraging identification and protection of wetlands

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- To consider non-rural uses where they can be shown to be of benefit to the district and not detrimental to the natural resources or the environment.
- To allow for facilities for tourists and travellers, and for recreation uses.
- To have regard to use of adjoining land at the interface of the rural zone with other zones to avoid adverse effects on local amenities.

Consistent with the above objectives, the proposed met mast is being installed for the primary purpose of measuring wind speed to assist in determining the wind conditions and future layout of the turbines. It will not impede on surrounding rural and agricultural pursuits and will avoid impacts on areas of sensitivity such as ecological areas (including areas of remnant vegetation) and heritage sites of significance.

Overall, the proposed met mast is considered to be 'of benefit to the district' in informing a future wind farm that will contribute significantly to the Shire's economic development and sustainability aspirations and will 'not be detrimental to the natural resources or the environment'. In whole, with the broader Ambrosia Wind Farm development, the meteorological mast is a catalyst in securing clean, reliable, and sustainable clean energy for the Shire and reforming the broader energy network of WA

# 6.1.1. Land Use Permissibility

Under Table 1 of the LPS 2, a 'meteorological mast' is not specified. While the closest use would be 'telecommunications infrastructure', by virtue of the proposed design, given the purpose of the met mast is for wind monitoring purposes (and not telecommunication), this use class is not considered suitable.

On this basis, the proposed met mast is considered a use not listed. In accordance with Clause 4.4.2 of LPS 2, where a use is caried out that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type or class of activity of any other land use the local government may:

- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted; or
- (b) determine that the proposed use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

For the reasons articulated in **Section 5.1** above, given the alignment with the Rural zone objectives and its purpose in informing a future wind farm application (which will be subject to a separate planning process), it is considered that the proposed use shall be permitted, consistent with (a) above.

# 6.1.2. Development Requirements

Part 5 of LPS 2 outlines general development requirements. Clause 5.18 refers to the development requirements for land zoned as 'Rural'. **Table 5** provides assessment against the relevant general development requirements for land zoned Rural.

Table 5 - General Development Requirements

Provision	Requirement	Proposed
5.18.2 Setbacks	The minimum building setbacks are to be:  - Front: 20.0m  - Rear: 20.0m  - Side: 10.0m	Complies. No building or development located within the proposed setbacks.

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16 LOCAL PLANNING FRAMEWORK

Provision	Requirement	Proposed		
5.18.3 General	5.18.3 General Development Requirements			
Sensitive uses	any sensitive or incompatible uses     which may require buffer separation     from the proposed use;	<b>Complies</b> . Visual landscape impact has been considered in the siting of the met masts as well as impacts to aviation.		
Sustainable water supply	b) evidence of a sustainable water supply that does not rely on catchment outside the lot, or damming of a stream that will impact on the water availability for another lot or lots;	Not applicable.		
Site characteristics	<ul> <li>soil conditions, slope, soil type, rock, potential for water logging, foundation stability, and how the application has addressed these site characteristics; and</li> </ul>	Achieved. A series of anchor points into fixed concrete foundation has been situated around the development, providing stability.		
Effluent disposal	d) whether effluent disposal systems can be set back 100 metres (conventional septic system) or 50 metres (alternative system) from any stream. (The buffer distances may be reduced depending on the size and nature of the stream and the soil types).	Not applicable.		

#### 6.2. SHIRE OF WEST ARTHUR LOCAL PLANNING STRATEGY

The Local Planning Strategy (the Strategy) sets out the Shires general aims and intentions for future longterm growth and change.

The subject site is identified as Rural Land within the Strategy which is consistent with the zoning in LPS 2. Part 5.0 of the Strategy sets out the expectations for Rural Land, and whilst there are no specific provisions mentioned around renewable/energy projects (or associated infrastructure such as met masts), it is identified that the Shire supports the diversification of agricultural production that has the potential to expand both the economic base and the population of the district. It also states that it supports other rural uses that complement and do not have the potential to constrain established farming within land zoned Rural.

#### 6.3. DRAFT LOCAL PLANNING POLICY NO.5 – WIND FARMS POLICY

Draft Local Planning Policy No.5 - Wind Farms (LPP 5) was prepared by the Shire in 2023. It outlines the measures to assess proposals for wind farms including advertising criteria, referral requirements, and clarifies the level of information to be provided to the Shire to accompany the application.

LPP 5 outlines the expectations of the Shire in terms of technical information informing applications for wind farms. It is understood Draft LPP 5 generally aligns with the State Guidance Statement regarding the requirement for applications to consider acoustics, visual and landscape impact assessments, and transportation details.

LPPS 5, albeit draft, has been considered as part of initial investigations, including this met mast application. Generally, this application considers all aspects of the policy from a technical perspective, which will be supplemented as part of the future development application for the wind farm.

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LOCAL PLANNING FRAMEWORK 17

# 7. CONCLUSION

The proposed met mast will be installed to monitor wind speeds to inform the turbine layout of the future Ambrosia Wind Farm. This application seeks approval for two potential met mast locations, with the intent that only one mast is constructed and installed.

This report demonstrates the proposal is not inconsistent with the Rural zone objectives and is generally aligned with the broader planning framework as well as relevant technical requirements. On the basis, it is respectfully requested this application be approved, subject to any suitable conditions. In this regard, it is anticipated that conditions should be limited to the preparation of a management plan (addressing construction and traffic) to ensure suitable management practices are implemented during the construction phase.

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18 CONCLUSION

# 8. DISCLAIMER

This report is dated 14 August 2024 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Ltd (Urbis) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Green Wind Renewables (Instructing Party) for the purpose of Development Application (Purpose) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

In preparing this report, Urbis may rely on or refer to documents in a language other than English, which Urbis may arrange to be translated. Urbis is not responsible for the accuracy or completeness of such translations and disclaims any liability for any statement or opinion made in this report being inaccurate or incomplete arising from such translations.

Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

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DISCLAIMER 19

# APPENDIX A CERTIFICATES OF TITLE

URBIS 20240608 - GWR AMBROSIA - FINAL MET MAST DA

20 CERTIFICATES OF TITLE

WESTERN



AUSTRALIA

TITLE NUMBER

Volume Folio

383

100A

# RECORD OF CERTIFICATE OF TITLE

UNDER THE TRANSFER OF LAND ACT 1893

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

LAND DESCRIPTION:

LOT 4652 ON DEPOSITED PLAN 208721

# REGISTERED PROPRIETOR:

(FIRST SCHEDULE)

DERBAR PTY LTD OF 55 ST. GEORGE'S TERRACE, PERTH

(T A776568) REGISTERED 24/1/1974

#### LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:

(SECOND SCHEDULE)

A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required. Warning:

Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

## STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: 383-100A (4652/DP208721)

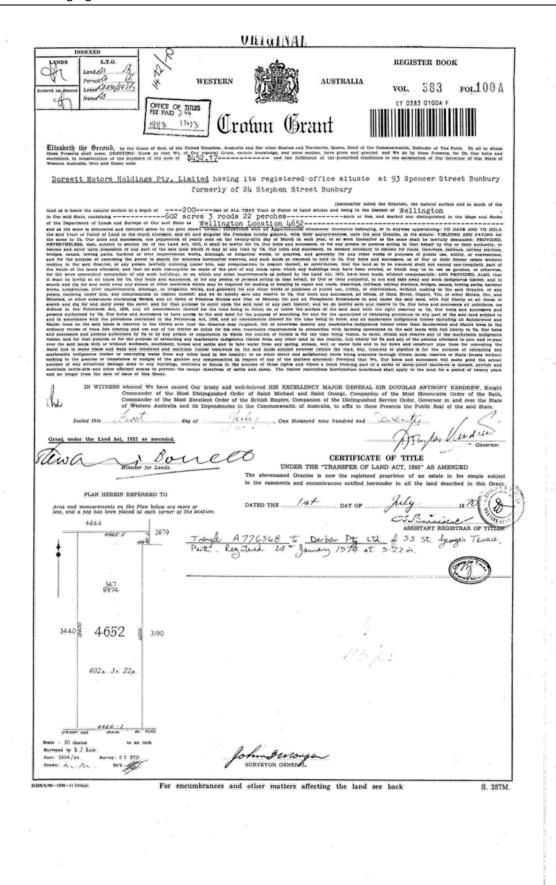
PREVIOUS TITLE: 383-100A

PROPERTY STREET ADDRESS: NO STREET ADDRESS INFORMATION AVAILABLE.

