



AGENDA
SPECIAL COUNCIL MEETING
TO BE HELD ON
MONDAY
5 FEBRUARY 2024
COMMENCING AT 4.30 PM



**SHIRE OF THREE SPRINGS
SPECIAL COUNCIL MEETING NOTICE PAPER
5 FEBRUARY 2024**

President and Councillors,

An ordinary meeting of Council is called for Monday, 5 February 2024, in the Council Chambers, Railway Road, Three Springs commencing at 4.30pm.

**Keith Woodward PSM
Chief Executive Officer**

31 January 2024

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Shire of Three Springs for any act, omission or statement or intimation occurring during Council/Committee meetings or during formal/informal conversations with staff.

The Shire of Three Springs 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 occurring during Council/Committee meetings or discussions. Any person or legal entity that acts or fails to act in reliance upon any statement does so at that 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 Three Springs during the course of any meeting is not intended to be and is not taken as notice of approval from the Shire of Three Springs. The Shire of Three Springs warns that anyone who has an application lodged with the Three Springs Shire Council 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 Three Springs in respect of the application.

Disclosure of Interest Form
(Elected Members/Committee Members/Employees/Contractors)

Local Government Act 1995 (Section 5.65, 5.70 & 5.71)

To: Chief Executive Officer

- ☐ Ordinary Council Meeting held
on _____
- ☐ Special Council Meeting held
on _____
- ☐ Committee Meeting held on _____
- ☐ Other _____

Report No _____

Report Title _____

Name _____

☐ Elected
Member

☐ Committee

☐ Employee

☐ Contractor

Type of Interest (**see overleaf for further information*)

☐ Proximity

☐ Financial

☐ Impartiality

Nature of Interest

Extent of Interest (if intending to seek Council approval to be involved with debate and/or vote)

Name: _____ Signed: _____ Date: _____

Note 1: For Ordinary meetings of Council, elected members and employees are requested to submit this completed form to the Chief Executive Officer prior to the meeting. Where this is not practicable, disclosure(s) must be given to the Chief Executive Officer prior to the matter being discussed.

Note 2: Employees or Contractors disclosing an interest in any matter apart from at meetings, where there is a conflict of interest including disclosures required by s5.71 are required to submit this form to the CEO as soon as practicable.

OFFICE USE ONLY

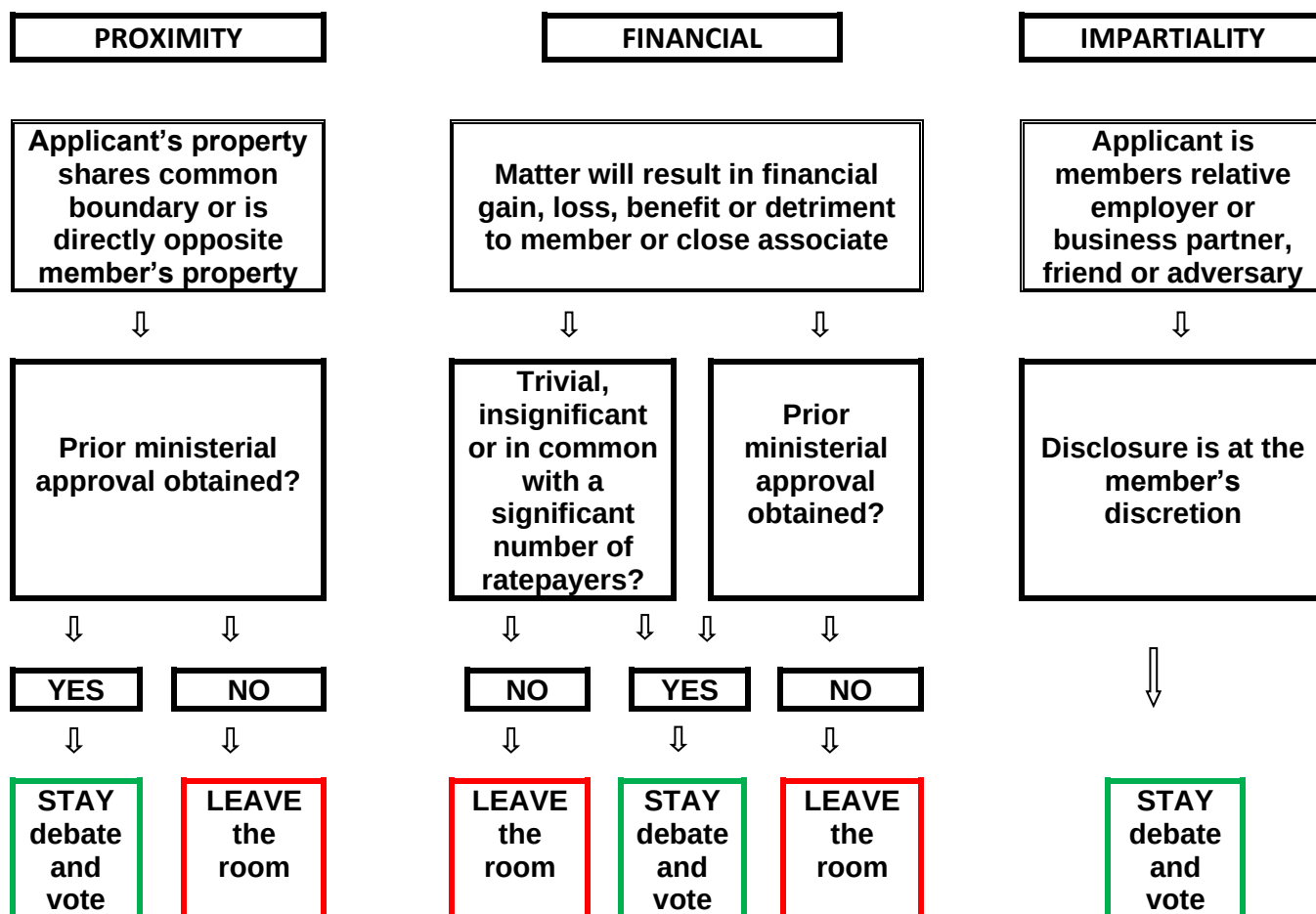
CEO

Signed:

Date:

:

Declaring an Interest



Local Government Act 1995 - Extract

5.65 - Members' interests in matters to be discussed at meetings to be disclosed.

- (1) A member who has an interest in any matter to be discussed at a council or committee meeting that will be attended by the member must disclose the 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. (Penalties apply).
- (2) It is a defence to a prosecution under this section if the member proves that he or she did not know:
- (a) that he or she had an interest in the matter; or (b) that the matter in which he or she had an interest would be discussed at the meeting.
- (3) This section does not apply to a person who is a member of a committee referred to in section 5.9(2)(f).

