

MINUTES

Council Meeting held
on Thursday 27 August 2009

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Minutes

1. DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS

The Chairperson declared the meeting open at 4.15 pm.

2. RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE (previously approved)

Councillors Dunnet, Bird, Boulter, Camarri, Dean, Lorkiewicz and Pinkerton.

Shane Collie – Chief Executive Officer.

Ewen Ross – Manager Development Services.

Chris Wade – Works Manager.

Craige Waddell – Manager Corporate Services.

VISITORS

21

APOLOGIES

Nil.

LEAVE OF ABSENCE (previously approved)

Nil.

3. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil

4. PUBLIC QUESTION TIME

Mr M Loveland requested if he could obtain a copy of the minutes from the meeting held on Tuesday 25 August 2009 concerning Council amalgamations.

Shire President responded that he could.

Ms C Brown asked the following question;

Regarding the issue of amalgamation, or "Local Government restructure", I would like to ask if the Nannup Shire are intending to conduct a survey of its rate payers on this matter? I am aware that most of the councils in the south west were quick to seek comments from their rate payers via surveys as much as 8 weeks ago. Will a survey be sent out in time for responses to be collated prior to the deadline or is the fate of the Nannup shire to be left in the hands another consultant?

The Chief Executive Officer responded that a survey will be conducted as soon as possible.

Mr R Taylor referred to the Local Government Structural Reform and the Vern McKay Report and asked if this would mean that Council will be correcting the anomaly highlighted in the Verne McKay report concerning the assessed capacity for GRV and UV rates, or would Council be looking at differential rates?

The Shire President replied that Council will be reviewing its rating system in the very near future.

5. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

6. PETITIONS/DEPUTATIONS/PRESENTATIONS

Mr A Broughton made a presentation concerning agenda item 10.16.

Cr Dunnet left the meeting at 4.23pm
Cr Bird assumed the chair

Mr N Schubert and Mr P Glede made a presentation to Council concerning agenda item 10.3.

Cr Dunnet returned to the meeting at 4.28pm and resumed the chair.

Cr Pinkerton read a letter on behalf on behalf of Mr Chris Williamson concerning the TimeWood Centre.

Ms L Raynel made a presentation to Council concerning agenda item 10.14.

7. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

8236 BIRD/BOULTER

That the Minutes of the Ordinary Council Meeting of the Shire of Nannup held in Council Chambers on 23 July 2009 be confirmed as a true and correct record.

CARRIED 7/0

8. ANNOUNCEMENTS BY PRESIDING MEMBER WITHOUT DISCUSSION

Nil.

9. REPORTS BY MEMBERS ATTENDING COMMITTEES

Warren Blackwood Strategic Alliance meeting
Local Government Structural Reform Public Meeting
Streetscape Advisory Committee meeting
Risk Management Advisory Committee meeting
TimeWood Centre Advisory Committee meeting
Sport and Recreation Advisory Committee meeting
Trees Southwest

AGENDA NUMBER: 10.1
SUBJECT: Request to Adopt Draft Amendment No. 7 to Local Planning Scheme No. 3 for Final Approval
LOCATION/ADDRESS: N/A
NAME OF APPLICANT: N/A
FILE REFERENCE: TPL 1
AUTHOR: Ewen Ross – Manager Development Services
DISCLOSURE OF INTEREST:
DATE OF REPORT: 20 July 2009

Attachments 1. Draft Amendment No. 7 to Local Planning Scheme No. 3.
 2. Schedule of Submissions.

BACKGROUND:

The purpose of this Report is to:

- update Council on the key events since Council last considered the scheme amendment request;
- formally advise Council of the results of the public advertising of the scheme amendment;
- consider key issues; and
- consider whether or not Council wishes to support final approval of draft Scheme Amendment No. 7 with or without modifications.

1. The Proposal

Clause 6.2.1.1 (b) of Shire of Nannup Local Planning Scheme No3 ('Scheme') states in part:

A person shall not carry out any development on land (or portion(s) thereof) identified as flood prone land on the Scheme Map or on other land which, in the opinion of the local government, may be liable to flooding, unless:

- (i) *the floor of any dwelling house or other habitable building is, or will be, raised a minimum of 500 millimetres (mm) above the 1 in 100 year flood level identified for the land;*

Furthermore Clause 6.2.1.4 of the Scheme states in part:

Proposals for the development of tourist or commercial uses within flood risk land will be assessed by the local government having regard to the type, size and scale of the proposed development. Under no circumstances will the flood risk related development requirements be less than the requirements of sub-clause 6.2.2.1(b).

Signed:

Dated 24 September 2009

(It should be noted that reference to 6.2.2.1 is believed to be a typographical error and should be 6.2.1.4)

Clause 5.6 of the Scheme provides discretionary powers to approve variations to the normal provisions of the Scheme if certain "matters" can be achieved as per Clause 10.2.

However, the ability to use the discretionary powers of Clause 5.6 in relation to Clause 6.2.1.4 of the Scheme is not considered possible given the unequivocal wording of Clause 6.2.1.4 (*"under no circumstances"*). It is noted that for uses within flood prone land other than 'tourist' or 'commercial (including dwellings and habitable buildings)', such discretion to vary the floor height or utilise other measures can be sought via an application for Planning Approval.

Amendment No. 7 seeks to provide discretion in assessing tourist or commercial applications within flood prone land.

2. Council Resolution

Council at its Meeting held on 22 January 2009 resolved as follows:

"Council, in pursuance of Part V of the Planning and Development Act 2005('Act') adopt for community consultation purposes draft Amendment No. 7 ("Amendment") to the Shire of Nannup Local Planning Scheme No. 3 ("Scheme") that proposes:

1. *That Clause 6.2.1.4 be modified as follows:*

"Proposals for the development of tourist or commercial uses within flood risk land will be assessed by the local government having regard to the type, size and scale of the proposed development and approved only where the Department of Water agrees with the Shire that the proposed floor level will not exacerbate the potential for flood risk and/or damage".

2. *That as the draft Amendment is in the opinion of the Council consistent with Part V of the Act and regulations made pursuant to the Act, that upon preparation of the necessary documentation, the draft Amendment be referred to the Environmental Protection Authority (EPA) as required by Part V of the Act, and on receipt of a response from the EPA indicating that the draft Amendment is not subject to formal environmental assessment, be referred to the Western Australian Planning Commission ('Commission') for consent to advertise.*
3. *Should consent to advertise from the Commission be provided, the Amendment be advertised for a period of 42 days (or other period if*

required by the Commission) in accordance with the Town Planning Regulations 1967 and the matter be referred back Council for final consideration.

4. *In the event that the EPA determines that the draft Amendment is to be subject to formal environmental assessment or the Commission does not support advertising of the Amendment, the matter is referred back to Council for consideration”.*

The Amendment was prepared and referred to the EPA and the WAPC for consent to advertise. The WAPC however required that the Amendment be further modified to read:

- modifying Scheme Text Clause 6.2.1.2 and 6.2.1.3 such that reference is made to Clause 6.2.1.1(b) (i) to correct the existing typographical error; and
- modifying Scheme Text Clause 6.2.1.4 as follows:

“Proposals for the development of tourist or commercial uses within flood risk land will be assessed by the local government having regard to the type, size and scale of the proposed development and the comments of the Department of Water which are to be sought and obtained prior to any decision being made”.

3. Consultation and Submissions

The Shire sought public comment on draft Scheme Amendment No. 7 for 42 days with the Amendment directly referred to the following agencies:

- Department of Environment and Conservation (DEC)
- Department of Water (DoW)
- Water Corporation
- Health Department of WA
- Tourism WA

Upon closure of the advertising period (10 July 2009), one submission was received (Water Corporation) offering no objection (note Attachment 2).

4. Next Steps

Should Council agree to support final approval of draft Scheme Amendment No. 7 with or without modifications, Scheme Amendment No.7 is then referred to the WAPC. The WAPC then makes its assessment and provides a recommendation to the Minister for Planning who makes the final decision on whether or not to

grant final approval. If the Minister grants final approval, Scheme Amendment No. 7 will, in time, be gazetted.

5. Conclusions

On planning grounds, support for final approval to Amendment No. 7 to LPS No3 can be given as it provides discretion in assessing of tourist or commercial applications within flood prone land.

Such discretion should not be interpreted as 'support' for other measures, but rather, the intent is to provide the opportunity for an applicant to explore measures other than raising the floor to a minimum of 500 millimetres (mm) above the 1 in 100 year flood level as identified for the land.

The amended Clause 6.2.1.4 requires the input and direction of the DoW to the point where a DoW objection would lead to refusal. It is noted that reference in LPS No3 is made to Water and Rivers Commission (also Water & Rivers Commission) in a number of provisions. It would be appropriate to 'update' the reference to be the 'Department of Water'.

Any amendment to the Scheme must ensure that it does not lead to enhancing flood risk in any form. Accordingly, the direction of the DoW must provide a significant direction of any proposal.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, Town Planning Regulations 1967 (as amended), LPS No3.

POLICY IMPLICATIONS: Nil.

FINANCIAL IMPLICATIONS:

The Shire would bear the cost of preparing an Amendment to the Scheme and if approved by the Minister for Planning, Gazettal of the Amendment. This cost would be in the vicinity of \$2,000 - \$3,000.

STRATEGIC IMPLICATIONS: No implications are anticipated.

RECOMMENDATION:

That Council:

1. Support final approval to Scheme Amendment No. 7 to the Shire of Nannup Local Planning Scheme No. 3 ('LPS No3') to amend LPS No3 by:

Signed:

Dated 24 September 2009

- modifying Scheme Text Clause 6.2.1.2 and 6.2.1.3 such that reference is made to Clause 6.2.1.1(b) (i) to correct the existing typographical error; and
 - modifying Scheme Text Clause 6.2.1.4 as follows:
“Proposals for the development of tourist or commercial uses within flood risk land will be assessed by the local government having regard to the type, size and scale of the proposed development and the comments of the Department of Water which are to be sought and obtained prior to any decision being made”.
 - modifying Scheme Text to replace any reference to ‘Water and Rivers Commission’ or ‘Water & Rivers Commission’ to ‘Department of Water’.
2. Endorse the ‘Council Comments’ section in the Schedule of Submissions as outlined in Attachment 2.
 3. Request the Western Australian Planning Commission support and the Minister for Planning to grant final approval to Scheme Amendment No. 7 to LPS No3 without modification.