LOCAL GOVERNMENT AUTHORITY: SHIRE OF WEST ARTHUR

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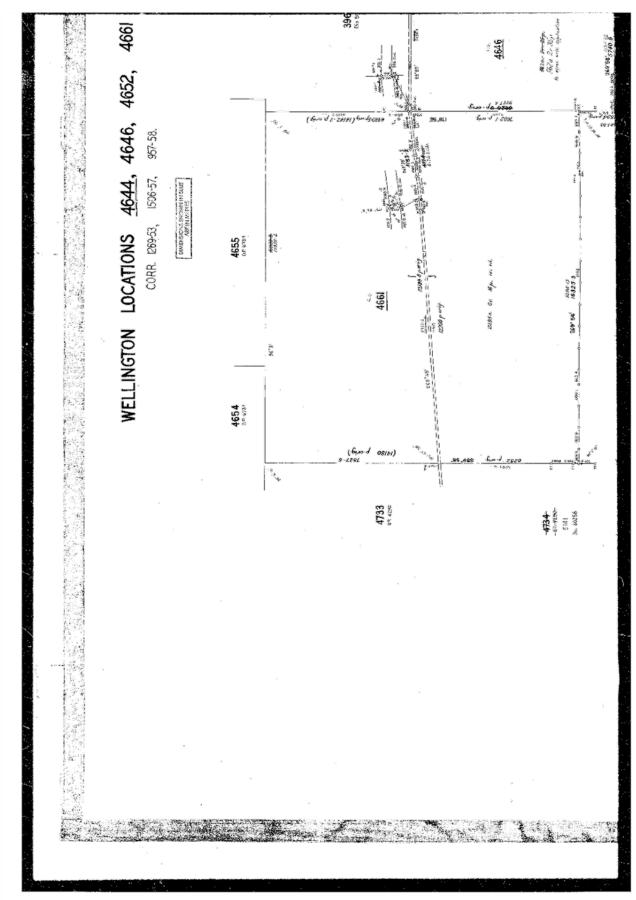


Item 5.1 - Attachment 1



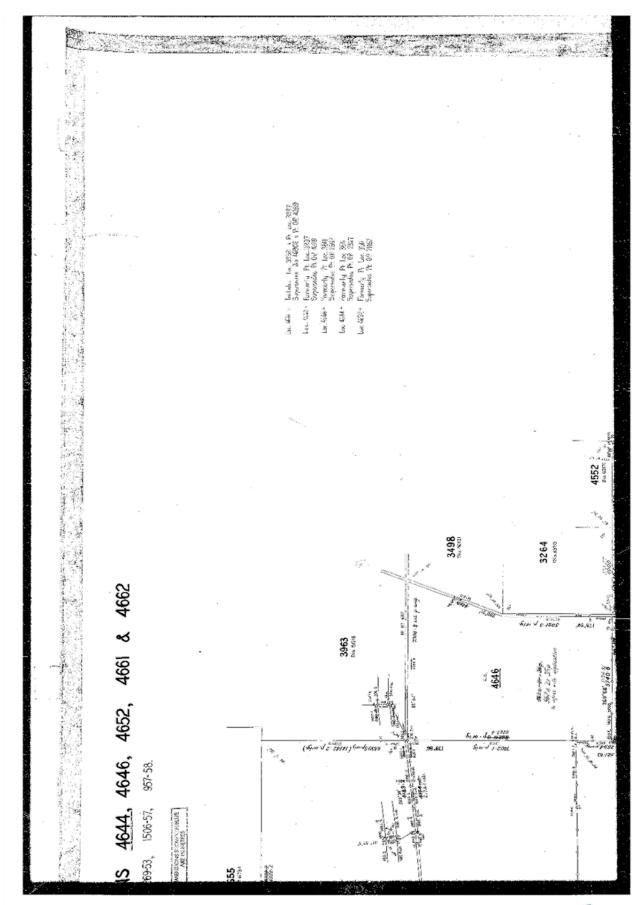
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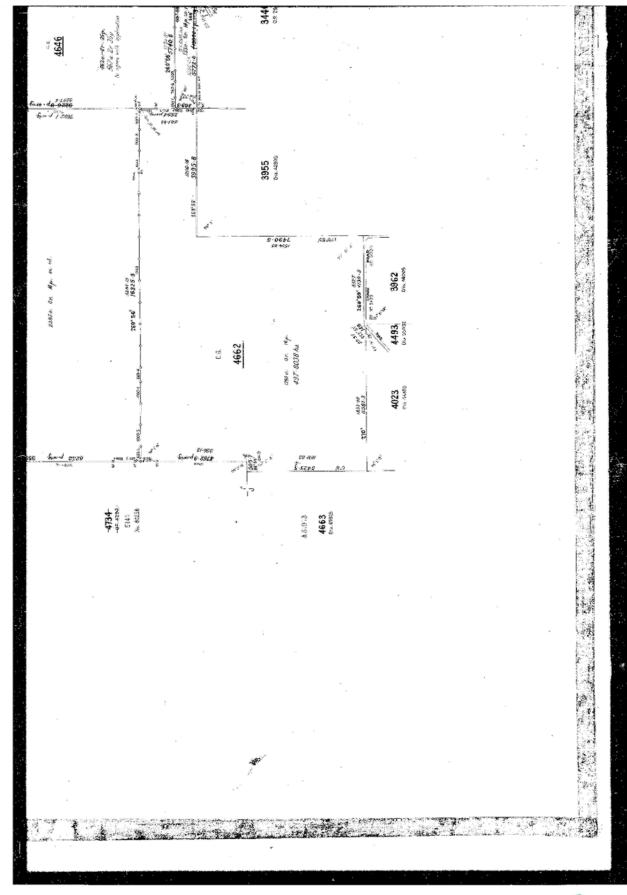
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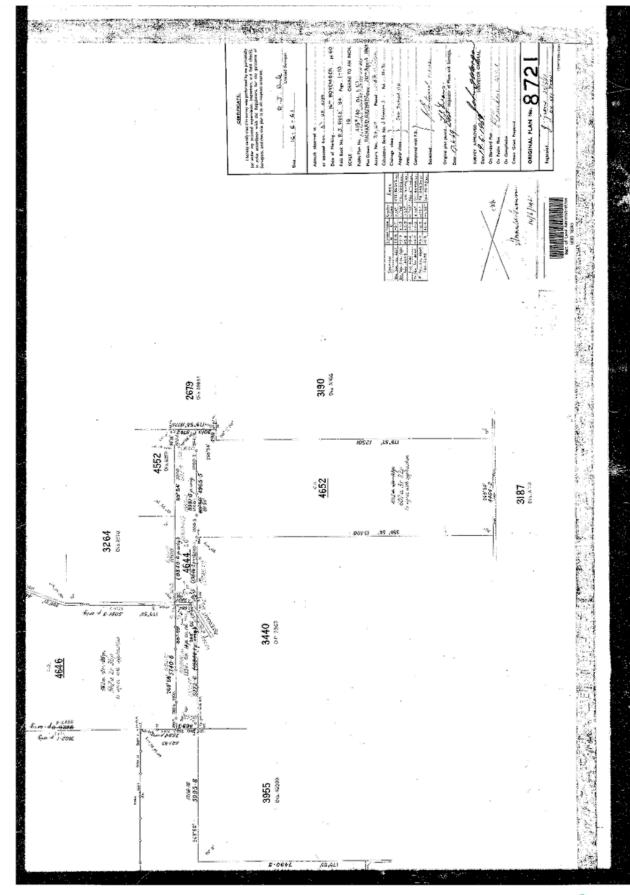
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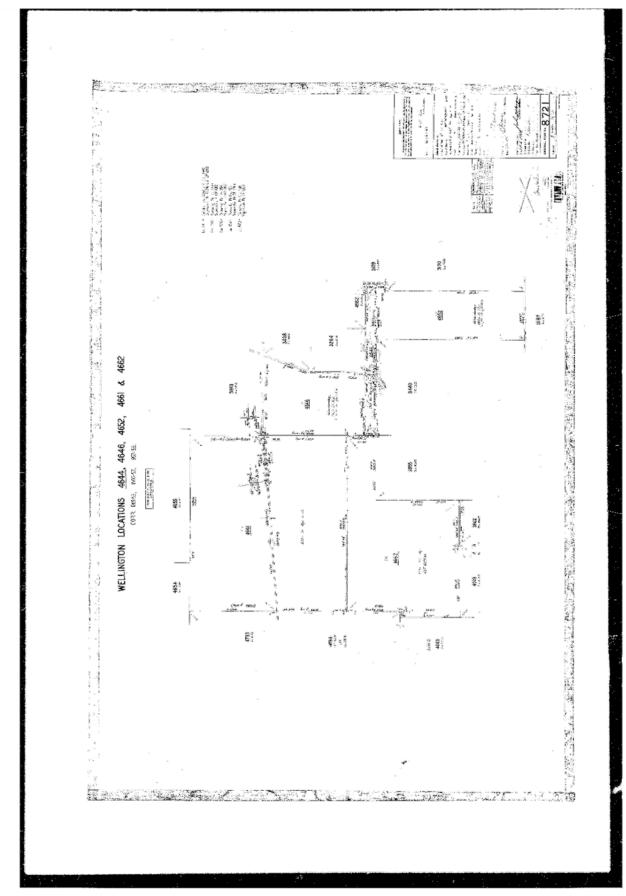
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# Deposited Plan 208721

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1644	1962/31	Registered		
1646	383/90A	Registered		
1652	383/100A	Registered		
1661	271/175A	Registered		
1662	1360/108	Registered		

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Folio

WESTERN



AUSTRALIA

TITLE NUMBER

Volume

2121 704

# RECORD OF CERTIFICATE OF TITLE

UNDER THE TRANSFER OF LAND ACT 1893

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

BCRObet'S REGISTRAR OF TITLES

## THIS IS A MULTI-LOT TITLE

## LAND DESCRIPTION:

LOT 1953 ON DEPOSITED PLAN 123478 LOT 3962 ON DEPOSITED PLAN 146905

#### REGISTERED PROPRIETOR:

(FIRST SCHEDULE)

WARREN ROEMARIE PTY LTD OF 57 FORTUNE STREET NARROGIN WA 6312

(T Q046016) REGISTERED 28/6/2024

## LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:

(SECOND SCHEDULE)

Q046017 MORTGAGE TO NATIONAL AUSTRALIA BANK LTD REGISTERED 28/6/2024.

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.

Lot as described in the land description may be a lot or location.