5.70 - Employees to disclose interests relating to advice or reports.

- (1) In this section: 'employee' includes a person who, under a contract for services with the local government, provides advice or a report on a matter.
- (2) An employee who has an interest in any matter in respect of which the employee is providing advice or a report directly to the Council or a committee must disclose the nature of the interest when giving the advice or report.
- (3) An employee who discloses an interest under this section must, if required to do so by the Council or committee, as the case may be, disclose the extent of the interest. (Penalties apply).

5.71 - Employees to disclose interests relating to delegated functions.

- If, under Division 4, an employee has been delegated a power or duty relating to a matter and the employee has an interest in the matter, the employee must not exercise the power or discharge the duty and:
- (a) in the case of the CEO, must disclose to the mayor or president the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter; and (b) in the case of any other employee, must disclose to the CEO the nature of the interest as soon as practicable after becoming aware that he or she has the interest in the matter. (Penalties apply)

'Local Government (Administration) Regulations 1996 – Extract

In this clause and in accordance with Regulation 34C of the Local Government (Administration) Regulations 1996:

"Interest" means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

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AGENDA

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Shire President declared the meeting open at:

Acknowledgement of Country: -

The Shire of Three Springs acknowledges the traditional owners of this land – the Southern Yamatji people, and their continuing connection to land, water and community. We pay our respects to them and their cultures, and to elders both past, present and emerging.

2. RECORD OF ATTENDANCE/APOLOGIES/APPROVED LEAVE OF ABSENCE

	Attendance	Apologies	Approved Leave of Absence
Councillor Lane			
Councillor Eva			
Councillor Heal			
Councillor Mutter			
Councillor Ennor			
Councillor Connaughton			
Councillor – vacant			
Chief Executive Officer			
Deputy Chief Executive Officer			
Executive Secretary			

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

4. PUBLIC QUESTION TIME

5. APPLICATIONS FOR LEAVE OF ABSENCE

		OCM Month	Moved	Seconded	Vote	Date
5.1	Cr.		Cr.	Cr.		
5.2	Cr.		Cr.	Cr.		
5.3	Cr.		Cr.	Cr.		

6. CONFIRMATION OF PREVIOUS MEETING MINUTES

That the Minutes of the Council meeting are confirmed as true and accurate record of proceedings.

	Date	Moved	Seconded	Vote
6.1 OCM	22.11.2023	Cr.	Cr.	

7. ANNOUNCEMENTS BY PRESIDING PERSON WITHOUT DISCUSSION

The Shire President reminds Council Members and Staff of the requirements of Section 5.65 of the *Local Government Act* to disclose any interest during the meeting prior to the matter being discussed.

8. ANNOUNCEMENTS/REPORTS OF ELECTED MEMBERS

Councillor	Activity
Cr. Lane	
Cr. Connaughton	
Cr. Heal	
Cr. Mutter	
Cr. Ennor	
Cr. Eva	

9. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

10. REPORTS OF OFFICERS

Executive Services	
10.1 Proposed Solar Farm	
Agenda Reference:	
Location/Address:	163 (Lot M1366) Wilson Road, Womarden
Name of Applicant:	Logie Legal for Bestry Farms Pty Ltd & Pilot Energy Ltd
File Reference:	A546
Disclosure of Interest:	Nil
Date:	29 January 2024
Author:	Planning Advisor & Chief Executive Officer
Attachment:	Attachment 10.1.1 – Application extracts (<i>provided as separate attachment</i>) Attachment 10.1.2 – received submissions (<i>provided as separate attachment</i>) Attachment 10.1.3 – Schedule of Submissions (<i>provided as separate attachment</i>)

Council Role:

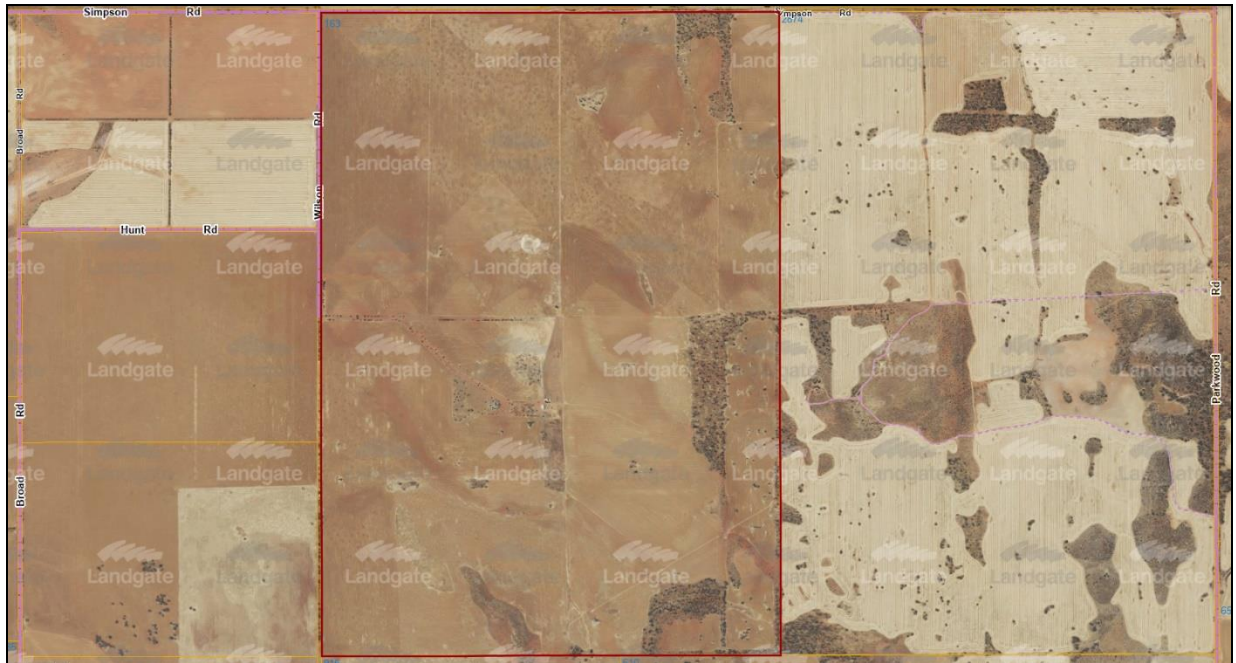
- ☐ Advocacy When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.
- ☐ Executive The substantial direction setting and oversight role of the Council e.g. adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.
- ☐ Legislative Includes adopting local laws, local planning schemes and policies.
- ☐ Review When Council reviews decisions made by Officers.
- ☒ Quasi-judicial When Council determines an application/matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice e.g. local planning applications, building permits, other permits/licences (e.g. under Health Act, Dog Act or local laws) and other decisions that may be appealable to the State Administrative Tribunal (SAT).