8237 BOULTER/BIRD

That Council:

1. Support final approval to Scheme Amendment No. 7 to the Shire of Nannup Local Planning Scheme No. 3 (‘LPS No3’) to amend LPS No3 by:
 - modifying Scheme Text Clause 6.2.1.2 and 6.2.1.3 such that reference is made to Clause 6.2.1.1(b) (i) to correct the existing typographical error; and
 - modifying Scheme Text Clause 6.2.1.4 as follows:
“Proposals for the development of tourist or commercial uses within flood risk land will be assessed by the local government having regard to the type, size and scale of the proposed development and the comments of the Department of Water which are to be sought and obtained prior to any decision being made”.
 - modifying Scheme Text to replace any reference to ‘Water and Rivers Commission’ or ‘Water & Rivers Commission’ to ‘Department of Water’.

Signed:

Dated 24 September 2009

2. Accept the Department of Health's 'late submission'.
3. Endorse the 'Council Comments" section in the Revised Schedule of Submissions as outlined in Attachment 2.
4. Request the Western Australian Planning Commission support and the Minister for Planning to grant final approval to Scheme Amendment No. 7 to LPS No3 without modification.

CARRIED 5/2

Councillors voting for the motion: Dunnet, Bird, Boulter, Dean and Pinkerton.
Councillors voting against: Camarri and Lorkiewicz.

Signed:

Dated 24 September 2009



SHIRE OF NANNUP
LOCAL PLANNING SCHEME NO. 3
AMENDMENT NO. 7

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION DECIDING TO AMEND A TOWN PLANNING SCHEME

SHIRE OF NANNUP LOCAL PLANNING SCHEME NO. 3

AMENDMENT NO. 7

RESOLVED that the Council, in pursuance of Part 5 of the Planning and Development Act 2005, amends the Local Planning Scheme No. 3 by:

- modifying Scheme Text Clause 6.2.1.2 and 6.2.1.3 such that reference is made to Clause 6.2.1.1(b) (i) to correct the existing typographical error; and
- modifying Scheme Text Clause 6.2.1.4 as follows:

"Proposals for the development of tourist or commercial uses within flood risk land will be assessed by the local government having regard to the type, size and scale of the proposed development and the comments of the Department of Water which are to be sought and obtained prior to any decision being made".

- modifying Scheme Text Clauses 6.2.1.5, 6.2.4.4, 6.2.4.5, 6.2.4.6, Schedule 1 (SR6 - condition 2, SR7- condition 2 and SR9 - condition 3) to replace any reference to 'Water and Rivers Commission' or 'Water & Rivers Commission' to 'Department of Water'.

Dated this 20th day of August 2009

.....
Shane Collie
CHIEF EXECUTIVE OFFICER

Proposal to Amend a Town Planning Scheme

Local Authority: Shire of Nannup

Description of Town Planning Scheme: Local Planning Scheme No. 3

Type of Scheme: Local Planning Scheme

Town Planning Scheme No 7 Gazettal Date: 14 December 2007

Serial Number of Amendment: Amendment No. 7

To amend the Shire of Nannup Local Planning Scheme No. 3 by:

- modifying Scheme Text Clause 6.2.1.2 and 6.2.1.3 such that reference is made to Clause 6.2.1.1(b) (i) to correct the existing typographical error; and
- modifying Scheme Text Clause 6.2.1.4 as follows:

"Proposals for the development of tourist or commercial uses within flood risk land will be assessed by the local government having regard to the type, size and scale of the proposed development and the comments of the Department of Water which are to be sought and obtained prior to any decision being made".

- modifying Scheme Text Clauses 6.2.1.5, 6.2.4.4, 6.2.4.5, 6.2.4.6, Schedule 1 (SR6 -condition 2, SR7-condition 2 and SR9 - condition 3) to replace any reference to 'Water and Rivers Commission' or 'Water & Rivers Commission' to 'Department of Water'.

REPORT ON SCHEME AMENDMENT

INTRODUCTION

This amendment to the Shire of Nannup Local Planning Scheme No. 3 ('Scheme') seeks to:

- modify Scheme Text Clause 6.2.1.2 and 6.2.1.3 such that reference is made to Clause 6.2.1.1(b) (i) to correct the existing typographical error; and
- modify Clause 6.2.1.4 of the Scheme to read as follows:

"Proposals for the development of tourist or commercial uses within flood risk land will be assessed by the local government having regard to the type, size and scale of the proposed development and the comments of the Department of Water which are to be sought and obtained prior to any decision being made".

- modifying Scheme Text Clauses 6.2.1.5, 6.2.4.4, 6.2.4.5, 6.2.4.6, Schedule 1 (SR6 - condition 2, SR7- condition 2 and SR9 - condition 3) to replace any reference to 'Water and Rivers Commission' or 'Water & Rivers Commission' to 'Department of Water'.

AMENDMENT PROPOSAL

CURRENT SCHEME PROVISION - Clause 6.2.1.4

Clause 6.2.1.1 (b) of the Scheme currently states in part:

"A person shall not carry out any development on land (or portion(s) thereof) identified as flood prone land on the Scheme Map or on other land which, in the opinion of the local government, may be liable to flooding, unless:

- (i) *the floor of any dwelling house or other habitable building is, or will be, raised a minimum of 500 millimetres (mm) above the 1 in 100 year flood level identified for the land;"*

Furthermore Clause 6.2.1.4 of the Scheme states in part:

"Proposals for the development of tourist or commercial uses within flood risk land will be assessed by the local government having regard to the type, size and scale of the proposed development. Under no circumstances will the flood risk related development requirements be less than the requirements of sub-clause 6.2.2.1(b)".

Reference to 6.2.2.1(b) is believed to be a typographical error and should be 6.2.1.4.

PROPOSED MODIFICATION TO CLAUSE 6.2.1.4

The modification to the Scheme is as follows

Clause 6.2.1.4:

Proposals for the development of tourist or commercial uses within flood risk land will be assessed by the local government having regard to the type, size and scale of the proposed development and the comments of the Department of Water which are to be sought and obtained prior to any decision being made.

PROPOSED MODIFICATION TO CLAUSE REFERENCE TO 'WATER AND RIVERS COMMISSION' OR 'WATER & RIVERS COMMISSION'

The modification to the Scheme is as follows:

Clauses 6.2.1.5, 6.2.4.4, 6.2.4.5, 6.2.4.6, Schedule 1 (SR6 -condition 2, SR7- condition 2 and SR9 - condition 3) to replace any reference to 'Water and Rivers Commission' or 'Water & Rivers Commission' to 'Department of Water'.

JUSTIFICATION FOR PROPOSED AMENDMENT

PROPOSED MODIFICATION TO SCHEME PROVISIONS

CLAUSES 6.2.1.2 & 6.2.1.3

Clauses 6.2.1.2 and 6.2.1.3 make reference to Clause 6.2.2.1(b) (i) which does not exist in the Scheme.

This should be amended to refer to Clause 6.2.1.1(b) (i)

CLAUSE 6.2.1.4

This Scheme Amendment is seeking to establish discretion in the Scheme when assessing tourist or commercial applications within flood prone land.

Clause 6.2.1.1 (b) of the Scheme states in part:

A person shall not carry out any development on land (or portion(s) thereof) identified as flood prone land on the Scheme Map or on other land which, in the opinion of the local government, may be liable to flooding, unless:

- (ii) the floor of any dwelling house or other habitable building is, or will be, raised a minimum of 500 millimetres (mm) above the 1 in 100 year flood level identified for the land;*

Furthermore Clause 6.2.1.4 of the Scheme states in part:

Proposals for the development of tourist or commercial uses within flood risk land will be assessed by the local government having regard to the type, size and scale of the proposed development. Under no circumstances will the flood risk related development requirements be less than the requirements of sub-clause 6.2.2.1(b).

Clause 5.6 of the Scheme provides discretionary powers to approve variations to the normal provisions of the Scheme if certain “matters” can be achieved as per Clause 10.2 as follows:

10.2 Matters to be Considered by Local Government

The local government in considering an application for planning approval shall have due regard to such of the following matters as are in the opinion of the local government relevant to the use or development subject of the application—

- (a) the aims and provisions of this Scheme and any other relevant town planning scheme(s) operating within the Scheme Area;*
- (b) the Local Planning Strategy;*
- (c) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;*
- (d) any approved Statement of Planning Policy of the Commission;*
- (e) any approved Environmental Protection Policy under the Environmental Protection Act 1986;*
- (f) any relevant policy or strategy of the Commission or any relevant planning policy adopted by the Government of the State;*

- (g) any Local Planning Policy adopted by the Council under the provisions of clause 2.4, any heritage policy statement for any designated Heritage Area adopted under clause 7.2, or any other plan or guideline adopted by the local government under the Scheme;*
- (h) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;*
- (i) the conservation of any place that has been registered in the Register of Places under the Heritage of Western Australia Act 1990, or which is subject of an order under Part VI of the Heritage of Western Australia Act 1990, or which is included in the Heritage List under clause 7.1, and the effect of the proposal on the character or appearance of a Heritage Area;*
- (j) the compatibility of a use or development within its setting;*
- (k) any social issues that have an effect on the amenity of the locality;*
- (l) the cultural significance of any place or area affected by the development;*
- (m) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;*
- (n) whether the land to which that application relates is unsuitable for the proposal by reason of it being, or likely to be, subject to flooding, inundation, subsidence, landslip, bush fire or any other risk;*
- (o) the preservation of the amenity of the locality;*
- (p) the relationship of the proposal 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 proposal;*
- (q) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;*
- (r) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (s) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;*
- (t) whether public utility services are available and adequate for the proposal;*
- (u) whether adequate provision has been made for access for pedestrians and cyclists;*
- (v) whether adequate provision has been made for access by disabled persons;*
- (w) whether adequate provision has been made for the landscaping of the land to which the planning application relates and whether any trees or other vegetation on the land should be preserved;*

- (x) whether the proposal is likely to cause soil erosion or land degradation;*
- (y) the potential loss of any community service or benefit resulting from the planning approval;*
- (z) any relevant submissions received on the application;*
- (aa) the comments or submissions received from any authority consulted under sub-clause 10.1.1; and*
- (bb) any other planning consideration the local government considers relevant.*

However, the ability to use the discretionary powers of clause 5.6 in relation to Clause 6.2.1.4 of the Scheme is not considered possible given the unequivocal wording of Clause 6.2.1.4 ("*under no circumstances*"). A variation to the operation of this clause, no matter how justifiable is not provided for by the Scheme.