-----END OF CERTIFICATE OF TITLE-----

## STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: 2121-704 (1953/DP123478), 2121-704 (3962/DP146905)

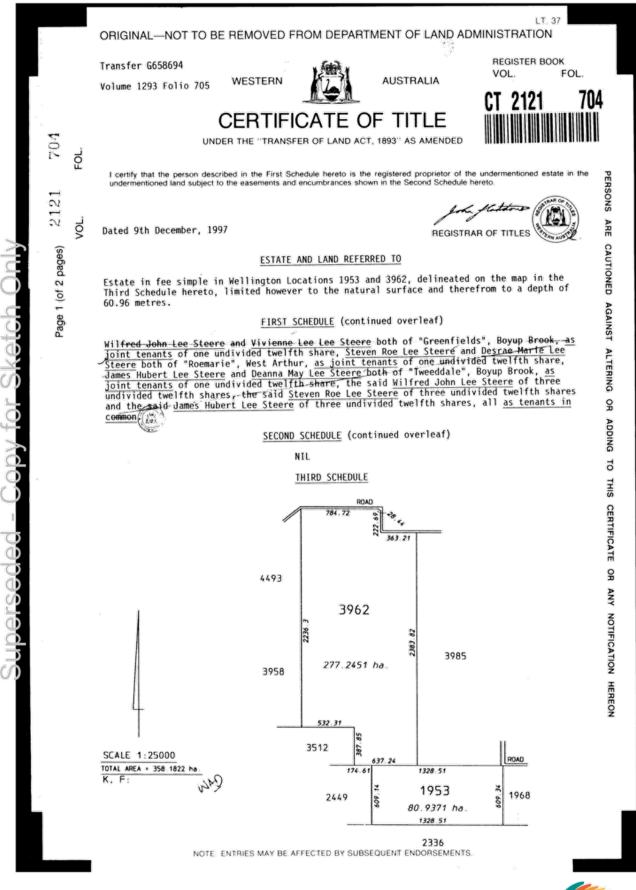
PREVIOUS TITLE: 1293-705

PROPERTY STREET ADDRESS: NO STREET ADDRESS INFORMATION AVAILABLE.

LOCAL GOVERNMENT AUTHORITY: SHIRE OF WEST ARTHUR

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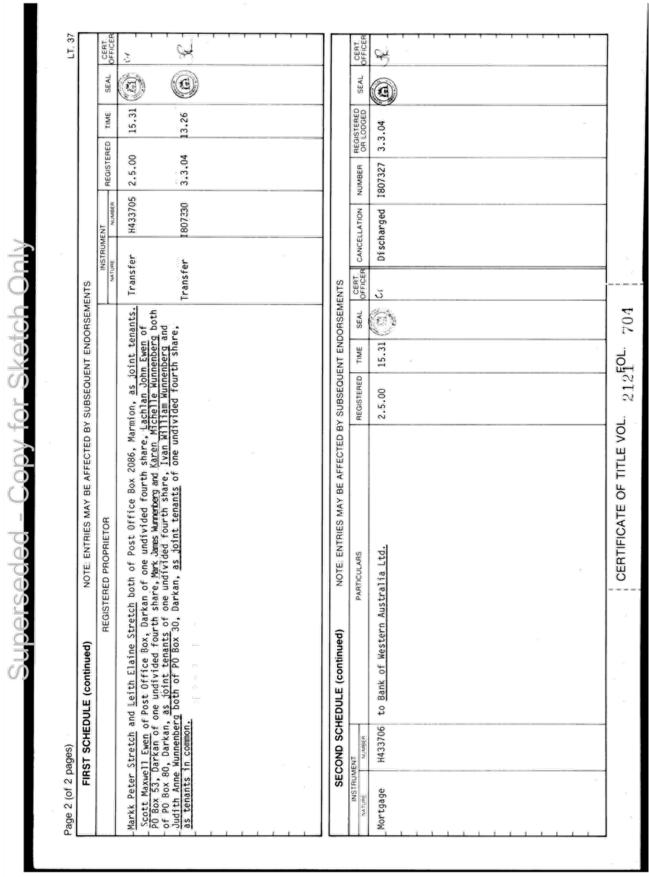


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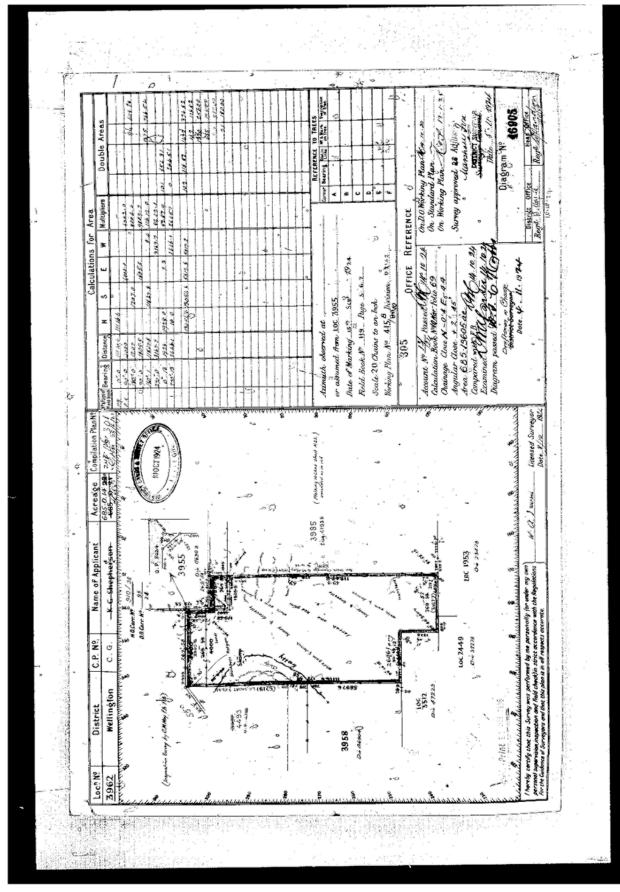
Item 5.1 - Attachment 1

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# Deposited Plan 146905

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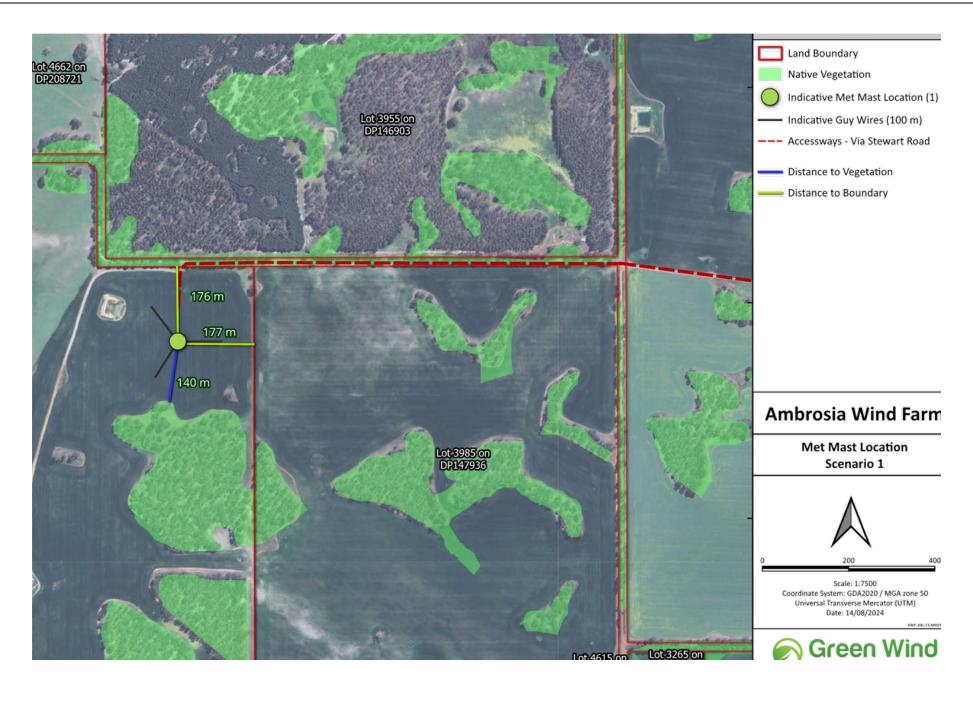
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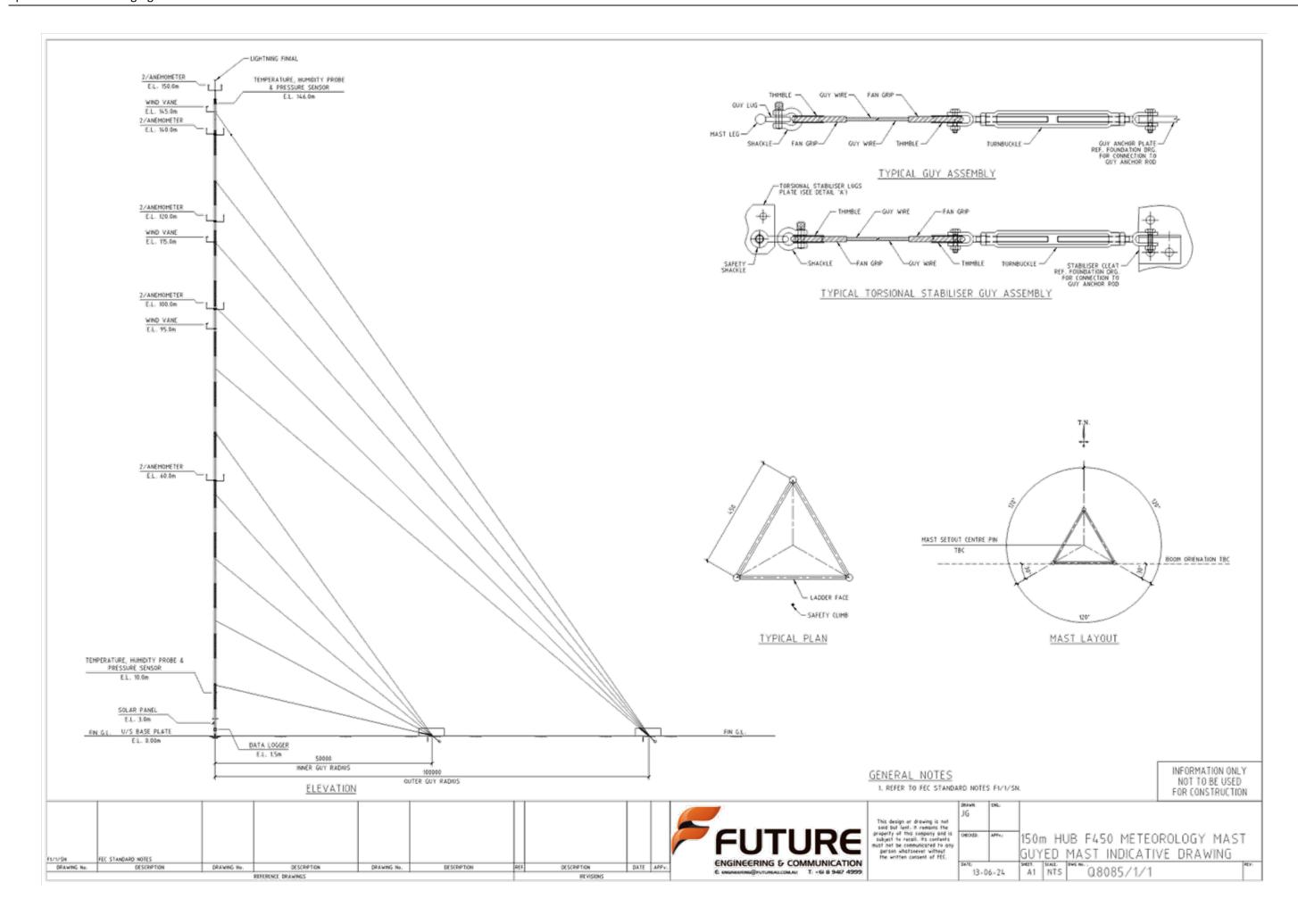
# APPENDIX B METEOROLOGICAL MAST PLANS/SPECIFICATIONS