Report Purpose:

Council is in receipt of an application for a Solar Farm upon Lot M1366 Wilson Road, Womarden. The application has been advertised for comment and is now presented to Council for consideration.

As the value of this development is \$440million the application is required to be determined by a Joint Development Assessment Panel (JDAP) that is administered by the State Department for Planning, Lands & Heritage.

This report recommends that Council advise JDAP that it supports the approval of the application subject to conditions of approval and advice notes being applied.



An application for a solar farm upon Lot M1366 was first received by Council at its 18 October 2017 meeting and the Council Minutes from this meeting can be viewed at the following link: https://www.threesprings.wa.gov.au/images/October_Minutes_2017.pdf

The 2017 solar farm application proposed to cover approximately 270 ha in the north-western area of Lot M1366 and generate up to 150MW and substation. The 2017 application also proposed a tourist area comprising a viewing platform and amenity facilities, and temporary workforce accommodation located in the central portion of the site.

The 2017 application (being a project with a cost in excess of \$10 million) was required to be forwarded to a JDAP for determination rather than Council being able to fulfill this role.

The application was approved by JDAP on 14 December 2017 as follows:

“That the Mid-West / Wheatbelt Joint Development Assessment Panel resolves to approve DAP Application reference DAP/17/01256 and accompanying plans (Attachment 1) in accordance with Clause 68 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of Part 3, 4, 6 and Schedule 2 of the Shire of Three Springs Local Planning Scheme No. 2, subject to the following conditions as follows:

Conditions

1. *This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.*
2. *The development shall be undertaken in accordance with the stamped approved plans and supporting documents (Environmental Survey Assessment prepared by PGV Environmental dated 12 June 2017, Geotechnical Investigation Report prepared by JDSI dated 7 April 2017, Bushfire Management Plan prepared by Bushfire Prone Planning dated 24 May 2017, Aboriginal Heritage Assessment Report prepared by Terra Rosa Consulting dated May 2017), including any*

amendments and additional plans and information arising from the approval conditions.

- 3. Prior to the issue of a building permit the Applicant is to provide an updated site and elevation plan for the approval of the local government which details the proposed large battery shed of approximately 1,000m² at the south eastern corner of the solar panel array.*
- 4. Prior to the commencement of development a Landscape Plan for the Tourist Area shall be submitted to the local government for approval detailing landscaping and fencing to be provided along the perimeter of the site.*
- 5. Prior to the commencement of the use the landowner must implement the landscaping shown on the approved Landscape Plan. The landowner must thereafter maintain the landscaping to the satisfaction of the local government.*
- 6. A Construction Management Plan shall be submitted by the landowner to the local government for approval and approved prior to commencement of works. The Construction Management Plan should address noise, traffic and vehicle movements and parking (including the movements of construction personnel during the construction phase), road upgrades, storage of materials, dust, removal of temporary workforce accommodation buildings and structures associated with the construction of the development or any other matters considered relevant by the local government.*
- 7. The development shall be completed in accordance with the approved Construction Management Plan to the satisfaction of the local government.*
- 8. The development shall be completed in accordance with the Stormwater Management Plans prepared by Calibre dated 1 September (Drawing No. COPS17054-SKT-G-005 and COPS17054-SKT-G-006) and 12 September 2017 (Drawing No. COPS17054-SKT-G-003). The construction drawings of the Stormwater Management Plan shall be submitted for the approval of the local government prior to the issue of a building permit.*
- 9. Prior to the commencement of use the recommendations of the Bushfire Management Plan prepared by Bushfire Prone Planning dated 24 May 2017 shall be implemented and thereafter maintained for the lifetime of the development to the satisfaction of the local government.*
- 10. The landowner shall confirm details of water supplies prior to the issue of a Building Permit.*
- 11. The design and location of on-site effluent systems is to be in accordance with Council requirements and any requirements of Local Planning Scheme No. 2.*
- 12. Prior to the commencement of the use all car parking bays and internal accessways shown on the stamped approved plans shall be constructed and marked out in accordance with Council requirements.*
- 13. Prior to the issue of a building permit the Applicant is to submit for the approval of the local government a Light Reflection and Emissions Management Plan and a Visual Impact Assessment as per the Western Australian Planning Commission*

guidelines. The Light Reflection and Emissions Management Plan shall demonstrate how the proposed solar panels and lighting will not cause adverse off-site visual impacts to the surrounding properties and locality to the satisfaction of the local government.

- 14. Prior to the commencement of use any trees that are removed or impacted by the location of the proposed development shall be replaced with a suitable tree in the location shown on the approved Landscape Plan to the satisfaction of the local government.*
- 15. The Applicant is required to give at least 3 months notice to the local government if the proposed development is to cease operations and all solar panels and ancillary structures and infrastructure must be decommissioned and removed within two years of giving this notice, unless the local government agrees otherwise.*

Advice Notes:

- 1. The Applicant is advised that granting of development approval does not constitute a building permit and that an application for relevant building permits must be submitted to the local government and be approved before any work requiring a building permit can commence on site.*
- 2. The Applicant should be made aware that the proposed works are near an area of high risk. It is recommended that persons planning to build or undertake works in high risk areas near transmission or communication assets (including those listed above) act in a safe manner at all times and in accordance with all applicable legal and safety requirements (including the 'duty of care' under the laws of negligence, Worksafe requirements and guidelines, Australian Standards and Western Power policies and procedures).*
- 3. All people working and visiting the development are to have access to a sufficient supply of potable water that is of the quality specified under the Australian Drinking Water Quality Guidelines 2004.*
- 4. The Applicant is advised that approval from the Department of Health is required for any on-site waste water treatment processes.*
- 5. If operations are proposed to cease, the landowner shall rehabilitate the site to the satisfaction of the local government to ensure that land can be used for rural purposes."*

The solar farm development upon Lot M1366 did not proceed by the 14 December 2019 expiry date and the approval has now lapsed.

The applicant has now lodged revised, expanded plans for a 376MW solar farm upon Lot M1366 comprising:

- solar panel array covering 530ha of the 850ha property, with panels typically 1.2m x 0.6m sited at a 2-3m height and angled 25° facing north;
- underground associated electrical cabling linking to new substation;
- substation transformer, with approximate area of 250m x 100m, located towards the centre of the property;
- overhead transmission line linking substation to the existing 330kV power transmission line that runs across Lot M1366 back to the Three Springs townsite to

- the south-west (and beyond that the wider South West interconnected network) and on to the Karara magnetite mine 80km to the north-east;
- tourist viewing area comprising a boardwalk, gravel car parking area, nature playground and toilet facilities in the central west portion of the subject site;
- 2 sea containers to house power plant controller, security camera equipment, staff office, kitchen and toilet;
- internal 6m wide gravel access road and internal road network;
- 20m Asset Bushfire Protection Zone around development components;
- 2-3m high wire mesh security fencing and cameras; and
- local road upgrades to accommodate heavy vehicle movement during construction phase, these include upgrades to Simpson Road, Hunt Road and/or Broad Road, as required.