It is noted that for uses within flood prone land other than 'tourist' or 'commercial' (including dwellings and habitable buildings) such discretion to vary the floor height or utilize other measures can be sought.

Accordingly, this Scheme Amendment is seeking to establish discretion in the Scheme when assessing tourist or commercial applications within flood prone land.

Such discretion should not be interpreted as 'support' for other measures, but rather, the intent is to provide the opportunity for an applicant to explore measures other than raising the floor to a minimum of 500 millimetres (mm) above the 1 in 100 year flood level as identified for the land.

CLAUSES 6.2.1.5, 6.2.4.4, 6.2.4.5, 6.2.4.6, SCHEDULE 1 (SR6 -CONDITION 2, SR7-CONDITION 2 AND SR9 - CONDITION 3)

It is noted that reference in LPS No3 is made to Water and Rivers Commission (also Water & Rivers Commission) in a number of provisions. It would be appropriate to 'update' the reference to be the Department o Water.

CONCLUSION

Clauses 6.2.1.2 and 6.2.1.3 incorrectly makes reference to Clause 6.2.2.1(b) (i) which does not exist in the Scheme. This should be amended to refer to Clause 6.2.1.1(b) (i).

It is not clear where the specific wording of Clause 6.2.1.4 (in relation to 'tourist' and 'commercial' buildings) originated.

A generic modification to the Scheme as sought will provide 'discretion' for Council to address the appropriate floor height of 'tourist' and 'commercial' buildings.

Such flexibility in the Scheme is in keeping with the direct of the WAPC's 'Model Scheme Text' where it seeks to ensure that Schemes provide flexibility in planning content to suit local circumstances.

The modification to Clause 6.2.1.4 would require the input and direction of the DoW to the point where a DoW objection would lead to refusal.

It would also be appropriate to 'update' the reference to be the Department of Water.

PLANNING AND DEVELOPMENT 2005

SHIRE OF NANNUP

LOCAL PLANNING SCHEME NO. 3

AMENDMENT NO. 7

The Shire of Nannup under and by virtue of the powers conferred upon it by the Planning and Development Act 2005, hereby amends the above Local Planning Scheme by:

- modifying Scheme Text Clause 6.2.1.2 to read:

"Notwithstanding sub-clause 6.2.1.1(b)(i), land identified by the Blackwood River Flood Study 1983 as being within the 1 in 25 year flood level will not be permitted to be developed for residential purposes unless such development is connected to the reticulated sewerage network".

- modifying Scheme Text Clause 6.2.1.3 to read:

"Where proposals are received for the development of extensions or additions to existing residential development sited within a flood risk area, the requirements of sub-clause 6.2.1.1(b)(i) will be waived where such extensions/additions do not exceed 25 per cent of the floor area of the existing building".

- modifying Scheme Text Clause 6.2.1.4 to read:

"Proposals for the development of tourist or commercial uses within flood risk land will be assessed by the local government having regard to the type, size and scale of the proposed development and the comments of the Department of Water which are to be sought and obtained prior to any decision being made".

- modifying Scheme Text Clauses 6.2.1.5, 6.2.4.4, 6.2.4.5, 6.2.4.6, Schedule 1 (SR6 - condition 2, SR7- condition 2 and SR9 - condition 3) to replace any reference to 'Water and Rivers Commission' or 'Water & Rivers Commission' to 'Department of Water

ADOPTION

ADOPTED by resolution of the Shire of Nannup at the Ordinary Meeting of the Council
held on the 20th day of August 2009

.....

B DUNNETT
SHIRE PRESIDENT

.....

S COLLIE
CHIEF EXECUTIVE OFFICER

FINAL ADOPTION

1. **ADOPTED FOR FINAL APPROVAL** by resolution of the Shire of Nannup at the Ordinary meeting of Council held on the 20th day of August 2009. The Common Seal of the Shire of Nannup was hereto affixed by authority of a resolution of the Council in the presence of:

.....
B DUNNETT
SHIRE PRESIDENT

.....
DATE

.....
S COLLIE
CHIEF EXECUTIVE OFFICER

.....
DATE

2. RECOMMENDED/SUBMITTED FOR FINAL APPROVAL

.....
DELEGATED UNDER S.16 OF
PLANNING AND DEVELOPMENT
ACT 2005

.....
DATE

3. FINAL APPROVAL GRANTED

.....
MINISTER FOR PLANNING

.....
DATE

AGENDA NUMBER: 10.2
SUBJECT: Request to Adopt Draft Amendment No. 5 to Town Planning Scheme No. 3 for Final Approval.
LOCATION/ADDRESS: Lots 1 & 2 Dean Road
NAME OF APPLICANT: Burgess Design Group
FILE REFERENCE: A 050
AUTHOR: Ewen Ross – Manager Development Services
DISCLOSURE OF INTEREST:
DATE OF REPORT: 27 July 2009

Attachments:

1. Draft Amendment No. 5 to Town Planning Scheme No. 3 (as advertised).
2. Draft Development Guide Plan.
3. Location and Zoning Plan.
4. Townsite Strategy.
5. Schedule 14 of LPS No.3.
6. Schedule of Submissions.

BACKGROUND:

The purpose of this report is to:

- update Council on the key events since Council last considered the scheme amendment request;
- formally advise Council of the results of the public advertising of the scheme amendment;
- consider key issues; and
- consider whether or not Council wishes to support final approval of draft Scheme Amendment No. 5 with or without modifications.

1. The Proposal

The proponent seeks Council's support to rezone Lots 1 & 2 Dean Road, Nannup ('subject land') from 'Agriculture' under the Shire of Nannup Local Planning Scheme No. 3 ('LPS No.3') to 'Special Rural' to (via an approved Development Guide Plan).

The Scheme Report prepared by the Proponent's planning consultant states:

".... the subject land represents a distinct planning parcel capable of supporting a rezoning from 'Agriculture' to 'Special Rural' with the rezoning providing the opportunity for a continuation of rural-residential development, adjacent to already existing 'Special Rural' zones.

The Development Guide Plan as described in this report satisfies the planning frameworks adopted by the Shire of Nannup and the Western Australian Planning Commission”.

Attachment 1 includes draft Amendment No 5 as advertised. Attachment 2 includes the draft Development Guide Plan as prepared by the Proponent.

2. Subject land and Nearby Land Details

The subject land currently contains single dwellings used for rural-residential purposes, which have previously been used for limited rural purposes. It is predominantly cleared of vegetation however it does contain some vegetation around the existing dwellings. A portion of Lot 1 is currently used as an olive grove and the remainder for rural residential purposes.

The surrounding area of the subject land has been progressively developed over the past 10 years for rural-residential purposes, with lots generally 2 hectares in area. However, land adjoining to the west of Lot 1, south and north of Lot 2 are generally 8ha in area.

Attachment 3 provides a location plan (with zoning).

3. Council Resolution

Council at its Meeting held on 27 November 2008 resolved as follows:

“That Council adopt for the purposes of advertising amendment # 5 to Local Planning Scheme No. 3 for the rezoning of Lots 1 and 2 Dean Road Nannup from the Agricultural Zone to the Special Rural Zone”.

The report to Council noted:

“The purpose of this report is to seek Council’s resolution to adopt the amendment with a modification to add a portion of land being Lot 1 Dean Road Nannup within the scheme amendment. See attachment 1.

The inclusion of Lot 1 Dean Road Nannup within the amendment documentation is supported as the land is also within special control area known as “special rural policy area” under Council’s LPS # 3.

The amendment documents detail the following issues in relation to strategic planning context, land use issues, servicing and/or land use controls:

- *Land capability.*
- *Water supply.*
- *Effluent disposal.*

Signed:

Dated 24 September 2009

- *Fire hazard management (having regard to the "Planning for Bush Fire Protection Policy").*
- *Strategic Planning considerations.*
- *Management of land use conflicts.*
- *River foreshore access.*

4. Local Planning Statutory and Policy Framework

The land is currently zoned 'Agriculture' under LPS No.3 and is also located within a special control area known as "Special Rural Policy Area". In relation to "Special Rural Policy Area", section 6.2.2 of LPS No.3 states as follows:

6.2.2 Special Rural Policy Area

6.2.3.1 The purpose of identifying land on the Scheme Map as being within the Special Rural Policy Area is to enable the planned and progressive development of the land for rural residential purposes in a manner and at a time appropriate to the orderly and proper planning and development of the land, the locality and the District.

6.2.3.2 Where land is identified on the Scheme Map as being within the Special Rural Policy Area, the local government will require the rezoning of the land in accordance with the requirements of sub-clause 4.13.10.2 of the Scheme.