URBIS 20240608 - GWR AMBROSIA - FINAL MET MAST DA

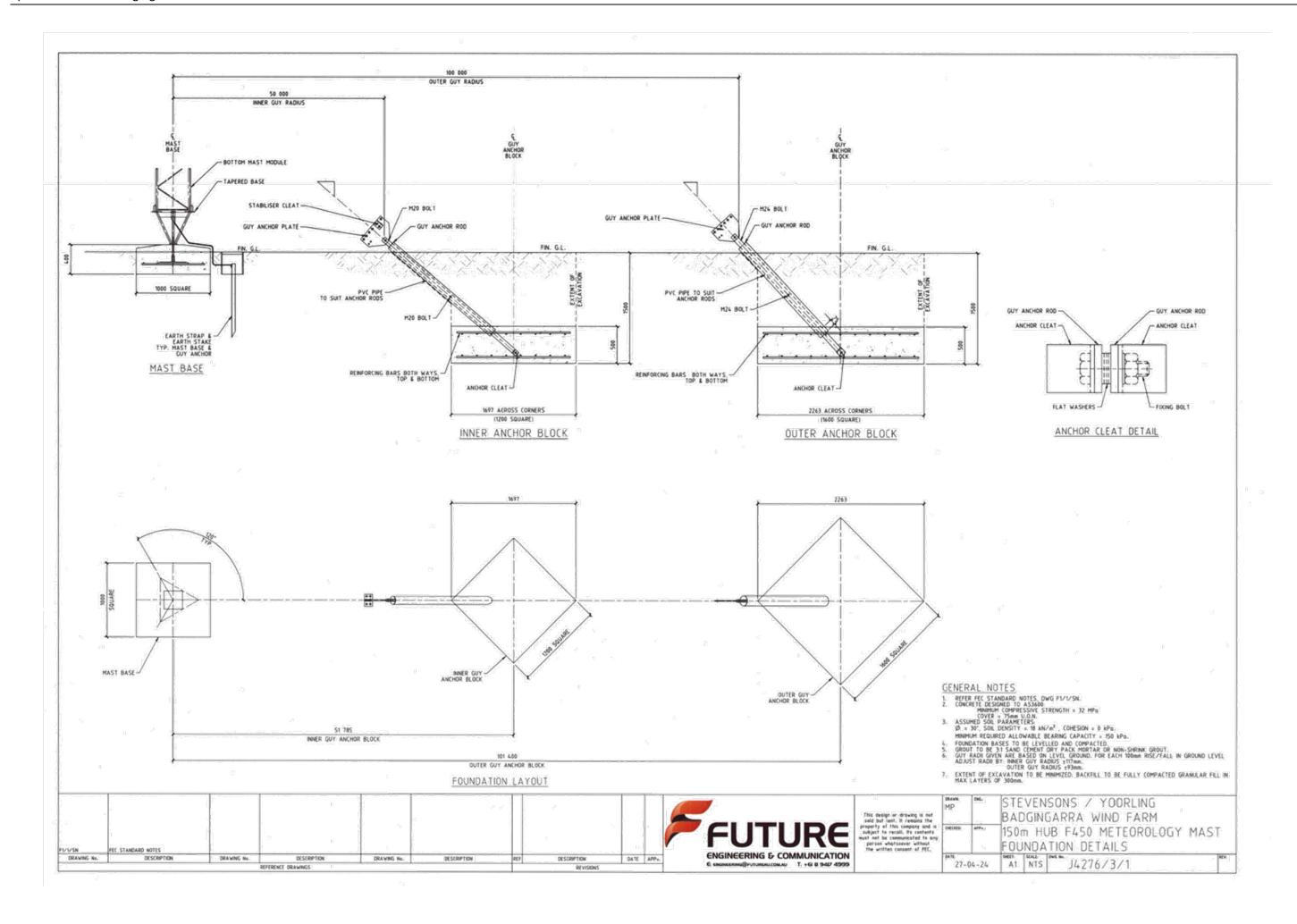
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Item 5.1 - Attachment 1



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# APPENDIX C AVIATION IMPACT ASSESSMENT

URBIS 20240608 - GWR AMBROSIA - FINAL MET MAST DA

22



Alix Chinnery
Associate Director - Project Management, Environment WA
AECOM

July 2024

By email: alix.chinnery@aecom.com

Our reference: 101606-01

Dear Alix

#### Re: Ambrosia Wind Farm Wind Monitoring Tower - Aviation Impact Assessment

Please find in this correspondence a summary overview of the aviation impact assessment (AIA) of possible constraints to developing a wind monitoring tower (WMT) in Moodiarrup for the purposes of obtaining meteorological data to support the proposed Ambrosia wind farm.

#### 1.1. Project Background

Macquarie Asset Management Green Investments (MAM Green Investments) and Green Wind Renewables (GWR) have agreed to partner to deliver a portfolio of large-scale wind farm projects in Western Australia. AECOM has been engaged by the proponent to prepare project development plans for each project, including a separate development plan for the installation of a wind monitoring tower (WMT) to be installed in each wind farm project area.

The Ambrosia wind farm project area is located approximately 23 km (12.5 nm) south of the town of Darkan, 50 km (27 nm) southeast of the town of Collie, and 193 km (104 nm) southeast of the City of Perth, in the Shire of West Arthur local government area (LGA). The Project will include the installation of 1 WMT up to 151.2 m AGL, in one of the two options shown in Figure 1.

AECOM wishes to understand the potential aviation impacts and the need for aviation hazard marking and lighting of the WMT and has engaged Aviation Projects to undertake an aviation impact assessment to support the development application for the installation of a WMT.

## 1.2. References

References used or consulted in the preparation of this report included:

- Airservices Australia, Aeronautical Information Package; including AIP Book, Departure and Approach Procedures and En Route Supplement Australia, dated 13 June 2024
- Airservices Australia, Designated Airspace Handbook, effective 13 June 2024
- Civil Aviation Safety Authority, Civil Aviation Safety Regulations 1998 (CASR)
- Civil Aviation Safety Authority, Part 139 (Aerodromes) Manual of Standards 2019, F2024C00161 registered 16/02/2024
- Civil Aviation Safety Authority, Advisory Circular (AC) 139.E-05 v1.1 Obstacles (including wind farms) outside the vicinity of a CASA certified aerodrome (October 2022)

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# **AL AVIATION PROJECTS**

- Civil Aviation Safety Authority, Advisory Circular (AC) 139.E-01v1.0 Reporting of tall structures, December 2021
- Department of Infrastructure and Regional Development, Australian Government, National Airport Safeguarding Framework, Guideline D Managing the Risk of Wind Turbine Farms as Physical Obstacles to Air Navigation, dated June 2013
- International Civil Aviation Organization (ICAO), Doc 8168 Procedures for Air Navigation Services— Aircraft Operations (PANS-OPS)
- ICAO Standards and Recommended Practices, Annex 14-Aerodromes

#### 1.3. Client material

AECOM provided the following material for the purposes of this analysis in the SharePoint project material library:

- WMT specification, Met Mast Spec.docx
- WMT location, 20240607 Met Mast Update JC.kmz

#### 1.4. Project description

This assessment considers 2 locations of the WMT:

- WMT option 1
- WMT option 2

The WMT will have a maximum height of 151.2 m above ground level (AGL).

Figure 1 shows the proposed location of the WMT sites relative to the town of Darkan, and Coalfields and Boyup Brook-Arthur roads (source: Google Earth, AECOM).

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# **A- AVIATION PROJECTS**



Figure 1 WMT site overview

## 1.5. Wind monitoring tower description

The proposed wind monitoring tower will be of steel lattice construction and a maximum of  $151.2 \, \text{m}$  in height above ground level (AGL) and will be guyed in 3 directions.

For the purpose of this assessment, the maximum WMT height applied for the aviation analysis is based on the maximum elevation observed in Google Earth for the WMT site plus a 5 m error margin.

Table 1 provides the details of the WMT height applied for this assessment.