The temporary workforce accommodation component from the 2017 application has been removed and the construction phase workforce would be accommodated offsite. Construction is anticipated to take 12-18 months (with a 5 month peak period) with a construction phase workforce of 30-60 people leading to an eventual operational phase workforce of 6 people.

The most significant impact of the construction phase would involve delivery of materials to Lot M1366 using articulated heavy vehicles (19m semi-trailers) and oversize vehicles. It is estimated there would be 1,200 truck movements (in and out) and 3,000-5,000 vehicle movements in total (on some sections). Charter buses and shuttle buses would be used to transport workers.

The solar farm is expected to have an operational lifespan of 25 years but with potential to continue beyond this timeframe with incremental reductions in original component capacity, or gradual replacement with new solar panels. At the conclusion of the solar farm's operational life the development would be decommissioned and returned to its prior state and availability for farming.

Extracts from the application have been provided as **separate Attachment 10.1.1** and a complete copy of the application can be viewed at the following links:

https://www.threesprings.wa.gov.au/images/2023.11.16_Wheatbelt_Solar_Development_Application_-_Pilot_Energy_Limited.pdf

[2024 Council Meeting Documents \(threesprings.wa.gov.au\)](#)

Figure 10.1(c) – Applicant's proposed Solar Farm development layout

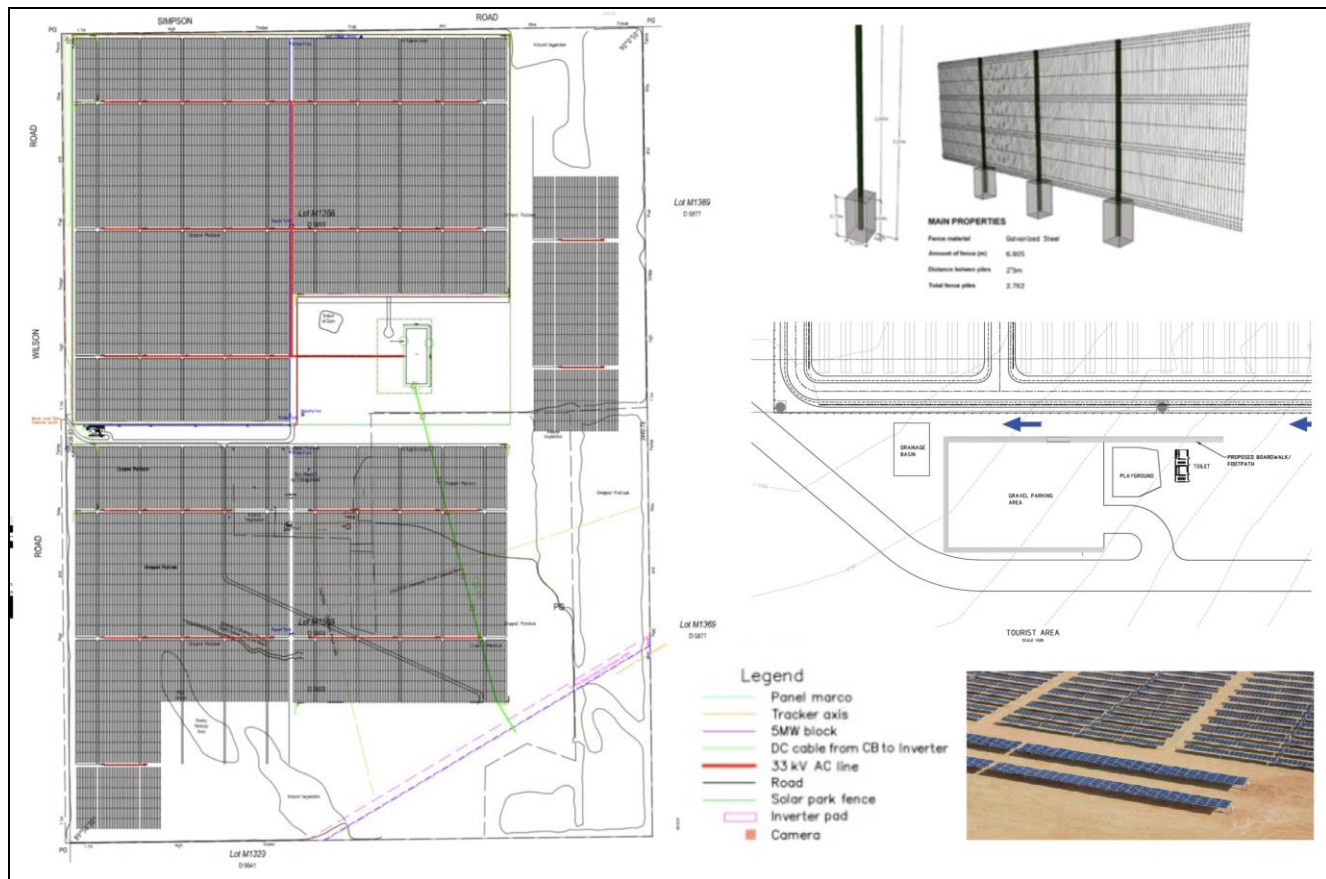


Figure 10.1(d) – example of Solar Farm array



Officer's Comment:

Assessment of the development and the received submissions identified the following key issues.

Sensitive Premises

The existing residence upon Lot M1366 is proposed to be demolished and the closest third party residences are approximately 1.1km to the north, 1.9km to the north-east, 540m to the east, 1.7km to the south-east and 1.1km to the south. These measurements are taken from the third party residence to the perimeter boundary of Lot M1366, separation distances to the development itself are greater. For example the comparable third party residence setback distances to the proposed substation site would be approximately 2.6km to the north, 3.7km to the north-east, 1.7km to the east, 4.1km to the south-east and 3.2km to the south.

Boundary Setbacks

Schedule 2 – Development Requirements of the Shire of Three Springs Local Planning Scheme No.2 (‘the Scheme’) sets the boundary setbacks in the ‘Rural’ zone as being 20m from the front and rear, and 10m from the sides.

The solar panels would be setback 21-40m from the northern (Simpson Road) boundary and 114m from the western (Wilson Road) boundary, and 500m from the eastern property boundary and 65m to the southern property boundary.