6.2.3.3 Where land is identified on the Scheme Map as being within the Special Rural Policy Area, the local government will require the rezoning of the land consistent with the proposed uses and the preparation of a comprehensive Development Guide Plan for the land and the endorsement of the Plan by it and the Western Australian Planning Commission prior to the local government supporting any subdivision or development of the land.

6.2.3.4 The local government may require the Development Guide Plan to have regard for adjacent lands. Such Development Guide Plan shall be prepared in accordance with Schedule 14.

6.2.3.5 The subdivision or development of the land the subject of the Development Guide Plan shall generally be in accordance with the endorsed Development Guide Plan.

6.2.3.6 Notwithstanding the foregoing, the local government may approve any development in a manner consistent with the underlying zone without requiring a Development Guide Plan where, in the opinion of the local government, such development is of a minor nature and will not adversely affect the future subdivision or development of land within the zone.

6.2.3.7 A dwelling house may be erected on an existing allotment of land within the Special Rural Policy Area where the local government is satisfied that the siting of the dwelling house is unlikely to prejudice the future development of the land or other land in the vicinity.

The principle 'strategic' document in support of the proposed rezoning of the subject land is the Shire of Nannup Local Planning Strategy. The relationship between the Local Planning Strategy and the Nannup Townsite Strategy is outlined in the Local Planning Strategy as such:

"In addition to the recommendations of the Townsite Strategy, Council, via this Local Planning Strategy, has adopted a philosophy of encouraging infill and consolidation of the townsite strategy area instead of identifying additional land for settlement outside of these areas."

The subject land is located within Planning Precinct NR5 of the Local Planning Strategy, the objectives of which are to:

- *"allow for rural-residential subdivision in areas close to the town where permitted under the Townsite Strategy"*
- *"discourage additional rural-residential development at Darradup and Jalbarragup due to remoteness from services"*
- *"provide for the sustainable use of land within the agricultural zones and outside the Townsite Strategy Area, for a range of rural pursuits"*

The subject land is included in the Nannup Townsite Strategy as *Policy Area No.4* (Note Attachment 4) which has few limitations in respect to rural-residential development, with the exception of proximity to the Blackwood River and potential for inundation, and possible constraints on servicing. However, the subject land is not specifically identified as flood prone land and the land can be serviced by road, power and telecommunications with access to and alternative supply of potable water also achievable.

The Strategy also specifies that subdivision into 1 hectare lot sizes are permissible for land with reticulated water and subdivision into lot sizes of 2 hectares are encouraged for land without reticulated water.

Given that the subject land is located within an established rural-residential area, the proposal to rezone the subject site to 'Special Rural' will be consistent with surrounding land uses.

5. Warren-Blackwood Rural Strategy

The Warren Blackwood Rural Strategy ('WBRS') was developed as a collaborative overarching approach to strategic planning for the Warren Blackwood region, with many of those outcomes embodied within LPS No.3. The WBRS does make some observations from a strategic perspective that are of relevance to the future subdivisions and development of the subject land, and the place of the proposed Special Rural zoning within the general objectives for the region.

The WBRS suggests that lots sizes ranging between 1 hectare and 4 hectares should be provided in rural-residential areas. This is considered necessary so as to produce lots large enough to satisfy the lifestyle, amenity and privacy of owners, however not wasting the land resource by creating lots beyond the capability of landowners to manage in a sustainable manner. Furthermore, the WBRS states that rural-residential development should occur within 5 kilometres of an urban area, which the subject land does.

The Warren-Blackwood region is divided into several planning units, the subject land being located within the "Blackwood" Planning Unit. One of the planning objectives of this Unit relating the rural-residential development is that it should be restricted to a specifically identified zone or policy area.

6. Development Guide Plan

LPS No.3 includes at Schedule 14, specific requirements for the preparation of DGP (Note Attachment 5). Its purposes is to demonstrate how the subject land can be logically subdivided into rural residential lots in a coordinated manner with consideration to the adjoining water course, land capability and surrounding locality. The DGP process is to be run concurrently with this amendment as a component of amending documentation. The issues identified by Schedule 14 have been addressed in the DGP.

The amendment and draft DGP proposes to create 5 rural residential lots ranging in area from 1.06ha to 2.82ha, with an overall average of 1.73ha. The 1ha minimum lot size, without connection to reticulated potable water is consistent with the objectives, actions and provisions of the WAPC's DC 3.4. Building envelopes of 2,000m² have been identified on the draft DGP which would ensure that no clearing is to be undertaken outside the building envelope, therefore, protecting the remnant vegetation and environmental attributes existing on the subject land.

A 20m wide foreshore reserve has been identified where the eastern boundary of the subject land abuts the Blackwood River. The 20m width has been identified on the basis that the width corresponds with the Pedestrian Access Way located

on the north eastern boundary of the subject land. The provision of the Foreshore Reserve is to be contributed free of cost by the owner through the subdivision process.

Under the Amendment, development is only applicable to be within the development envelope. In the recent past, it has been common place for the Council/Shire to require provisions associated with the development of land stated on the DGP. No such provisions have been included on the draft DGP and it is recommended that should Council adopt the Amendment for final approval, the following be notations be added to the DGP:

1. *This Development Guide Plan provides a framework for future development of the Land.*
2. *All development is to be compatible with the capability of the land, whilst retaining the rural character and amenity of locality.*
3. *At subdivision, a dimensioned and accurately located building envelope plan will be provided and endorsed by the Shire. Building envelopes shall be sited in such a manner that no remnant vegetation shall need to be removed for development within the building envelop.*
4. *No new building shall be located outside the defined building envelopes.*
5. *A Landscape Protection Plan shall be prepared and implemented to the satisfaction of the Shire of Nannup prior to any further subdivision or development.*
6. *A Fire Management Plan shall be prepared and implemented to the satisfaction of the Shire of Nannup, FESA and DEC prior to any further development or subdivision. All subdivision, development and land use shall comply with the endorsed Fire Management Plan.*
7. *A foreshore management plan for the riparian zone adjacent to the Blackwood River shall be prepared to the requirement of the DoW and DEC.*
8. *Vegetation shall not be removed without the written permission of the Shire of Nannup and where applicable, the Department of Environment and Conservation.*
9. *No new dams or lakes will be permitted.*
10. *A 20 metre foreshore reserve along the eastern boundary of the subject land as depicted on the Development Guide Plan is to be ceded free of cost to the Shire of Nannup or other relevant agency at the time of subdivision.*

7. Remnant Vegetation

Remnant vegetation on the subject land has been subject to previous disturbance. Some further impact at the fringes of this vegetation will be required to establish to building and hazard reduction zones about proposed development.

8. Fire Risk Assessment

In relation to fire risk, a draft Fire Management Plan (FMP) accompanied the Amendment Report. The draft FMP was referred to FESA and endorsed.

9. Consultation and Submissions

The Shire sought public comment on draft Scheme Amendment No. 5 for 42 days. Upon closure of the advertising period, the Shire received four (4) submissions – three from agencies and one from an adjoining landowner. These are summarised in the Schedule of Submissions (note Attachment 6), along with a recommended action. Copies of all submissions are available to Councillors on request.

The issues raised in the submissions addressed planning related matters that can either be addressed in modifications to draft Scheme Amendment No.5 or are dealt with in the existing provisions.

10. Suggested changes to the draft Scheme Amendment Report

It is necessary for draft Scheme Amendment No. 5 Report to be modified to provide for some minor formatting changes, administrative “tidy ups”, scheme and statutory policy provisions, and referencing to access arrangements as discussed in this Report.

11. Next Steps

Should Council agree to support final approval of draft Scheme Amendment No. 5 with or without modifications, Scheme Amendment No. 5 is then referred to the WAPC. The WAPC then makes its assessment and provides a recommendation to the Minister for Planning who makes the final decision on whether or not to grant final approval. If the Minister grants final approval, the Scheme Amendment No. 5 will, in time, be gazetted.

12. Conclusions

The draft Development Guide Plan addresses the requirements of the Scheme. Concerns in relation to fire protection and impacts on adjoining land have been addressed to the satisfaction of FESA.

STATUTORY ENVIRONMENT:

Planning and Development Act 2005, Town Planning Regulations 1967 (as amended), LPS No.3.

POLICY / STRATEGIC IMPLICATIONS:

The subject land is located within Planning Precinct NR5, the objectives of which are to:

- *"allow for rural-residential subdivision in areas close to the town where permitted under the Townsite Strategy"*
- *"discourage additional rural-residential development at Darradup and Jalbarragup due to remoteness from services"*
- *"provide for the sustainable use of land within the agricultural zones and outside the Townsite Strategy Area, for a range of rural pursuits"*

Given that the subject land is located within an established rural-residential area, the proposal to rezone the subject site to 'Special Rural' will be consistent with surrounding land uses.

SUSTAINABILITY IMPLICATIONS:Environmental

A range of environmental issues have been considered at the draft Amendment stage and will be considered in greater detail at the subdivision stage by relevant agencies and the Council.

Economic

Adoption of the Amendment could result in opportunities for additional rural residential development which can assist in providing economic benefits to the local economy.

Social

The proposal will provide additional rural residential opportunities.

FINANCIAL IMPLICATIONS: None anticipated.

RECOMMENDATION:

That Council:

1. Support final approval to Scheme Amendment No. 5 to the Shire of Nannup Local Planning Scheme No.3 ('LPS No.3') to amend LPS No.3 by rezoning Lots 1 and 2 Dean Road, Nannup from 'Agriculture' to 'Special Rural' zone to facilitate development and subdivision via an approved Development Guide Plan.
2. Endorse the 'Council Comments' section in the Schedule of Submissions as outlined in Attachment 6.
3. Advise the proponent that the draft DGP will need to be modified as outlined in the Report (and reflected in the FMP), prior to the Amendment being referred to the WAPC.
4. Request the Western Australian Planning Commission support and the Minister for Planning to grant final approval to Scheme Amendment No. 5 to LPS No.3, with the modifications set out in Resolution 3.