Table 1 WMT details

Parameter	Option 1	Option 2
Error budget (m)	5 m	5 m
Location	TBC within WMT development area	33°36'38.77"S 116°41'12.28"E

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# **A- AVIATION PROJECTS**

Parameter	Option 1	Option 2
Maximum ground elevation within development area	295 m AHD	305 m AHD
Height of tower AGL	151.2 m (496.1 ft)	151.2 m (496.1 ft)
WMT tip height (with 5 m buffer)	451.2 m AHD (1481 ft AMSL)	461.2 m AHD (1514 ft AMSL)

## 1.6. Aviation Impact Assessment

This analysis considers the aeronautical impact of the WMT on the following:

- The operation of nearby certified aerodromes
- · The operation of nearby aircraft landing areas (uncertified aerodromes)
- · Grid and air route Lowest Safe Altitudes (LSALTs)
- Airspace protection
- Aviation facilities
- Radar installations
- · Local aircraft operations.

## 1.7. Shire of West Arthur

Development of the WMT will be subject to Shire of West Arthur's planning scheme, amended 03/02/2012. Section 1.5 of the scheme provides the purpose of the scheme, including to:

- set out the local government's planning aims and intentions for the Scheme area;
- b) set aside land for public purposes;
- c) zone land within the Scheme area for the purposes defined in the Scheme;
- d) control and guide land use and development;
- e) set out procedures for the assessment and determination of planning applications;
- f) make provisions for the administration and enforcement of the Scheme; and
- address other matters set out in the Schedule 7 to the Planning and Development Act 2005;

There is no specific aerodrome safeguarding policy or framework established in the Shire of West Arthur planning scheme or strategy. This assessment considers that the development of the WMT is not specifically affected by the Shire of West Arthur planning framework in relation to aviation impacts.

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# **AUDITION PROJECTS**

#### 1.8. Nearby certified aerodromes

There are no certified aerodromes located within 30 nm of the proposed WMT locations. Bunbury aerodrome (YBUN) is located approximately 50.5 nm northwest of the nearest WMT site, Katanning aerodrome (YKNG) approximately 50.5 nm east-southeast of the WMT and Busselton Airport (YBLN) approximately 63 nm west of the WMT location.

Figure 2 shows a 30 nm radius from the WMT locations in relation to the nearest certified aerodromes (source, AECOM, Google Earth, Airservices). A certified aerodrome means an aerodrome regulated by the Civil Aviation Safety Authority (CASA) under Part 139 of the Civil Aviation Safety Regulations (CASR), with defined standards established in Part 139 (Aerodromes) Manual of Standards (MOS) 2019.

The 30 nm radius represents the 25 nm minimum sector altitude (MSA) for aerodromes with terminal instrument flight procedures. The 25 nm MSA minimum altitude is determined by assessing obstacles within 30 nm (25 nm plus 5 nm buffer) of the aerodrome reference point or navigational aid on which the MSA is based.



Figure 2 WMT relative to the closest certified aerodromes

The WMT will not affect any certified aerodrome if installed in either of the proposed locations.

## 1.9. Nearby aeroplane landing areas

As a guide, an area of interest within a 3 nm radius of an aeroplane landing area (ALA) is used to assess the potential impacts of proposed developments on aircraft operations at or near the ALA. There are no formal airspace safeguarding specifications established for ALAs.

A search on OzRunways, which sources its data from Airservices Australia (AIP), did not identify any unregulated aerodromes within 3 nm of the WMT site. The aeronautical data provided by OzRunways is approved under CASA CASR Part 175.

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A review of NationalMap (an online map-based tool allowing access to spatial data from Australian government agencies) was also undertaken. No ALAs were identified within 3 nm of the proposed WMT sites.

An ALA was identified on Google Earth immediately south of Lake Towerrinning, approximately 5 nm (9.25 km) northeast of the nearest proposed WMT site - option 2. This ALA will not be affected by the WMT in either of the proposed locations.

### 1.10. Air routes and grid LSALT

MOS 173 requires that 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 proposed WMT will be in a grid identified in the EnRoute Chart – Low. (ERCL 8) The grid LSALT applicable to the proposed WMT location is 2900 ft AMSL, with a minimum obstacle clearance surface of 1900 ft AMSL.

The WMT will be located in the vicinity of 1 low-level air route – V408, between waypoints JOSBU and ARUMI. V408 has a LSALT of 4200 ft AMSL, with a protection surface of 3200 ft AMSL.

Figure 3 shows the air routes and grid LSALT in proximity to the proposed WMT location (source: ERC Low 8, AECOM).

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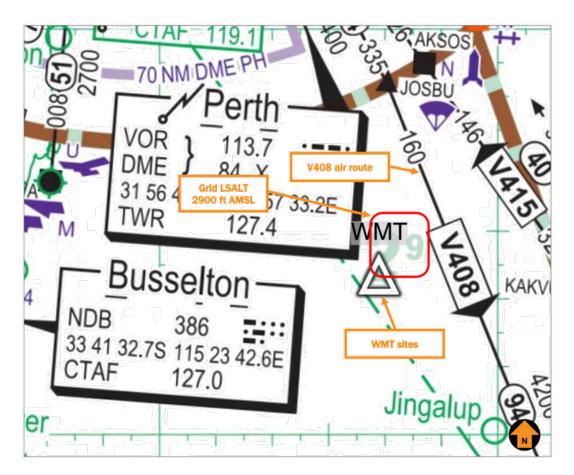


Figure 3 WMT in relation to LSALT

An impact analysis of the LSALT for the grid and surrounding air routes is provided in Table 2 based on the maximum WMT height of 461.2 m AHD (1514 ft AMSL).

Table 2 Air route and grid LSALT impact analysis

Air route	Waypoint pair	LSALT ft AMSL	Minimum Obstacle Clearance height ft AMSL	Impact on airspace design WMT	Potential solution	Impact on aircraft ops
V408	JOSBU - ARUMI	4200	3200	No impact – below protection surface by 1686 ft	N/A	N/A
Grid	N/A	2900	1900	No impact – below protection surface by 386 ft	N/A	N/A

The WMT will not impact the grid LSALT or LSALT of the nearest air routes.

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#### 1.11. Airspace

The WMT locations are located outside of controlled airspace (wholly within Class G airspace).

The WMT will not affect any Prohibited, Restricted or Danger Areas in either of the 2 locations.

#### 1.12. Aviation facilities

Part 139 MOS 2019 specifies the protection of Communication, Navigation and Surveillance Systems (CNS) from development which may affect the function of these systems.

The WMT sites are not within the prescribed clearance zones or areas of interest for any CNS facilities as specified in Part 139 MOS 2019 Chapter 19.

#### 1.13. ATC Surveillance Radar Systems

Airservices Australia currently requires assessment of the potential for wind farms to affect radar lines of sight.

The open lattice construction of slim wind monitoring towers does not have any impact upon ATC Surveillance Radar Systems.

#### 1.14. Aircraft Operations in the vicinity of the WMT

It is anticipated that aircraft operations in the vicinity of the WMT will be mostly limited to aerial application operations that may be conducted in the region associated with cropping activity. It is understood aerial application operations may occur from the Lake Towerrinning aircraft landing area, located approximately 5 nm northeast of the closest WMT. Private and recreational aircraft operations also occur at the Lake Towerrinning aircraft landing area.

There is unlikely to be air transport operations conducted in the vicinity of the WMT sites.

Air transport operations are generally conducted under the instrument flying rules (IFR), while aerial work and private aircraft operations in the area are likely to be conducted under visual flying rules (VFR) and during the day only.

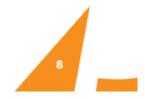
Operations conducted under VFR are required to remain in visual meteorological conditions (VMC) and clear of the highest point of the terrain by 500 ft vertical distance and 300 m horizontal distance.

### 1.15. Civil Aviation Safety Authority - regulatory context

The Civil Aviation Safety Authority (CASA) regulates aviation activities in Australia. Applicable requirements include the Civil Aviation Regulations 1988 (CAR), Civil Aviation Safety Regulations 1998 (CASR) and associated Manual of Standards (MOS) and other guidance material. Standards for Certified Aerodromes are established in Part 139 MOS 2019.

A certified aerodrome means an aerodrome certified under Part 139 (Aerodromes) Civil Aviation Safety Regulations 1998. An aerodrome must be certified if there is a terminal instrument flight procedure implemented at the aerodrome, except for specialised helicopter operations. The standards for the operation

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and maintenance of a certified aerodrome are provided in Part 139 Manual of Standards 2019 (Part 139 MOS 2019).

Standards relevant to developing WMT's in proximity to a certified aerodrome include the control of tall and hazardous objects (as defined) located in the vicinity of an aerodrome and terminal instrument flight procedures and specifications for lighting and marking obstacles.

### Civil Aviation Safety Regulations 1998, Part 139-Aerodromes

CASR 139.165 requires the owner of a structure (or proponents of a structure) that will be 100 m or more above ground level to inform CASA, even if the object is not in the vicinity of a certified aerodrome. This must be given in written notice and contain information on the proposal, the height and location(s) of the object(s) and the proposed timeframe for construction. This is to allow CASA to assess the effect of the structure on aircraft operations and determine whether or not the structure will be hazardous to aircraft operations.

The proponent of the WMT is required to report the WMT to CASA in accordance with CASR 139.165, as soon as practicable after forming the intention to construct or erect the proposed object or structure. This would generally be regarded as when the final location of the WMT sites have been confirmed, prior to construction, noting that CASA may recommend lighting or marking of the WMTs which should be considered during the fabrication of the WMTs.

The notification should be provided to CASA via email to <u>Aerodromes@casa.gov.au</u> and <u>Airspace.Protection@casa.gov.au</u>.

This notification to CASA is a requirement irrespective of whether the object is infringing an aerodrome's obstacle limitation surface or not.