Landscaping

Schedule 2 – Development Requirements of the Scheme does not specify any landscaping requirement specific to this zone or particular type of development. Therefore there is no minimum landscaping requirements applicable to the proposed development. Notwithstanding this, a condition of approval could be imposed requiring a Landscape Plan be submitted for approval by the Shire prior to the commencement of development. Further a second condition of approval could be imposed requiring the applicant to implement the landscaping shown on the approved landscape plan and that the landowner must thereafter maintain the landscaping to the satisfaction of the Shire.

Traffic and Car Parking

Schedule 1 – Car Parking Requirements of the Scheme does not specify a parking requirement for ‘Renewable Energy Facility’. Table 7(20)(2) of the Scheme states that where a car parking requirement is not specified in Schedule 1 then the number of parking bays required shall be determined by the Shire, having regard for the nature of the proposed development, the number of employees and visitors likely to be on the site, the need to keep roads and streets free of obstructions and the amenity of the area.

Given the scale of Lot M1366 there is ability to ensure that no vehicle parking is conducted outside of the property boundary (i.e. within road reserves) and the application notes there will be a 50 bay car park on-site.

Access to the site would be via the existing crossover location on Wilson Road. General access would be limited to the tourist area and restricted elsewhere on the property to staff.

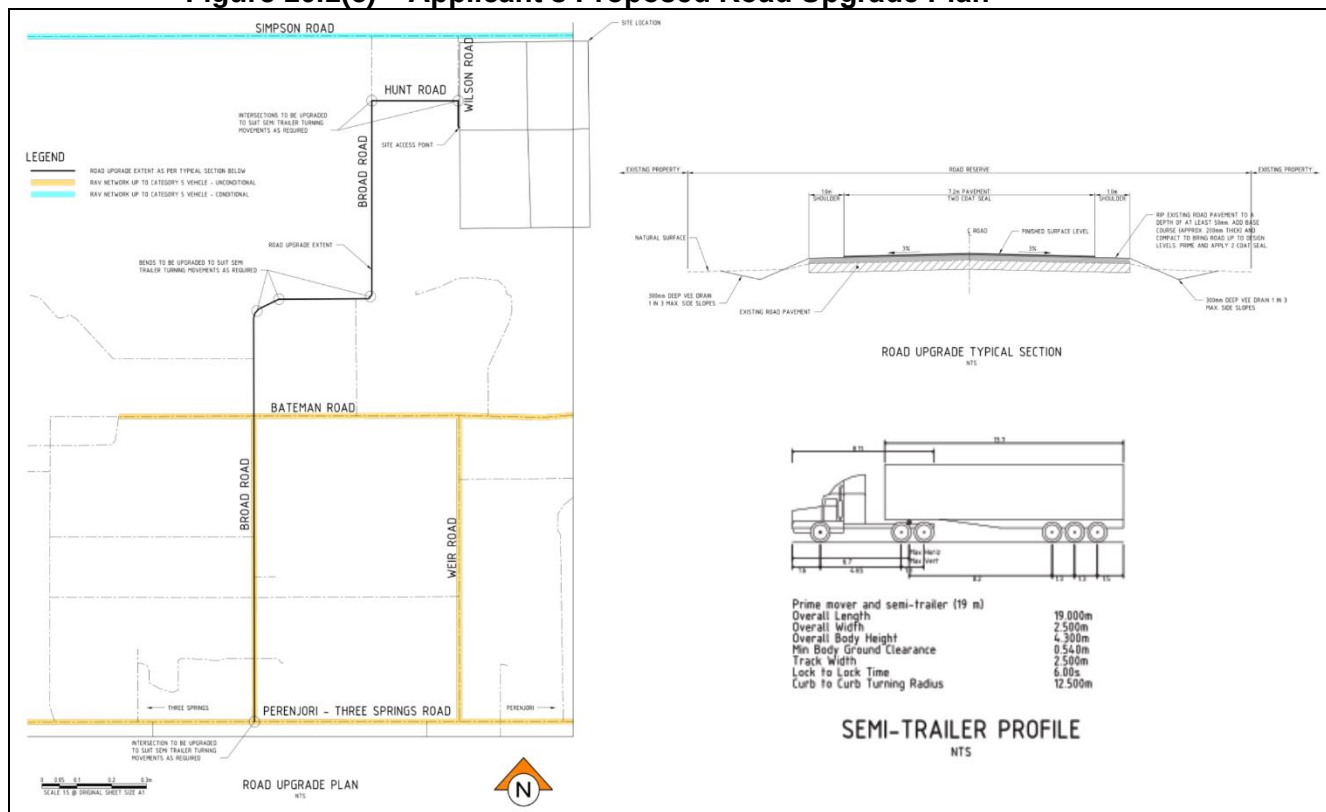
During the construction phase there would be an estimated 3,000-5,000 total vehicle movements including 19m length heavy vehicles and oversize vehicles, buses would transport construction workers from off-site accommodation to Lot M1366.

The applicant notes that:

“The Proposal is likely to require upgrades surrounding roads to accommodate delivery of components from port. Upgrades would be needed to sections of Broad Road, Hunt Road, and a small section of Weir (Wilson) Road. In addition, where this route intersects with the Perenjori-Three Springs Road and Bateman Road, those intersections will need upgrading. These upgrades would be undertaken by the Proponent, in consultation with the Shire.”

It is recommended that Council request that JDAP apply a condition of approval requiring that the applicant submit a Construction Management Plan for Shire approval and that this plan include traffic management and road upgrade details.

Figure 10.1(e) – Applicant’s Proposed Road Upgrade Plan



Light Reflection and Amenity

Solar panels have the potential to cause glare and reflect light. As a result, the proposed development does have the potential to impact on the amenity and character of the locality. This is an issue that has been raised on other solar farm developments in Western Australia and has generally been addressed by way of conditions of approval which require the solar panels to comply with the relevant Australian Standards to ensure that the off-site visual impacts of the development are minimised.

In this respect the Applicant has advised the following:

“Sunlight and glare were also considered. The panels are designed to absorb sunlight and convert it into electricity. So minimising the light reflected is a key design goal with reflection expected to be minimal and comparable to glass facades. As the panels would be upward facing, with an East-West rotation, there would be no glare to Simpson Road, and minimal if any, glare impacts on passing motorists along Wilson Road.”

“the panel design includes an absorbent surface material, and not glass, which materially reduces glare. Design is upward facing, with an East-West rotation, so there would be no glare to Simpson Road, and minimal if any, glare impacts on passing motorists along Wilson Road.”

Based on the above, it may not be considered that there is a need to impose a condition of approval requiring the applicant to demonstrate how the proposed solar panels and lighting will avoid adverse off-site visual impacts to the surrounding properties.