8238 BOULTER/PINKERTON

That Council:

1. Support final approval to Scheme Amendment No. 5 to the Shire of Nannup Local Planning Scheme No.3 ('LPS No.3') to amend LPS No.3 by rezoning Lots 1 and 2 Dean Road, Nannup from 'Agriculture' to 'Special Rural' zone to facilitate development and subdivision via an approved Development Guide Plan.
2. Endorse the 'Council Comments' section in the Schedule of Submissions as outlined in Attachment 6.
3. Advise the proponent that the draft DGP will need to be modified as outlined in the Report (and reflected in the FMP), prior to the Amendment being referred to the WAPC.
4. Request the Western Australian Planning Commission support and the Minister for Planning to grant final approval to Scheme Amendment No. 5 to LPS No.3, with the modifications set out in Resolution 3.

CARRIED 7/0

ATTACHMENT 1

**DRAFT AMENDMENT NO. 5 TO TOWN PLANNING SCHEME NO. 3
(AS ADVERTISED).**

PLANNING AND DEVELOPMENT ACT 2005 (AS AMENDED)

RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME

SHIRE OF NANNUP

LOCAL PLANNING SCHEME NO. 3

AMENDMENT NO. 5

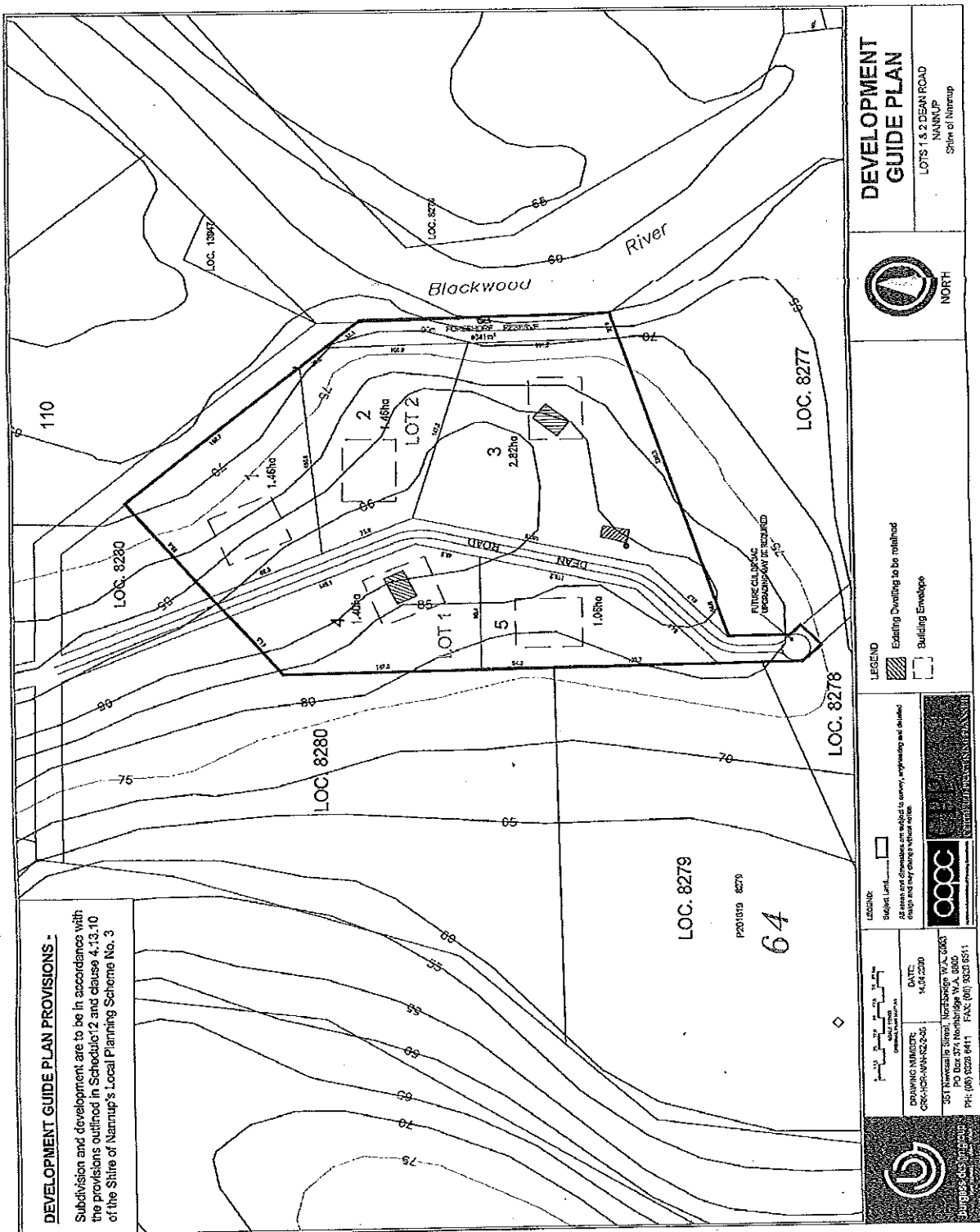
That the Council, pursuant to Section 75 of the Planning and Development Act 2005 (As Amended), amend the above local planning scheme by:

1. Rezoning Lots 1 & 2 Dean Road, Nannup (as depicted on the Scheme Amendment Map) from "Agriculture" zone to "Special Rural" zone.
2. Amending the Scheme Text Schedule 12 (Schedule of Special Rural Zones) by including Lots 1 & 2 Dean Road, Nannup together with reference to a Development Guide Plan and special provisions referring to the subject land as follows:

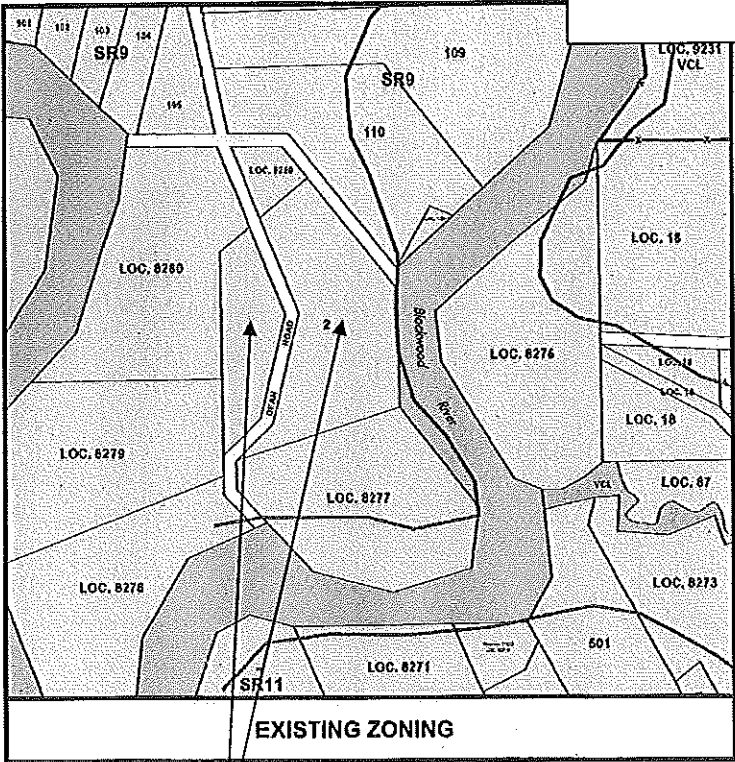
NO.	DESCRIPTION OF LAND	CONDITIONS
SR 14	Lots 1 and 2 Dean Road, Nannup	<ol style="list-style-type: none">1. Subdivision and Development of the Site shall be generally in accordance with the Development Guide Plan and Fire Management Plan adopted by the Local Government and endorsed by the Chief Executive Officer.2. Subdivision and development may be considered by the Shire as a variation from the Development Guide Plan provided that, in the opinion of the Shire, such development would not compromise the intent of the Development Guide Plan.3. Any variation to the endorsed Development Guide Plan not within the general intent of the Development Guide Plan will require consideration and endorsement of a new Development Guide Plan in accordance with Schedule 14.4. Subdivision and development shall generally be in accordance with the Development Guide Plan adopted by the Local Government for the zone under Local Planning Scheme No. 3.5. Prior to subdivision or development, the following will be prepared and/or undertaken to the satisfaction of the

		<p>Local Government:</p> <ul style="list-style-type: none"> • A foreshore management plan for the riparian zone adjacent to the Blackwood River shall be prepared to the requirement of the DoW and DEC. <ol style="list-style-type: none"> 6. A 20 metre foreshore reserve along the eastern boundary of the subject land as depicted on the Development Guide Plan is to be ceded free of cost to the Shire of Nannup or other relevant agency at the time of subdivision. 7. All new buildings and structures shall be contained within the building envelope area as depicted on the Development Guide Plan. 8. Notwithstanding Clause 5.8.3 of the Scheme, each dwelling shall be provided with a water supply with a minimum capacity of 135,000 litres, and adequate roof catchment to supply the water tank, or alternative source of water approved by the Council. This may be supplied from the Water Corporation licensed underground water supplies or rainwater storage systems to the satisfaction of Council and Health Department of Western Australia. 9. All dwellings shall be designed and constructed in accordance with the requirements of Standards Australia AS3959-1999 "Construction of Buildings in Bush Fire Prone Areas" (Level 2) construction standards. 10. The upgrading of Dean Road may be conditioned at the time of subdivision, with all road upgrading works to be to the satisfaction of the Local Government. 11. Hobby farm as defined shall be deemed to be a 'D' use pursuant to the Scheme. All other use and development shall be in accordance with the Zoning Table. 12. On-site effluent disposal systems will be provided to the satisfaction of the Department of Health and Council standards and shall be setback 100m from the Blackwood River in accordance with the Department of Water's Water Quality Protection Note for Wastewater Treatment – On Site Domestic Systems. 13. All stormwater shall be disposed of on-site to the satisfaction of the Local Government.
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DRAFT DEVELOPMENT GUIDE PLAN