#### Manual of Standards Part 139-Aerodromes

Part 139 MOS 2019 Chapter 8.109 specifies when obstacles must be marked:

- (1) The following objects or structures at an aerodrome are obstacles and must be marked in accordance with this Division unless CASA determines otherwise under subsections (3) and (5):
  - any fixed object or structure, whether temporary or permanent in nature, extending above the obstacle limitation surfaces;
    - Note An ILS building is an example of a fixed object.
  - a) (b) any object or structure on or above the movement area that is removable and is not immediately removed.

Chapter 8.110 sets the requirement for marking hazardous obstacles:

As illustrated in Figure 8.110 (5), long, narrow structures like masts, poles and towers which are hazardous obstacles must be marked in contrasting colour bands so that:

- a) the darker colour is at the top; and (b) the bands:
  - are, as far as physically possible, marked at right angles along the length of the long, narrow structure; and
  - ii. have a length ("z" in Figure 8.110 (5)) that is, approximately, the lesser of:
    - (A) 1/7 of the height of the structure; or
    - (B) 30 m.

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Figure 4 provides a diagram of the marking specification for masts, poles and towers as specified by CASA in Part 139 MOS 2019 figure 8.110 (5).

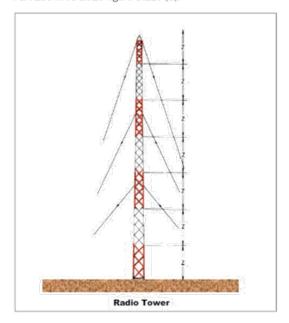


Figure 4 Part 139 MOS 2019 8.110 marking specification

The Part 139 MOS 2019 requirements relating to obstacle marking do not strictly apply to the proposed WMTs because they are not located within the OLS of any certified aerodrome or above an aircraft movement area.

Part 139 MOS 2019 Chapter 8.110 (7) specifies markers for hazardous obstacles in the form of wires or cables:

(7) Hazardous obstacles in the form of wires or cables must be marked using 3-dimensional coloured objects attached to the wire or cables.

Note Spheres and pyramids are examples of 3-dimensional objects.

- (8) The objects mentioned in subsection (7) must:
  - (a) be approximately equivalent in size to a cube with 600 mm sides; and
  - (b) be spaced 30 m apart along the length of the wire or cable.

The proponent should consider marking the WMT in accordance with the specifications provided, noting there is no regulatory requirement to do so. Marking the WMT in accordance with these specifications will increase the visibility of the WMT during the day and may reduce the risk of a collision by an aircraft, particularly any low-level aerial application operations which may occur in the vicinity. (Note – refer to guidance contained within the National Airports Safeguarding Framework (NASF) Guideline D, provided later in this report.)

### Obstacle Lighting

Part 139 MOS 2019 specifies when obstacle lights are required in Chapter 9.27(1):

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(1) Subject to subsection (2), for a runway intended to be used at night, the following artificial objects or structures are hazardous obstacles and must be provided with obstacle lighting:

- a) an object or structure that extends above the take-off climb surface within 3 000 m of the inner edge of the take-off climb surface;
- an object or structure that extends above the approach or transitional surface within 3 000 m of the inner edge of the approach surface;
- an object or structure that extends above the applicable inner, conical or outer horizontal surfaces;
- an object or structure that extends above the obstacle assessment surface of a T-VASIS or PAPI:
- an object or structure in the vicinity of a taxiway, an apron taxiway or a taxilane, that is a
  hazard to aircraft using the taxiway, apron taxiway or taxilane, except that obstacle lights
  must not be installed on elevated ground lights or MAGS.

Part 139 MOS 2019 Chapter 9.27(4) specifies that:

- (4) Despite subsection (1), CASA may determine in writing, following an assessment:
  - that an object or structure on, or within the immediate vicinity of, the aerodrome is a hazardous obstacle; and
  - b) what, if any, lighting is required for that hazardous obstacle.

The requirements for obstacle lighting do not strictly apply to the proposed WMT locations as they will not infringe on any certified aerodrome's OLS or other surfaces as specified. CASA will review the WMT for potential hazards to aircraft operations and may recommend lighting the WMT.

At 151.2 m (496.1 ft) AGL the WMT is just below what is considered as normally navigable airspace (500 ft AGL), and it would normally be considered that obstacle lighting should not be required. CASA may provide a recommendation for the WMT to be lit, noting they can't mandate this.

### 1.16. National Airports Safeguarding Framework

The National Airports Safeguarding Advisory Group (NASAG) was established by Commonwealth Department of Infrastructure and Transport to develop a national land use planning framework called the National Airports Safeguarding Framework (NASF).

NASF Guideline D: Managing the Risk to Aviation Safety of Wind Turbine Installations (Wind Farms)/Wind Monitoring Towers, provides guidance to State/Territory and local government decision makers, airport operators and developers of wind farms to jointly address the risk to civil aviation arising from the development, presence and use of wind farms and WMTs.

Section 39 of NASF Guideline D provides guidance for the marking and lighting of WMTs, with consideration of the risks associated with WMTs for aircraft in the vicinity due to their slender construction and guy wires, primarily for aerial agriculture and aerial firefighting operations.

NASF Guideline D recommends the following markings for WMTs:

a) the top 1/3 of wind monitoring towers to painted in alternating contrasting bands of colour. Examples of effective measures can be found in the Manual of Standards for Part 139 of the Civil

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Aviation Safety Regulations 1998. In areas where aerial agriculture operations take place, marker balls or high visibility flags can be used to increase the visibility of the towers;

b) marker balls or high visibility flags or high visibility sleeves placed on the outside guy wires;

 c) ensuring the guy wire ground attachment points have contrasting colours to the surrounding ground/vegetation; or

d) a flashing strobe light during daylight hours.

The NASF guidelines differ slightly from the specifications of Part 139 MOS 2019 (which are only strictly applicable to objects infringing the OLS of a certified aerodrome, or otherwise directed by CASA).

#### 1.17. Summary

The following list of findings summarises the outcomes of this assessment, based on the installation of a WMT at 151.2 m AGL in the proposed Ambrosïa wind farm project area (in either of the 2 proposed locations), with a maximum height of 461.2 m AHD (1514 ft AMSL):

- There are no certified aerodromes located within 30 nm of the proposed WMT sites, and the WMT(s) will not affect any certified aerodrome's obstacle limitation surface or terminal instrument flight procedures.
- There are no verified uncertified aerodromes (aircraft landing areas) located within 3 nm of the WMT sites and there will be no impact to any verified ALA caused by the WMT(s).
- The WMT will not impact the grid LSALT of 2900 ft AMSL.
- · The WMT will not impact the LSALT of nearby low-level air routes.
- The WMT will be located outside of controlled airspace (wholly within Class G airspace) and are not located in any Prohibited, Restricted and Danger areas.
- . The WMT will not impact any communication, navigation or surveillance facilities.
- Some low-level aircraft operations related to aerial application activities are likely within the vicinity of the WMT site.
- It is not mandatory to mark the WMTs, however, the following markings are recommended to be implemented in consideration of potential low-level day VFR aerial work operations in the vicinity:
  - Marker balls or high visibility flags or sleeves should be placed on the outside guy wires (noting NASF guidelines don't specify the size or number of markers)
  - Guy wire ground attachment points should be in contrasting colours to the surrounding ground/vegetation and
  - Paint markings should be applied in alternating contrasting bands of colour to at least the top 1/3 of the mast, with the darker colour at the top and the widths of the bands of approximately 1/7 of the longest dimension.
- Obstacle lighting is not strictly required on the WMT however may be considered as additional
  mitigation. CASA will review the WMT proposal and provided a recommendation for obstacle lighting if
  they determine the WMT will be hazardous to aircraft operations, noting they can't mandate obstacle
  lighting.

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- Due to exceeding 100 m AGL, details of the WMT must be reported to CASA as soon as practicable
  after forming the intention to construct or erect the proposed object or structure, in accordance with
  CASR Part 139.165(1)(2).
- 'As constructed' details of the WMT coordinates and elevation should be provided to Airservices
   Australia, by submitting the form at this webpage: <a href="https://www.airservicesaustralia.com/wp-content/uploads/ATS-FORM-0085">https://www.airservicesaustralia.com/wp-content/uploads/ATS-FORM-0085</a> Vertical Obstruction Data Form.pdf to the following email address: <a href="mailto:airport.developments@airservicesaustralia.com">airport.developments@airservicesaustralia.com</a>

The development of the WMT in either of the two proposed locations is feasible in respect to aviation impacts.

If you wish to clarify or discuss the contents of this correspondence, please contact me on 0419 666 733.

Kind regards,

Brad O'Connor

Specialist Consultant

31 July 2024

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Alix Chinnery
Associate Director - Project Management, Environment WA
AECOM

October 2024

By email: alix.chinnery@aecom.com

Our reference: 101606-01

Dear Alix.

### Re: Ambrosia Wind Farm Wind Monitoring Tower - Aviation Impact Assessment

Please find in this correspondence a summary overview of the lighting requirements applicable to the Wind Monitoring Tower (WMT) proposed for the Ambrosia Wind Farm (the Project).

#### 1.1. Civil Aviation Safety Authority - regulatory context

The Civil Aviation Safety Authority (CASA) regulates aviation activities in Australia. Applicable requirements include the Civil Aviation Regulations 1988 (CAR), Civil Aviation Safety Regulations 1998 (CASR), associated Manual of Standards (MOS) and other guidance material. Standards for Certified Aerodromes are established in CASR Part 139 MOS 2019.

A certified aerodrome means an aerodrome certified under CASR Part 139 (Aerodromes). The standards for the operation and maintenance of a certified aerodrome are provided in CASR Part 139 MOS.

As identified in our letter to you titled '101606\_01\_AECOM\_Ambrosia\_ WF\_WMT\_AIA\_v0.1\_240701' on the 1st of July 2024 (WMT AIA), there are no certified aerodromes in the vicinity of the Project. The rules and standards relating to the lighting and marking of tall obstacles as prescribed in the CASR Part 139 MOS do not apply to the Project's WMTs, as such CASA may only recommend lighting in this case and cannot mandate its installation. CASA is likely to recommend lighting to WMTs regardless of location.