However, given the proposed development would operate 24 hours a day 7 days a week, there would be a requirement for outdoor lighting at the subject site which has the potential to have off-site visual impacts.

It is noted that the 2017 approval was made subject to condition that the applicant prepare a Light Reflection and Emissions Management Plan that demonstrated how the proposed solar panels and lighting would not cause adverse off-site visual impacts to the surrounding properties and locality to the satisfaction of the local government.

Visual Impact

The WAPC's Visual Landscape Planning in Western Australia provides guidance for the assessment of impacts on the visual landscape. A Visual Impact Assessment has not been carried out by the applicant in this instance. It is considered that the proposed development has a lower potential to impact on the visual landscape of the surrounding area or adverse noise or other amenity impacts. The greatest perceived impact will likely be during the construction phase of the development, where there will be noise, increase vehicle movements on local roads and visual impacts on local passers-by on Simpson Road and Wilson Road. However, it should be noted that these impacts are temporary and can be managed through an approved Construction Management Plan.

The applicant notes in this regard that:

“The development will not be visible from Three Springs or any fringe townsite areas, local tourist and recreational facilities or the Three Springs-Perenjori Road. From Simpson Road and Wilson Road and Hunt Road, the security fence and solar farm would be visible from the very small number of local users of those roads. From the Eastern lot boundary, any visual impact of the substation on the adjoining owner would be softened by the remaining patch of trees along the Eastern boundary.

Given the remoteness of the site from any townsite or urban fringe, the flat terrain, and the relative low level of the infrastructure, it is not considered that visual impact will be a significant issue. Further, the visual landscape already contains other similar infrastructure along the Three Springs-Perenjori Road.

Sunlight and glare were also considered. The panels are designed to absorb sunlight and convert it into electricity. So minimising the light reflected is a key design goal with reflection expected to be minimal and comparable to glass facades. As the panels would be upward facing, with an East-West rotation, there would be no glare to Simpson Road, and minimal if any, glare impacts on passing motorists along Wilson Road.

The transmission line will be travelling underground, hence no visual impact is associated with that. Views of the infrastructure by passing motorists from Wilson Road will only be intermittent, and given the nearest residence is more than 1km away, visual impacts are considered low by the Proponent.

The light colour and narrow width of the poles is also expected to help in minimising any visual impacts.”

“Negligible; no unreasonable impacts. Not visible from townsite, recreational facilities, or Three Springs-Perenjori Road. Security fence and infrastructure intermittently visible from Simpson, Wilson and Hunt Roads by small number of local road users. View could be considered positive or negative. Visibility via Eastern lot boundary softened by retention of patch of trees on that boundary.”

Based on the above, it may not be considered that there is a need for the applicant to prepare a Visual Impact Assessment.

However, it is noted that the 2017 approval was made subject to condition that the applicant prepare a Visual Impact Assessment as per the Western Australian Planning Commission guidelines.

Effluent Disposal

Table 7(14) of the Scheme requires all on-site wastewater/effluent disposal systems to be approved by the Department of Health. It is considered that the permanent workforce of 6 persons and the seasonal and intermittent nature of tourists/visitors to the viewing area will not present issue for servicing by on-site wastewater/effluent disposal system. The application was also referred to the Department of Health for comment and no objections to the proposal were raised and the provided technical comment is addressed in more detail in the Schedule of Submissions under the Consultation section of this report. A condition of approval and advice note, to address wastewater/effluent disposal is included in the Recommendation section of this report.

Bushfire

The majority of the cleared Lot M1366 is not identified as bushfire prone upon the Department of Fire & Emergency Services State Map. There are some areas that are identified as bushfire prone about the pockets of degraded remnant vegetation most commonly in the more elevated south-east corner of Lot M1366 and this area is not proposed to be developed for solar farm purposes. There will be some clearing to allow for the solar farm and this will further in time alter the DFES State Map identification.

The applicant's Bushfire Management Plan identifies that the risk of a bushfire impacting on the solar farm development will be restricted if the appropriate 20m wide Asset Protection Zone is maintained.

The site would be serviced by 250,000L tanks for fire fighting with 3,000L per minute pressure, there is also the 2.3L per minute reticulated water service in case of emergency.

The Recommendation of this report is that conditions, and advice notes, be applied to any approval of the Solar Farm development requiring the applicant to update (and subsequently implement) the Bushfire Management Plan with regard to the technical comment provided by the Department of Fire & Emergency Services during the consultation period (see Schedule of Submissions under the Consultation section of this report for further detail).

Decommissioning

At such time as the solar farm is to be decommissioned then it should be the responsibility of the applicant/landowner to remove all structures from the subject site and rehabilitate the site so it can be used for rural purposes again. This will ensure that the development does not remain at the subject site after ceasing operations which would be a detriment to the amenity and character of the locality and a reduced primary production economic return for the local economy. A recommended condition of approval has therefore been included to address decommissioning and site rehabilitation.

Conclusion

Council may consider that the application can be supported based on the following:

- the development will provide local economic benefit through the creation of employment opportunities at both the construction and operational phases and represents a significant investment in the region and further diversification of the economic base;
- the development will increase the level of power produced through renewable energy sources and see further development of the Midwest as the state's renewable energy hub following approval and development of several other large wind and solar farms in recent years;
- whilst the facility will have some visual impact on Simpson, Wilson and Hunt Roads there is ability to reduce this to some degree through imposition of a landscaping/screening condition;
- the most significant visual impact associated with this development would be the 330kV transmission line, but this is already in existence;
- post-construction phase the traffic impact of the facility would be minimal with 6 permanent employees and visitor/tourist traffic intermittent and seasonal;
- the closest residences are some distance from the site and there is limited ability for further encroachment of residences towards the facility due to the large surrounding lot sizes and general disinclination of the Western Australian Planning Commission to support subdivision of rural land;
- Lot M1366 does not contain any Aboriginal cultural heritage sites identified by the Department of Planning, Lands & Heritage or European heritage sites identified by the Heritage Council of WA or local government;
- the consultation period with surrounding landowners indicated a level of indifference/acceptance for this development;
- the consultation period with state government agencies identified no significant issues that would give reason to refuse the development, all received submissions provided technical comment and identified aspects where conditions of approval could be implemented to address the received comments;
- the application is an expanded version of a development that was previously deemed suitable for this site and approved by a JDAP in 2017;
- the relatively gentle 3% slope across the site would remove the need for extensive earthworks as part of the development;
- there is ability for the site to be returned to its previous farming use at such time as the solar farm is no longer viable/required.