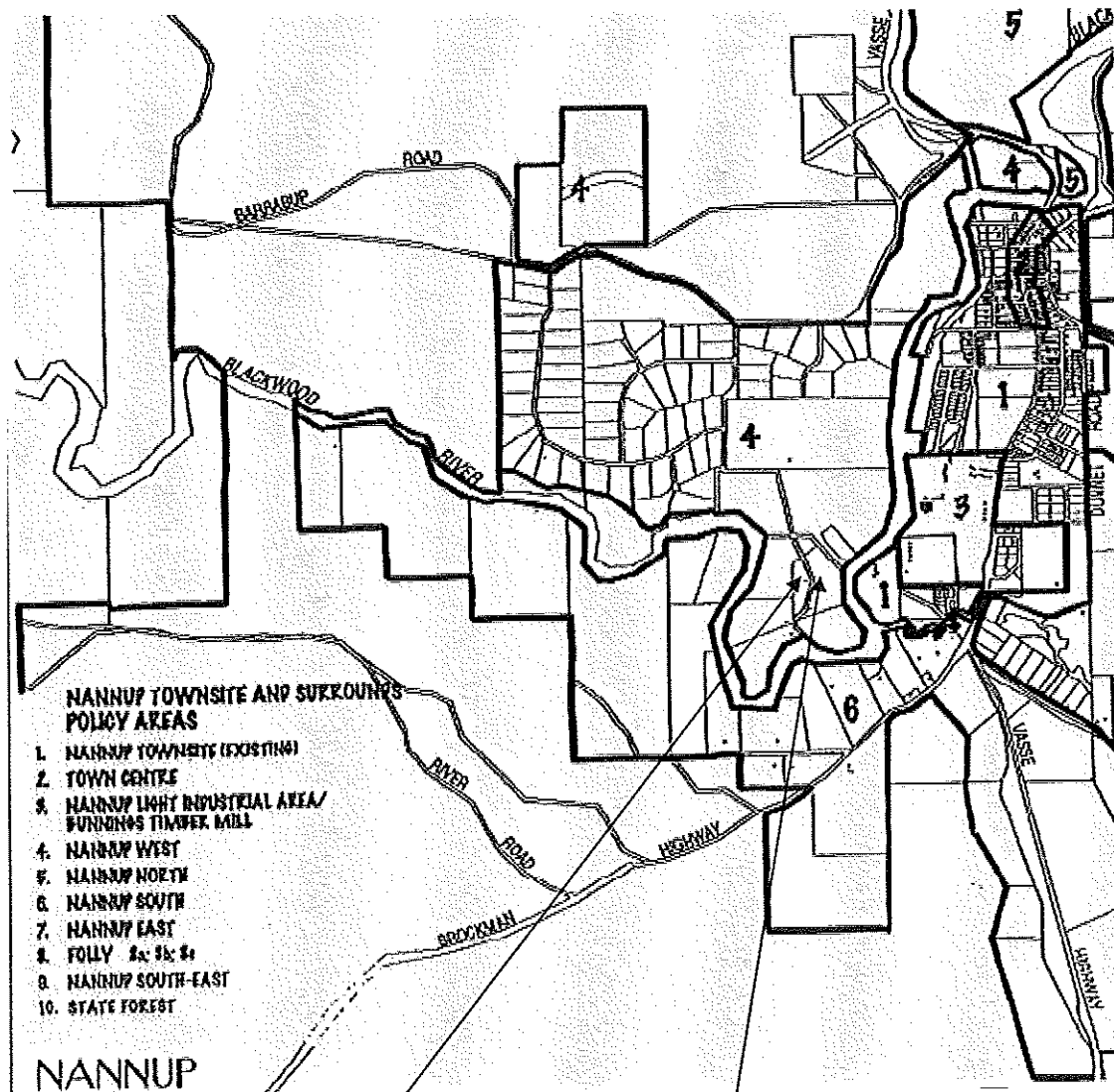


Attachment 3 Location and Zoning Plan



SUBJECT LAND

NANNUP TOWNSITE STRATEGY



Lot 1 Dean Road

Lot 2 Dean Road

NANNUP TOWNSITE STRATEGY

Page No 68

Policy Area 4 - Nannup West

Policy Area Description

This area lies to the west of the Blackwood River and the Nannup Townsite. The area has already accommodated a significant amount of rural-residential development with associated zoning and land use controls. The land is comparatively flat and contains river flats which are subject to inundation during wet periods and flooding. The land is in private ownership and contains little remnant vegetation. The land is identified as having few limitations with respect to rural-residential development.

Policy Statement

Having regard to the existing rural-residential subdivision/development and servicing constraints, Council will not support further subdivision within the policy area unless new lots attain a minimum lot size of 1.0ha where a reticulated water supply is made available to new lots or otherwise 2.0 hectares.

Prior to considering further rural-residential subdivision and development, where appropriate, Council shall require the preparation of a Subdivision Guide Plan and Rezoning documentation. The Subdivision Guide Plan is to be adopted by Council and endorsed by the Western Australian Planning Commission.

Council shall require appropriate setbacks to the Blackwood River as well as requirements for revegetation of denuded areas.

Development Issues

- Effluent disposal
- Nutrient export
- Revegetation of cleared areas
- Proximity to the Blackwood River
- Servicing constraints
- Proximity to the Nannup Townsite
- Predominantly high land capability for rural-residential use
- Power Supply
- Water Supply
- Limitations on expansion opportunities associated with proximity to Blackwood River and adjoining State Forest

Land Use

<u>Primary</u>	<u>Secondary</u>	<u>Undesirable</u>
<ul style="list-style-type: none"> • Single Dwelling • Rural Residential 	<ul style="list-style-type: none"> • Agriculture • Aquaculture • Cottage Industry • Intensive Agriculture • Rural Pursuit 	<ul style="list-style-type: none"> • Animal Boarding • Caravan Park • Commercial • Grouped/Second Dwelling • Industry • Motor Vehicle Wrecking • Stock Yards • Storage Yard • Transport Depot • Urban Development • Veterinary Centre
<u>Ancillary</u>		
<ul style="list-style-type: none"> • Ancillary Accommodation • Home Business • Home Occupation 		

**SCHEDULE 14 – PROCESS FOR DEALING WITH SUBDIVISION AND
DEVELOPMENT GUIDE PLANS**

1. Background

A key component of the local planning scheme amendment documentation for the rezoning of land for further subdivision or intensive development is the preparation of a development guide plan. The local government or Commission may require the preparation of a Development Guide Plan as a precursor to subdivision or development of land in other zones, where the characteristics of the land, or the type of subdivision proposed, raise issues that require preparation of an overall plan to guide the subdivision.

2. Information Required for Development Guide Plans

In addition to any other requirements in the Scheme, the Development Guide Plan shall detail and make recommendations on the following:

- a) The physical, topographical, water resources and environmental characteristics of the land including its slope, soil type, vegetation, drainage characteristics and visually prominent areas, clearly indicating those features it is intended to preserve and the methods by which preservation will be achieved;
- b) The ultimate subdivision including, lot yields, lot sizes and the location, width and standard of proposed roads, pedestrian access and other movement systems within the area the subject of the subdivision and their connection with the road and public recreation network in the locality;
- c) Natural vegetation within the Plan Area and the extent of clearing and earthworks required to implement the Development Guide Plan;
- d) Areas that should be retained for conservation, active and passive recreation, community facilities and other facilities, as required;
- e) Details of drainage and other services necessary to implement the Development Guide Plan, including provisions to ensure that run-off entering any water system within the locality is sufficiently filtered to avoid any adverse environmental impact;
- f) The need for adequate provision of community and physical infrastructure;
- g) Mechanisms for the control of land uses and development to ensure that the purpose of the zone, scenic quality and rural or residential amenity are not impaired;

- h) Preparation and implementation of a foreshore management plan where land abuts the coast or stream, such foreshore management plan to include access linkages, open space improvements, ecological links and conservation strategies to nearby vegetation where required;
- i) An analysis of heritage significance of building or places within the subject land, where required by the local government;
- j) the management of environmental sensitive locations, including identification of buffers, vegetation and habitat corridors;
- k) the proposed provision of community and service facilities;
- l) proposals for the provision of public utilities and services;
- m) adequate data identifying the physical and environmental characteristics of the land;
- n) where required under the intended zoning of the land, building envelopes are to be identified for each proposed lot;
- o) The proposed staging of the subdivision, where relevant; and
- (a) Any special provisions required by the local government that are appropriate to secure the objectives of the zone or any Local Planning Policy adopted in accordance with the Scheme.