Reference should instead be made to the National Airport Safeguarding Framework (NASF) Guideline D: Managing The Risk To Aviation Safety Of Wind Turbine Installations (Wind Farms)/Wind Monitoring Towers. These guidelines provide recommendations and best practise for tall obstacles outside of the vicinity of certified aerodromes (as is the case of the Project).

### Civil Aviation Safety Regulations 1998, Part 139-Aerodromes

CASR 139.165 requires the owner of a structure (or proponents of a structure) that will be 100 m or more above ground level to inform CASA and Airservices Australia, even if the object is not in the vicinity of a certified aerodrome. As a result of this notification the WMT will be entered into the tall obstacle database and be published on aeronautical charts. The presence of the WMT on the charts will provide awareness of the WMT to pilots operating in the area using the published aeronautical charts during a pre-flight planning activity. These charts must be studied and used prior to and throughout a flight.

### 1.2. National Airports Safeguarding Framework

The National Airports Safeguarding Advisory Group (NASAG) was established by Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts to develop a national land use planning framework

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NASF Guideline D: Managing the Risk to Aviation Safety of Wind Turbine Installations (Wind Farms)/Wind Monitoring Towers, provides guidance to State/Territory and local government decision makers, airport operators and developers of wind farms to jointly address the risk to civil aviation arising from the development, presence and use of wind farms and WMTs.

Section 39 of NASF Guideline D provides guidance for the marking and lighting of WMTs, with consideration of the risks associated with WMTs for aircraft in the vicinity due to their slender construction and guy wires, primarily for aerial agriculture and aerial firefighting operations.

NASF Guideline D recommends the following markings for WMTs:

a) the top 1/3 of wind monitoring towers to painted in alternating contrasting bands of colour. Examples of effective measures can be found in the Manual of Standards for Part 139 of the Civil Aviation Safety Regulations 1998. In areas where aerial agriculture operations take place, marker balls or high visibility flags can be used to increase the visibility of the towers;

b) marker balls or high visibility flags or high visibility sleeves placed on the outside guy wires;

 c) ensuring the guy wire ground attachment points have contrasting colours to the surrounding ground/vegetation; or

d) a flashing strobe light during daylight hours.

The NASF guidelines do not recommend nighttime lighting to be installed to WMTs.

#### 1.3. Rules of flight

### 1.3.1. Flight under Day Visual Flight Rules (Day VFR)

According to Australia's Aeronautical Information Package (AIP) the meteorological conditions required for visual flight in the applicable (class G) airspace at or below 3,000 ft AMSL or 1,000 ft AGL (whichever is the higher) are: 5,000 m visibility, clear of clouds and in sight of ground or water.

CASR 91.267 (Minimum height rules—other areas) prescribes the minimum height for flight. Generally speaking, and unless otherwise approved, aircraft are restricted to a minimum height of 500 ft AGL above the highest point of the terrain and any object on it within a radius of 300 m in visual flight during the day when not in the vicinity of built-up areas, and 1000 ft AGL over built up areas (within a horizontal radius of 600 m of the point on the ground or water immediately below the aeroplane).

As the WMT is less than 500 ft AGL aircraft complying with CASR 91.267 should be above the height of the WMT at all times and when within 600 m of the WMT be at least 500 ft higher than the published altitude of the WMT - as will be shown on aeronautical charts in line with the recommendations of the WMT AIA.

However, these height restrictions do not apply if through stress of weather or any other unavoidable cause it is essential that a lower flying height be maintained. Flight below these height restrictions is also permitted in certain other circumstances (such as aerial spraying operations).

### 1.3.2. Flight under Night Visual Flight Rules (Night VFR)

With respect to flight under the VFR at night, CASR 91.277 requires that the pilot in command of an aircraft flying VFR at night must not fly below the appropriate lowest safe altitude (LSALT) unless during take-off and landing operations, within 3 nm of an aerodrome. These lowest safe altitudes are calculated using the highest obstacle or terrain in the area and applying a 1000 ft above them. As referenced in the WMT AIA the nearby Route and Grid LSALTS provide sufficient protection to aircraft from the WMT as there are taller obstacles or terrain within their protection areas. Lighting of the WMT at night is not likely to reduce the risk to aircraft complying with the existing LSALTS in the area and may be bothersome to nearby residents.

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There are also no identified uncertified aerodromes within 3nm of the WMT.

### 1.3.3. Flight under Instrument Flight Rules (Day or Night) (IFR)

According to CASR Part 91, flight under the instrument flight rules (IFR) requires an aircraft to be operated at a height clear of obstacles that is calculated according to an approved method.

Obstacle lights on structures not within the vicinity of an aerodrome are effectively redundant to an aircraft being operated under the IFR.

### 1.4. Aircraft Operations in the vicinity of the WMT

It is anticipated that aircraft operations in the vicinity of the WMT will be mostly limited to aerial application operations that may be conducted in the region associated with cropping activity. It is understood aerial application operations may occur from the Lake Towerrinning aircraft landing area, located approximately 5 nm northeast of the closest WMT. Private and recreational aircraft operations also occur at the Lake Towerrinning aircraft landing area.

There is unlikely to be air transport operations conducted in the vicinity of the WMT sites.

Air transport operations are generally conducted under the instrument flying rules (IFR), while aerial work and private aircraft operations in the area are likely to be conducted under visual flying rules (VFR) and during the day only.

Operations conducted under VFR are required to remain in visual meteorological conditions (VMC) and clear of the highest point of the terrain by 500 ft vertical distance and 300 m horizontal distance.

### 1.5. Summary

The installation of lighting during hours of darkness recommended by CASA is not likely to improve the safety of aircraft operating within published regulations. The NASF provides clear guidelines for the recommendation of marking and lighting outside of the vicinity of certified aerodromes. This guidance is recommended to be followed for all structures outside of this vicinity.

Should you wish to discuss this letter or the previously published WMT AIA please contact me on 0419 666 733.

Kind regards.