Consultation:

The application was advertised for comment from 4 December 2023 until 22 December 2023 with the Shire undertaking the following actions:

- copy of the application being placed on the Shire website;
- correspondence inviting comment being sent to the 18 landowners within 5km of Lot M1366;
- correspondence inviting comment being sent to the following 15 government agencies and service authorities:
 - ATCO Gas

- Australian Gas Infrastructure Group
- Department of Biosecurity, Conservation & Attractions
- Department of Fire & Emergency Services
- Department of Health
- Department of Jobs, Tourism, Science & Innovation
- Department of Energy, Mines, Industry Regulation & Safety
- Department of Planning, Lands & Heritage
- Department of Primary Industries & Regional Development
- Department of Water & Environment Regulation
- Main Roads WA
- Shire of Perenjori
- Telstra
- Water Corporation
- Western Power
- display of the application at the Shire office.

At the conclusion of the advertising period the Shire had received 13 submissions, with 11 of these being from government agencies either offering no objection or technical comment, 1 from a neighbouring landowner in support, and 1 from a neighbouring landowner objecting to wind turbines (which are not part of the proposed development). A copy of the received submissions have been provided as **separate Attachment 10.1.2.**

A Schedule of Submissions that summarises the nature of the received submissions, and provides individual comment upon the raised issues, has been provided as **separate Attachment 10.1.3.**

The applicant was also provided with a copy of the received submissions and their responses to the raised issues have been incorporated into the Schedule of Submissions.

Statutory Environment:

On 1 July 2011 the *Planning and Development (Development Assessment Panel) Regulations 2011* were gazetted requiring that applications in excess of \$10million must be presented to a JDAP for consideration. The application for a Solar Farm upon Lot M1366 Wilson Road, Womarden, having an estimated project cost of \$440million, is therefore required to be determined by a JDAP, with Council a recommending body in this instance.

Lot M1366 Wilson Road, Womarden is zoned 'Rural' under the Shire of Three Springs Local Planning Scheme.

The Scheme lists the objective of the 'Rural' zone as being:

"To provide for the sustainable use of land for the agricultural industry and other uses complementary to sustainable agricultural practices, which are compatible with the capability of the land and retain the rural character and amenity of the locality."

The proposed solar farm development meets with the land use definition of 'Renewable Energy Facility' which is classified as an 'A' use within the 'Rural' zone which:

"means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions."

'Renewable Energy Facility' is defined under the Scheme as follows:

"means premises used to generate energy from a renewable energy source and includes any building or other structure used in, or in connection with, the generation of energy by a renewable resource. It does not include solar panels or a wind turbine located on a lot with a single house where the energy produced only supplies that house or private rural use or anemometers."

Schedule 2 Part 9 Clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015* provides further guidance to Council in its assessment of this application, listing the following relevant matters to be considered:

- "(a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;...*
- ...(c) any approved state planning strategy;...*
- ...(fa) any local planning strategy for this Scheme endorsed by the Commission...*
- ...(m) the compatibility of the development with its setting, including –*
 - (i) the compatibility of the development with the desired future character of its setting; and*
 - (ii) the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following —*
 - (i) environmental impacts of the development;*
 - (ii) the character of the locality;*
 - (iii) social impacts of the development;...*
- ...(p) whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (q) the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;...*
- ...(s) the adequacy of —*
 - (i) the proposed means of access to and egress from the site; and*
 - (ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;...*
- ...(x) the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) any submissions received on the application;...*
- ...(zb) any other planning consideration the local government considers appropriate."*

Policy Implications:

The Shire has no specific policy relevant to this matter, the application has been assessed with regard for the following state government policies:

- State Planning Policy 2.5 – Land Use Planning in Rural Areas;
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas.

Financial/Resources Implications:

Nil.

Strategic Implications:

The Shire of Three Springs Strategic Community Plan 2018-2028 identifies the community's visions and is the Shire's principal strategic guide for future planning and activities, and the promotion and encouragement of solar and wind power stations is listed within the document as a key community feedback (page 32). It is considered that the application aligns with the following outcomes:

Reference	Strategy	Still Relevant	Priority	Timeframe
1.1.1	Provide and maintain good quality tourism infrastructure and facilities	Yes	Medium	Ongoing
1.3.1	Promote existing and new industry opportunities to increase employment	Yes	High	Ongoing
1.3.3	Support sustainable farming and other industry development	Yes	Medium	Ongoing
1.3.4	Support the provision of power, water and gas services to the region	Yes	Medium	Ongoing
1.3.5	Leverage opportunities in regards to substation	Yes	Medium	Ongoing
1.3.6	Investigate and develop the long-term use of the Three Springs Mining Camp	Yes	Medium	<2 years
4.2.4	Encourage business to employ local where possible.	Yes	High	Ongoing

The Department of Planning, Lands & Heritage have prepared a Position Statement upon Renewable Energy Facilities that can be viewed at the following link:

[Position statement renewable energy facilities \(www.wa.gov.au\)](https://www.wa.gov.au/government/position-statements/position-statement-renewable-energy-facilities)

The Position Statement is intended to provide assessment measures to ensure renewable energy facilities are sited in areas that minimise potential impact whilst maximising operational efficiency.

The Position Statement notes that:

“Renewable energy can enhance local economies and easily connect into the network grid. The contribution that renewable energy facilities make to the reduction in carbon emissions is an important consideration for the growth of the industry, as well as the socio-economic benefits to the State.”
(page 1)

It is considered that this application aligns with the following guiding aspect of the Position Statement:

“Facilities should be located near the grid to minimise clearing of vegetation for grid connection power lines. Solar arrays over a large area may have a significant effect on the clearing of native vegetation. Already cleared farming land may offer a practical solution to minimise any environmental impact.” (page 3)

The Position Statement provides the following guidance on managing developments of this nature:

“Key matters that should be addressed during the construction phase are:

- *a site construction management plan that identifies standards and procedures for the construction of the development including the management of environmental emissions such as dust and noise;*
- *site disturbance should be minimised during construction through careful siting and measures to address erosion, drainage run-off, flooding, water quality, retention of remnant vegetation, stabilisation of top soil, and weed and disease hygiene;*
- *vehicle and machinery access and movement.*

A decommissioning program should be separately developed in relation to removal of the facility and any rehabilitation requirements.” (page 5)

Voting Requirements:

Simple Majority.