ATTACHMENT 6 - SCHEDULE OF SUBMISSIONS

Shire of Nannup Local Planning Scheme No. 5 - Scheme Amendment No. 7

No.	Name & Address of Submitter	Summary of Submissions	Council Comments	Recommendation
1	Water Corporation, P O Box 305 BUNBURY WA 6231	A) No objection	A) Noted.	No Modification
2	FESA PO Box 1288 BUNBURY WA 6231	<p>A) The proposal and associated Fire management Plan have been addressed and are in compliance with the State's 'Planning for Bush Fire Protection' policy.</p> <p>B) FESA has endorsed the submitted Fire Management Plan.</p> <p>C) FESA raises no objection to the proposal subject to the imposition of the following condition of subdivision approval:</p> <p><i>"The subdivider implementing, to the satisfaction of the WAPC, the FESA endorsed Fire Management Plan".</i></p>	<p>A) Noted.</p> <p>B) Noted.</p> <p>C) Noted. However, the matter before Council is the zoning of the land and not subdivision. The Report to Council recommends a modification to the draft DGP that ensures the preparation and compliance with the FMP. The condition recommended by FESA would form part of any subdivision approval.</p>	<p>No Modification</p> <p>No Modification</p> <p>No Modification</p>

3	Department of Environment and Conservation PO Box 1693 BUNBURY WA 6230	<p>A) Has assessed the proposal and has no comment to make, however, it reiterates the comments made by the EPA when it considered the Amendment (as follows):</p> <p><i>"The EPA has assessed the potential impacts of the amendment as referred, should clearing of remnant vegetation be proposed beyond that required for the construction of the subdivision and building envelopes a clearing permit must be obtained from the Department of Environment and Conservation (DEC), unless the clearance is authorised by a clearing permit obtained by the DEC, or is of a kind that is exempt in accordance with Schedule 6 or regulation 5 of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 of the Environmental protection Act 1986. Further information on clearing permits can be found on the DEC website (www.dec.wa.gov.au). Guidelines for clearing can also be found in Guidance Statement No. 33, Chapter B2 on the EPA website.</i></p> <p><i>The Riparian vegetation surrounding the Blackwood River must be retained.</i></p> <p><i>It is likely that residents will decide to use their lot for a particular land use as well as a residential site. These other uses could include keeping of horses, a small orchard or vegetable garden to name a few. The council should incorporate strict guidelines into the management of these uses to</i></p>	<p>A) Noted.</p> <p>B) Noted. The EPA raises issues that relate to the impact on the Blackwood River. The DGP accompanying the Amendment provides for a 20 metre Foreshore Reserve with the following Scheme provision:</p> <p><i>A 20 metre foreshore reserve along the eastern boundary of the subject land as depicted on the Development Guide Plan is to be ceded free of cost to the Shire of Nannup or other relevant agency at the time of subdivision.</i></p> <p>This 'reserve' includes significant areas of riparian/remnant vegetation.</p> <p>Building envelopes are shown that ensure that no remnant vegetation will be removed. However, the EPA advice addresses matters that include;</p> <p><i>"introduction of weeds and pests, erosions of banks, the spread of weeds, diseases, predators, construction and ground-disturbing activities contributing to the erosion...."</i></p> <p>Local government has little opportunity to control the matters referred to above. Importantly however, the Amendment will provide more control opportunity for the land than the current 'Rural' zone.</p>	<p>No Modification</p> <p>No Modification</p>
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		<p>ensure that these do not detrimentally impact on the Blackwood River. A few threats requiring management include: introduction of weeds and pests, erosions of banks, the spread of weeds, diseases, predators, construction and ground-disturbing activities contributing to the erosion and the export of sediment and increased nutrients in the run off due to fertiliser application which can cause algae blooms on the River's surface. For further information, please refer to the EPA Guidance Statement No. 33 available on the EPA website (www.dec.wa.gov.au).</p>		
4	<p>Sharon Barker (owner of Lot 8280 Dean Road) Unit 98, 99 Heardsman Parade WEMBLEY WA 6014</p>	<p>A) Understands that re-zoning is inevitable but wonders if the issue of fire management can be addressed during the process; especially as quite a fee of the owners (including the submitter) don't reside there permanently.</p> <p>B) The grasses alongside the gazetted river reserves grow tall. Does the Shire manage gazetted reserves in Special Rural rezoned areas?</p> <p>C) There is a gazetted road alongside my property. In 2009 for the first time it was sprayed and effectively remained clear of grasses but I am not sure if the Shire did this?</p> <p>D) Prior to this, myself/neighbours sprayed/slashed the grass between our two houses on the western side of Dean Road</p>	<p>A) Note response to 2) above.</p> <p>B) Noted. It is likely that river reserves would be vested with the Water and Rivers Commission (Department of Water/DEC)</p> <p>C) The Shire staff advise that the Shire would have sprayed this reserve.</p> <p>D) Noted.</p>	<p>No Modification</p> <p>No Modification</p> <p>No Modification</p>

		<p>E) RE: - 2 new blocks on the east (town) side of Dean Road</p> <ul style="list-style-type: none"> • The land there is quite steep and doesn't lend itself to slashing. Currently we do firebreaks and Lyndon Crouch runs cattle there. • When the fences go up for the new subdivisions it won't be possible for cattle to be in the smaller blocks unless we agree to provide gate access between the blocks; because there is no access to the Blackwood water on these small blocks. • It could be that there is a proviso that we do provide gate access between our properties, during the interim period before people live there, so the area can remain managed with animals. • It isn't as effective to cut wires and put in gates once fences are up. 	<p>E) Noted. The comment on achieving access to the land and run cattle to reduce the grasses may be appropriate, however it isn't a matter that one directed by the Shire. In this regard, the submitter would need to contact the land owner to arrange and maintain such access and operation.</p>	No Modification
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Cr Dunnet declared a financial interest in the following item and left the meeting at 4.50pm.

Cr Bird assumed the chair

AGENDA NUMBER: 10.3
SUBJECT: Application for Planning Consent - Use Not Listed- Wind Farm
LOCATION/ADDRESS: Lots 2, 3, 14, 499, 704 and 921 Milyeannup Coast Road and Woodarburrup Road
NAME OF APPLICANT: Verve Energy
FILE REFERENCE: TPL7A
AUTHOR: Ewen Ross - Manager Development Services
DISCLOSURE OF INTEREST: Cr Dunnet
DATE OF REPORT: 11 August 2009

Attachments:

1. Location Plan.
2. Western Power letter date 6 August 2009.
3. EPA letter dated 5 August 2009.
4. *Planning Bulletin No. 67.*
5. Civil Aviation Safety Authority letter dated 3 July 2009.
6. Shire of Augusta-Margaret River report to Council 13 August 2009.
7. Shire of Manjimup letter dated 22 July 2009
8. Department of Indigenous Affairs email 10 July 2009.
9. Department of Planning and Infrastructure Landscape and Visual Assessment.
10. Map of Noise Contours.
11. Mr. James's Visual Management Review.

PROPOSAL

The Shire is in receipt of an Application for Planning Consent for a 'Use Not Listed' - Wind Farm on land located to the south of Milyeannup Coast Road and Woodarburrup Road comprising the following lots and areas ('subject land'):

1. Lot 2 – 19 Ha
2. Lot 3 – 101 Ha
3. Lot 14 – 64 Ha
4. Lot 499 – 404 Ha
5. Lot 704 – 500 Ha
6. Lot 921 – 202 Ha

Total area of 1,290 Ha.

Signed:

Dated 24 September 2009

The development would consist of 30 wind turbines in various locations across the subject land where all electricity produced would be fed into the local electricity grid by connecting to an existing 132KV overhead transmission line.

A location plan is found in **Attachment 1**. The application and accompanying report is available on Council's Website. Councillors have been issued a disk with the full version of the Planning Application under separate cover.

The Applicant advises that:

"The proposed development includes the construction of up to 30 wind turbines, generating up to 55 MW of electricity into the south-west electricity network. The project is located on freehold land consisting of coastal dunes with vegetation cover of coastal heaths and peppermint/paperbark woodlands. Assessments undertaken have concluded that the proposed development will have no serious environmental, social or heritage impacts.

The wind farm will generate up to 180 GWh of electricity per year, the equivalent electricity use of 26,000 houses. This wind farm will feed electricity into the Western Australian south west grid supplying renewable electricity free of carbon emissions. It is estimated that this project will lead to the offset of 160,000 tonnes per year of greenhouse gas emissions". (page 9)

"In the short to medium term (25 years) the subject site is proposed to be utilised for a wind farm that has the potential to generate enough power to supply 26,000 homes. Similar in design to the Albany wind farm, already established by Verve Energy, the Milyeannup wind farm will result in minimal disturbance to the natural coastal vegetation in which it will be located.

The site is characterised by significant areas of remnant vegetation, and this vegetation will be retained and protected as part of the development due to the Wind Farm's design, construction and the proposed techniques for rehabilitation. Through the subsequent preparation of the Augusta-Walpole Coastal Strategy, issues with respect to access to the coast and vesting of the coastal strip have also been addressed".(page 33)

Separate to the Application is the intention of Western Power to construct a transmission line from the Wind farm to the existing 132KV line. Western Power is exempt from requiring consent from the Shire (**note Attachment 2**). This matter is still under discussion.

Section 38 of the *Environmental Protection Act 1986* provides for referral to the Environmental Protection Authority (EPA) if a proposal may have significant adverse effects on the environment. Accordingly, the Applicant referred the project to the EPA. The EPA has resolved that the proposal (in relation to

clearing) is 'Not Assessed'. The EPA has provided detailed recommendations which are included as **Attachment 3**.

The EPA has however, made recommendations associated with native vegetation, fauna and noise, which should the Application be referred back to Council for final consideration, these matters will be further discussed. Importantly, for the matter before Council, it is considered that the EPA consideration does not preclude Council from considering that the proposed Wind Farm is a "Use Not Listed" as addressed in this Report.

BACKGROUND

The subject land is extensively covered in remnant vegetation and consists of a dwelling and general farm infrastructure. Lots 704, 499 and 921 are located adjacent to Unallocated Crown Land (ULC) and the Southern Ocean. The Shire was advised by the Applicant that flora surveys conducted by Biota Environmental Sciences in October/November 2008 and in March 2009 identified that the project area is dominated by species such as *Acacia littorea*, *Agonis flexuosa*, *Corymbia calophylla* and *Eucalyptus marginata*. The majority of the vegetation is classed as in 'Excellent' condition and approximately 7% is cleared or Peppermint (*Agonis flexuosa*) parkland.

PLANNING FRAMEWORK

The following planning documents and instruments establish the 'planning framework' for any development (and subdivision) on the subject land.

State Strategies and Policies

State Sustainability Strategy

The State Sustainability Strategy provides a framework for the State Government to respond to its sustainability agenda. The Strategy identifies six broad goals and forty-two strategy areas which are intended to guide Government action towards achieving its vision for a sustainable Western Australia. The six broad goals are:

- Sustainability and Governance,
- Contribution to Global Sustainability,
- Sustainable Natural Resource Management,
- Sustainability and Settlements,
- Sustainability and Community, and
- Sustainability and Business.