Brad O'Connor

Specialist Consultant - Aviation Safeguarding

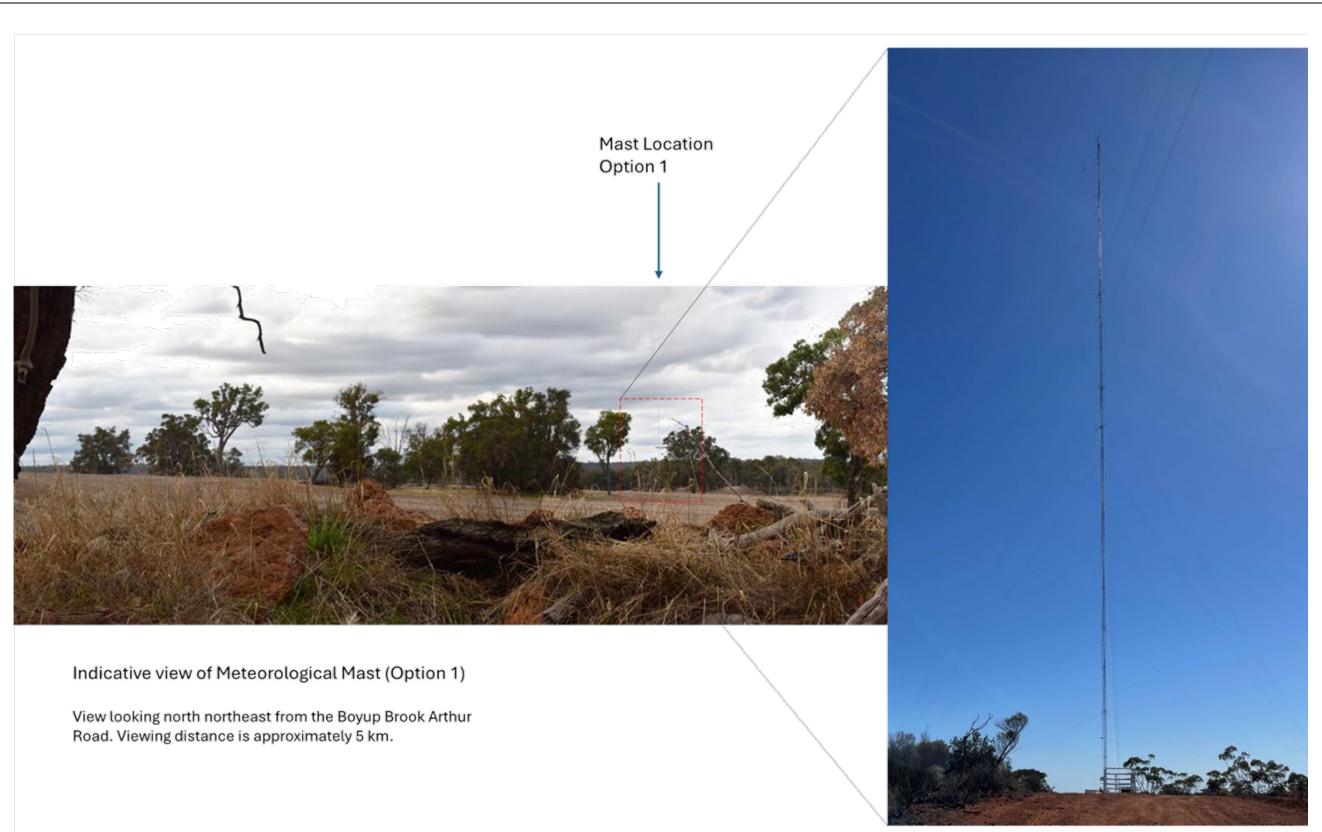
08 October 2024

101606\_01\_AECOM\_AMBROSIA\_ WF\_WMT\_LIGHTING SUMMARY\_V0.1\_241007



# APPENDIX D VIEW SHED IMAGES

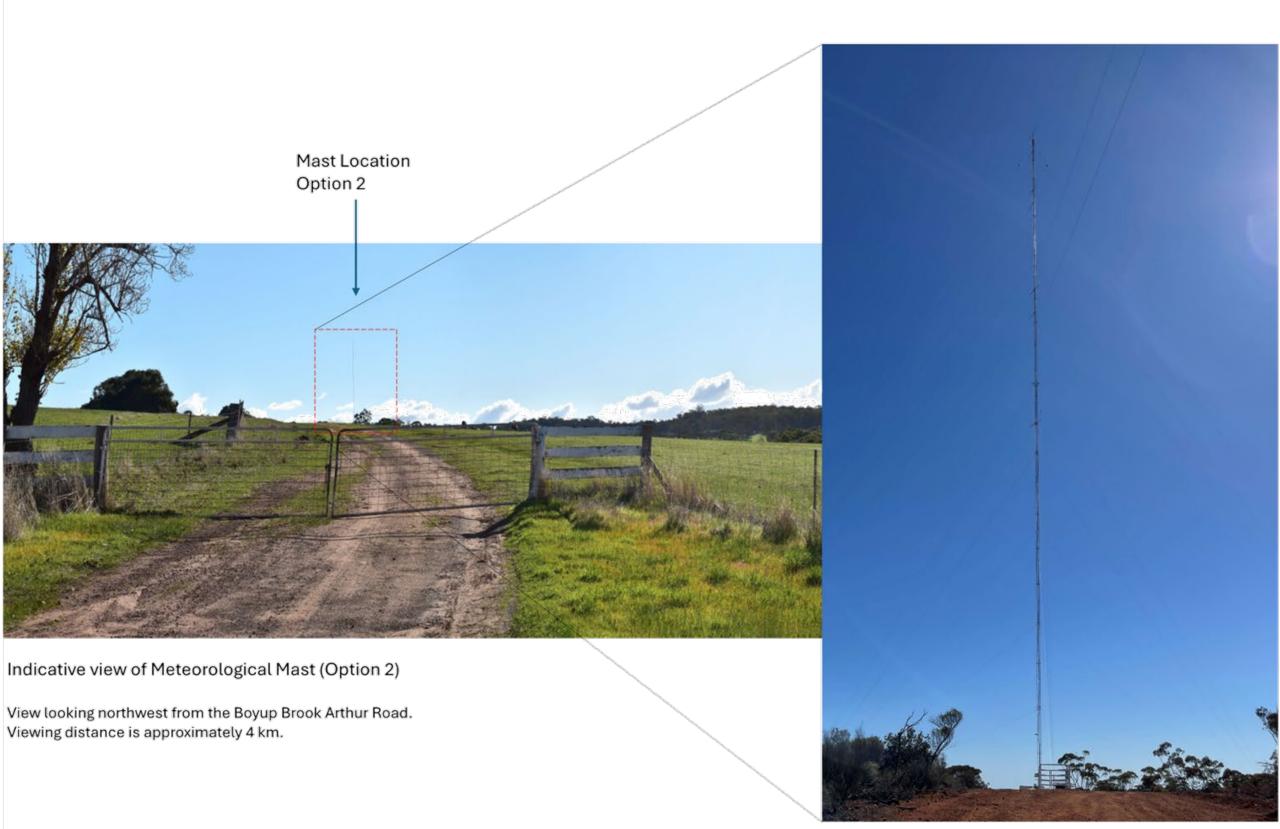
Special Council Meeting Agenda



Indicative Meteorological Mast arrangement (close up view)

Item 5.1 - Attachment 1

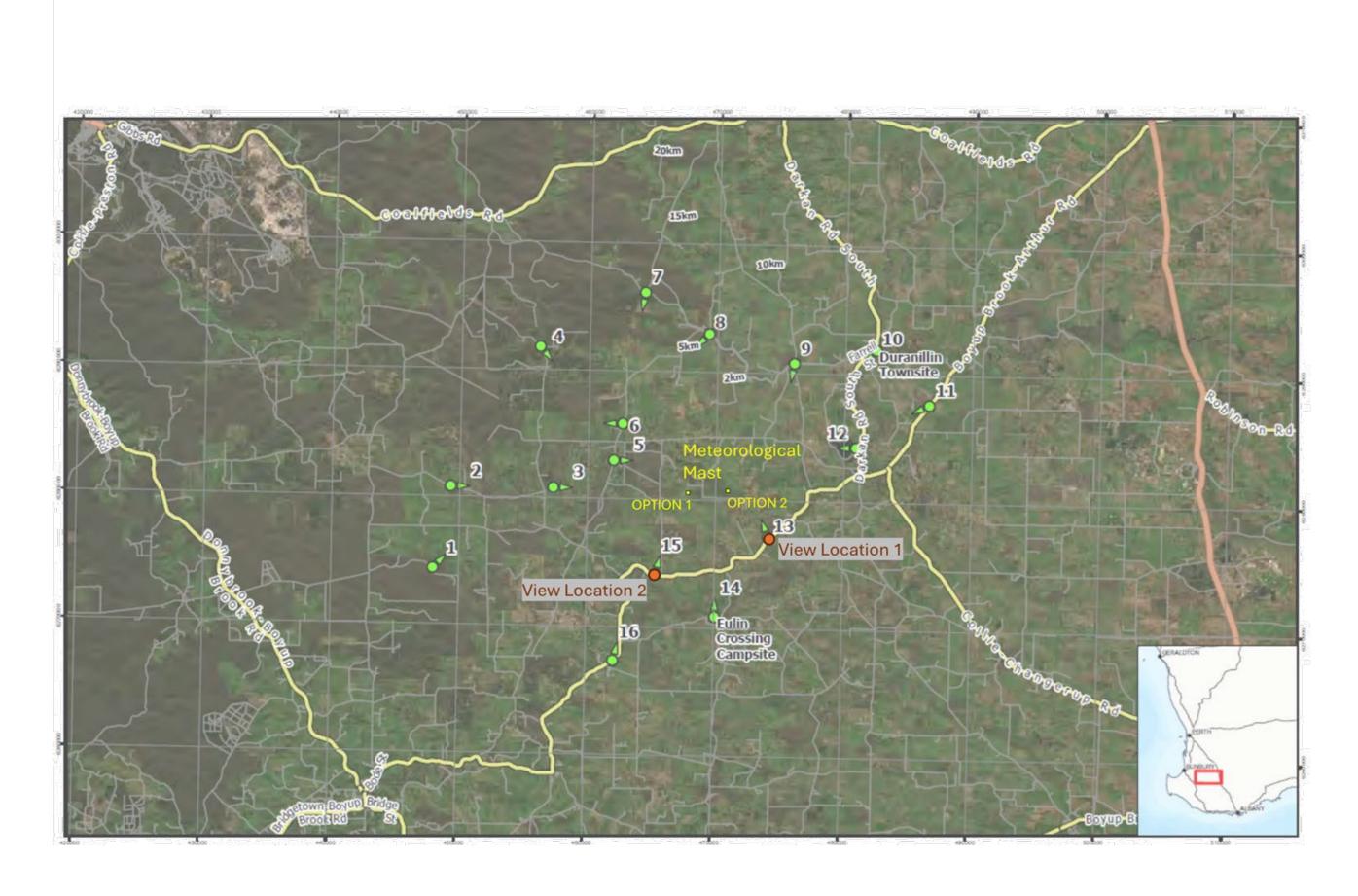
Special Council Meeting Agenda



Indicative Meteorological Mast arrangement (close up view)

Item 5.1 - Attachment 1

Special Council Meeting Agenda



Item 5.1 - Attachment 1

### **ATTACHMENT 2**

Paper Daisy Farm 1081 Stewart Road MOODIARRUP, WA 6393

CEO Vin Fordham Lamont Shire West Arthur 31 Burrowes St Darkan WA 6392

19 September 2024

Dear CEO: Vin Fordham Lamont and West Arthur Shire Councillors

### RE: Temporary Meteorological Mast (Met Mast) Development Application

Thank you for the opportunity to comment on this development application.

Philip and I are the owners of Wellington Location 3955 that now lies at the hub of Green Wind Resources (GWR) proposed Ambrosia Wind Farm near Moodiarrup. We understand as many as 100 turbines, 285m high to blade tip, will be constructed all around our home of over 40 years.

Met Mast Site One (owned by David Warren) is located along Sandalwood Road, directly south of our property. Met Mast Site Two (owned by Michael & Tracy Meredith) is located south east of our property.

As we have grave concerns for the protection and continuation of native vegetation along Stewart and Sandalwood Roads for wildlife corridors, and for what should be classified as 'heritage' roads, we strongly favour the Met Mast is located at Site 2 on Meredith's property.

Michael Meredith estimates he will host 30 turbines across his land, achieving a vast financial windfall and he is aware that many access roads will be required.

We would like to propose that the first of these roads should run from Moodiarrup West Road directly to the Met Mast at Site 2, through the Meredith property and should be costed to Green Wind Resources \$1.4 billion project, bankrolled by Macquarie Bank.

This proposition negates any need to remove vegetation along Stewart and Sandalwood Roads as trucks deliver component parts and are unable to negotiate corners without the removal of now rare Euc. wandoo trees. An increase in heavy traffic transporting steel for reinforcing, concrete for foundations, and Met Mast components along these two minor roads is not desirable and not necessary.

The Met Mast is to be maintained for 5 years, and will require regular operational maintenance, making the proposal to travel through the property most embedded in the wind farm project, a logical one.

We trust that Council will appreciate our concerns and approve the Met Mast for Site 2 provisional upon direct access from Moodiarrup West Road through the Meredith property, and not at our Shire's cost.

Yours sincerely

Margaret and Philip Scott

### 6 CLOSURE OF MEETING

The Presiding Member to declare the meeting closed.