OFFICERS RECOMMENDATION:	10.1
That Council advise the Joint Development Assessment Panel that it supports the development of a Renewable Energy Facility (Solar Farm) upon Lot M1366 Wilson Road, Womarden subject to the following: Conditions 1. This decision constitutes planning approval only and is valid for a period of 5 years from the date of approval. If the subject development is not substantially commenced within the 5 year period, the approval shall lapse and be of no further effect. 2. The development shall be undertaken in accordance with the stamped approved plans and supporting documents (Environmental Survey Assessment prepared by PGV Environmental dated 22 July 2022, Geotechnical Investigation Report prepared by GGC dated 17 March 2022, Bushfire Management Plan prepared by Bushfire Prone Planning dated 10 November 2021, Aboriginal Heritage Assessment Report prepared by Terra Rosa Consulting dated December 2021) including any amendments and additional plans and information arising from the approval conditions. 3. Prior to the commencement of development a Landscape Plan shall be submitted to the local government for approval. 4. Prior to the commencement of the use the landowner shall implement and thereafter maintain for the lifetime of the development the landscaping shown on the approved Landscape Plan to the satisfaction of the local government. 5. Prior to the commencement of the development a Construction Management Plan shall be submitted to the local government for approval and approved prior to commencement of works. 6. The development shall be completed in accordance with the approved Construction Management Plan to the satisfaction of the local government. 7. Prior to commencement of the development a Stormwater Management Plan shall be submitted to the local government for approval. 8. Prior to the commencement of the use the landowner shall implement and thereafter maintain for the lifetime of the development the recommendations of the approved Stormwater Management Plan to the satisfaction of the local government. 9. Prior to commencement of the development a Bushfire Management Plan shall be submitted to the local government for approval. 10. Prior to the commencement of the use the landowner shall implement and	

- thereafter maintain for the lifetime of the development the recommendations of the approved Bushfire Management Plan to the satisfaction of the local government.
11. The design and location of on-site wastewater/effluent systems is to be in accordance with local government requirements and any requirements of the Local Planning Scheme.
 12. Prior to the commencement of the use all vehicle access point(s) onto the local road network, car parking areas and internal vehicle accessways shall be constructed to the satisfaction of the local government.
 13. The installation of any directional/traffic/warning/safety signage in the vicinity of the development's access point onto the road network, and relating to the development, shall be to the satisfaction of the local government.
 14. All parking of vehicles associated with the development shall be provided for within the property boundary and not the road reserve.
 15. The applicant shall be responsible for the repair, reinstatement or replacement of any road infrastructure that is damaged, becomes unsafe or fails to meet appropriate engineering standards where the damage to the road network is caused by reason of use of the road in connection with the approved development, to the satisfaction of the local government (or where agreed to by the local government the applicant may instead arrange payment to the local government for such repair, reinstatement or replacement works to be undertaken).
 16. Prior to the commencement of the development a Light Reflection and Emissions Management Plan and a Visual Impact Assessment as per the Western Australian Planning Commission guidelines shall be submitted to the local government for approval.
 17. Prior to the commencement of the use the landowner shall implement and thereafter maintain for the lifetime of the development the recommendations of the approved Light Reflection and Emissions Management Plan to the satisfaction of the local government.
 18. The applicant is responsible to ensure that biosecurity protocols are maintained for the site.
 19. The applicant is to implement and maintain reporting mechanisms for complaints concerning the operation of the development. In the event of a substantiated complaint being received the applicant is required to demonstrate mitigation response(s) to the satisfaction of the local government.
 20. The applicant is required to give at least 3 months notice to the local government if the proposed development is to cease operations and all solar panels and ancillary structures and infrastructure must be decommissioned and removed from the site, and the site rehabilitated through deep ripping/earthworks, to the satisfaction of the local government, within 2 years of giving this notice, unless the local government agrees otherwise.
- Advice Notes:
- (a) The applicant is advised that granting of development approval does not constitute a building permit and that an application for relevant building permits must be submitted to the local government and be approved before any work requiring a building permit can commence on site.
 - (b) The applicant is advised that the proposed works are near an area of high risk. It is recommended that persons planning to build or undertake works in high risk areas near transmission or communication assets act in a safe manner at all times and in accordance with all applicable legal and safety requirements (including the 'duty of care' under the laws of negligence, Worksafe requirements and guidelines, Australian Standards and Western Power policies and procedures).
 - (c) The applicant is advised that this planning approval does not negate the requirement for any additional approvals, and adherence to due diligence, which may be required under separate legislation. This including, but not limited to, the obtaining of any required approvals from the Department of Health, the Department

of Energy, Mines, Industry Regulation & Safety, the Department of Water & Environment Regulation and Main Roads WA and consulting of Before You Dig Australia. It is the applicant's responsibility to obtain any additional approvals, and undertaking of due diligence, required before the development/use lawfully commences.

- (d) The applicant will need to consult with the Main Roads WA Heavy Vehicle Services branch to ascertain any approval requirements that may be required for their proposed heavy vehicle combinations, transport routes and operations.
- (e) In relation to conditions 3 & 4 the Landscape Plan shall detail landscaping about the tourism area and landscaping and fencing to be provided along the perimeter of the site.
- (f) In relation to conditions 5 & 6 the Construction Management Plan shall address noise, traffic and vehicle movements, road upgrades, parking, storage of materials, dust and structures (both temporary and permanent) associated with the construction of the development or any other matters considered relevant by the local government.
- (g) In relation to conditions 9 & 10 the Bushfire Management Plan shall address the issues raised by the Department of Fire & Emergency Services and any other matters considered relevant by the local government.
- (h) In relation to condition 11 the applicant is advised that approval from the Department of Health is required for any on-site wastewater/effluent treatment processes.
- (i) In relation to condition 16 the Light Reflection and Emissions Management Plan shall demonstrate how the proposed solar panels and lighting will not cause adverse off-site visual impacts to the surrounding properties and locality to the satisfaction of the local government.
- (j) In relation to condition 18 biosecurity protocols should be maintained for the site to minimise biosecurity risks for the landowner, adjoining farms and along the transport route and should further information be required on appropriate practices the applicant should contact the Department of Primary Industries & Regional Development in this regard.
- (k) Should the applicant be aggrieved by this determination there is a right (pursuant to the *Planning and Development Act 2005*) to have the decision reviewed by the State Administrative Tribunal. Such application must be lodged within 28 days from the date of determination.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

12. BUSINESS OF AN URGENT NATURE INTRODUCED BY DECISION OF MEETING

- 12.1. Elected Members
- 12.2. Staff

13. QUESTIONS BY MEMBERS WITHOUT NOTICE

14. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

15. TIME AND DATE OF NEXT MEETING

The Next Ordinary Council Meeting will be held on Wednesday, 28 February 2024 @ 5.30pm.

16. CONFIDENTIAL ITEMS

17. MEETING CLOSURE

There being no further business the Presiding Officer closed the meeting
at pm.

I confirm these Minutes to be a true and accurate record of the proceedings of this Council.

Signed: _____
 Presiding Officer

Date: 28 February 2024