This strategy reflects on the imperative of ensuring land use and development is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.

Statement of Planning Policy – SPP 2.6 State Coastal Planning Strategy

Statement of Planning Policy No 2.6 - State Coastal Planning Policy (SPP2.6) was Gazetted in 2006 and outlines coastal planning policies in relation to:

- public interest,
- coastal foreshore reserves,
- coastal strategies and Management Plans,
- the environment, development and settlement,
- physical processes setback, and
- the requirements of Foreshore Management Plans.

The broad objectives of the SPP2.6 are to –

- Protect, conserve and enhance coastal values, particularly in areas of landscape,
- nature conservation, indigenous and cultural significance,
- Provide for public foreshore areas and access to these on the coast,
- Ensure the identification of appropriate areas for the sustainable use of the coast for housing, tourism, recreation, ocean access, maritime industry, commercial and other activities, and
- Ensure that the location of coastal facilities and development takes into account coastal processes including erosion, accretion, storm surge, tides, wave conditions, sea level change and biophysical criteria.

Visual Landscape Planning in Western Australia – A Manual for Evaluation, Assessment, Siting and Design,

This manual was produced by the WAPC to provide advice to state agencies, local governments, developers and the community on techniques for incorporating visual landscape planning in the planning system.

The Applicant prepared a landscape and visual impact assessment using the WAPC methodology in order to determine the potential impact of this proposal on the visual landscape. This is discussed further in this Report.

Planning Bulletin 67 – Guidelines for Wind farm Development

The Western Australian Planning Commission's (WAPC) Planning Bulletin No. 67 – Guidelines for Wind Farm Development is intended to provide local government, other relevant approval authorities and wind farm developers with a

guide to the planning framework for the balanced assessment of land-based wind farm developments, throughout the state

For land use planning purposes, a wind farm or wind energy facility, can be defined as any turbine, building or other structure used in, or in conjunction with, the generation of electricity by wind force. The Bulletin suggests that Council should consider Wind Farm infrastructure be considered as an 'AA' or 'SA' land use non-urban and similar zones (which would include the Coastal Landscape zone).

WAPC's *Planning Bulletin No. 67 – Guidelines for Wind Farm Development* is included as **Attachment 4**.

Regional Strategies and Policies

Warren Blackwood Regional Planning Strategy

The Warren Blackwood Regional Planning Strategy was the first regional strategy prepared for the region and sought to guide future development within the region over the next 25 years.

The Strategy guides the future development of the region and provides a framework for more detailed planning at the local level. The Wind Farm site forms part of the BR1 Scott Planning Unit.

Warren Blackwood Rural Strategy

The Warren Blackwood Rural Strategy builds and expands on the content of the Warren Blackwood Regional Planning Strategy with a specific focus on issues with respect to agricultural land use and management.

The Strategy defines the overall area into three broad regional zones; Agriculture, Priority Agriculture and Landscape Protection. The Strategy identifies a series of regional planning units to define land capability, natural resources & management, planning objectives and land use categories and subdivision criteria across the region.

The subject land is identified as forming part of the Rural Landscape Protection Conceptual zone within the BR1 Scott Planning Unit. In recognition of the natural beauty of the area combined with the physical and environmental limitations for agricultural within the area, the primary objective of the zone was determined as a need to 'enhance the intrinsic landscape, environmental and cultural values of the area.' Major issues in the BR1 Scott Planning Unit relevant to the subject site include:

- Protection of the remaining areas of remnant vegetation on freehold land, existing vegetation on the fragile coastal dune system and areas of significant vegetation associations and threatened ecological communities; and
- Tourism and recreational access to the coast, vesting of the coastal strip and management of the coastal fringe.

Augusta-Walpole Coastal Strategy

The Wind Farm site is located within land areas zoned as 'Rural Conservation Zone Area A' and 'Rural Conservation Zone Area B'.

Zone A: encompassing four (4) lots within the wind farm area, is restricted to a minimum lot size of 40 Ha, providing the average lot size of 80 Ha is maintained over the parent lot. The larger average lots size is designed to maintain existing landscape and environmental values of the area.

Zone B: encompassing two (2) lots, has been identified within the Strategy as having potential to provide possible future public coastal access to the beach. As an incentive to facilitate, through subdivision, the possible creation of these access nodes, subdivision of land within this zone may be supported to a minimum lot size of 40 Ha.

The Augusta-Walpole Coastal Strategy notes:

"The Augusta-Walpole coastline has the attributes required for successful use of wind energy and it is therefore important in the State's response to climate change. Locally, wind farming can provide significant sustainable employment with very little environmental impact. Although a wind farm typically has a 28-year lifetime and its building requires some land disturbance, such disturbance is small and the facility can be removed without significant legacy environmental damage. Proposals to develop alternative energy generation would be subject to the usual assessment and approval processes.

There has been one large scale proposal for a wind farm on the Scott coastal plain. This site, although not ideal in terms of wind generation, had the benefit of being close to the Beenup transformer site which would have allowed a quality link to the south-west grid. With the greater emphasis on sustainability and the need to mitigate against the impacts of climate change, further proposals can be expected for wind power generation around the Western Australian coast" (page 106).

The Augusta-Walpole Coastal Strategy also notes the Milyeannup land area as follows:

"This area, shown in detail in figure 19b, is near the junction of Milyeannup Coast Road and Woodarburup Road. The locality of Milyeannup has been identified as a potential coastal access node as it is roughly in the centre of precinct 1, and because of the existing and potential surrounding land uses and its potential for low key accommodation.

Further assessment through a coastal management plan will determine whether Milyeannup can support some low-key tourism facilities or is better suited to day use only. No subdivision of the coastal access location at Milyeannup will be supported until the exact location of the coastal access road, associated infrastructure, cost and land contributions are resolved, because a number of privately owned lots have been identified as having potential for a coastal access road.

Recommendation 5.7.2: Should lots 1, 2 or 704 (Milyeannup) be the subject of an application to develop or subdivide, ensure that the provision of public access is considered during the assessment process".

A potential access node, referred to as the Milyeannup Node is proposed along the western-most boundary of the proposed Wind Farm site. This is further discussed in this Report.

Shire of Nannup – Policies and Planning Scheme

Shire of Nannup Local Planning Strategy

The principle 'strategic' document in support of the proposed rezoning of the subject land is the Local Planning Strategy. The Local Planning Strategy seeks to:

"..... become a central feature of the Scheme [The Shire of Nannup Local Planning Scheme No. 3], setting out the Council's general aims and intentions for future long term growth and change...

The Local Planning Strategy will become a central part of the Scheme, being a consideration the Council will have regard to in making planning decisions, and will carry significant weight in planning appeals...

The Local Planning Strategy provides an opportunity for an integrated approach to planning across all areas of the district, including consideration of social, environmental and economic aspects. Once adopted, the LPS is translated into an action plan through the adoption and implementation of Town Planning Scheme No. 3."

The LPS identifies the most significant planning issue for the South Coast region as

'determining an appropriate level of development, access and usage of the coast that is compatible with the retention of the area's wild and natural values'.

The objective for the South Coast region is *'to ensure that development, access and usage of the South Coast is compatible with the retention of the area's environmental, visual landscape, heritage and recreation values.'*

In anticipation of additional pressure in the South Coast area for further subdivision and development the Strategy recommends that any subdivision or non rural development abutting the coastline should be required to prepare a site specific foreshore management plan that is relevant to the scale and form of the development proposed.

Council Policy - Shire of Nannup Coastal Management Plan

The purpose of the study, therefore, is to identify and evaluate the coastal access, low key development and management options compatible with the protection of those values. This is in accordance with the recommendations of the *Augusta-Walpole Coastal Strategy*. Similar land tenure and environmental circumstances extend westwards to the Hardy Inlet, and the draft AWCS has similar recommendations to the west of the Shire boundary.

Specific to the subject land, the *Shire of Nannup Coastal Management Plan* notes and recommends as follows (pages 35 and 36):

"6.6.3 MILYEANNUP

The Milyeannup access node is proposed as a low key beach area providing for beach fishing and general recreation. If the private wind farm developer proceeds with its proposed wind farm project in this area, the access road and carpark could be constructed in conjunction with that development. That could also involve the provision of public access to one of the wind towers for community education purposes. The following construction, development and conservation requirements to be provided at the cost of the developer are relevant to the Milyeannup access node:

- The foreshore reserve shall be ceded and a road reserve leading from Milyeannup Coast Road to the foreshore reserve shall also be ceded, along an alignment selected to best suit the topography and vegetation and with allowance to accommodate the required vertical and horizontal road design geometry, and the road shall be constructed to the standard of a 2WD gravel road to the NSC's satisfaction;*
- A gravel carpark of sufficient size to accommodate about 15 vehicles shall be constructed in a level area behind the frontal dunes;*

- *The access road shall be securely fenced both sides for its full length, with strong barriers around the carpark and secure gates at the entrances to any management tracks or firebreaks;*
- *The pedestrian access path shall be appropriately fenced from the carpark through to the beach to protect the fragile foredunes from trampling and be constructed as a boardwalk or stairway where required to maintain dunal stability, all to DEC standard;*
- *A composting toilet shall be provided in a location convenient to the carpark, but sufficiently removed to avoid odour drift and to be visually unobtrusive;*
- *No camping or campfires shall be permitted within the foreshore reserve of this node;*
- *No rubbish bins will be provided and visitors will be required to take their rubbish out with them;*
- *Adequate signage shall be erected covering issues such as beach dangers and potential hazards, protecting the dunes, exclusion of ORV's from beach and dunes, no camping, no littering, etc.; and*
- *Assess the presence and spread of dieback.*

"Recommendations:

- 7. *That the landowner/proponent be responsible for the provision of the infrastructure and facilities at the respective coastal access nodes, including the construction or provision of roads/tracks, carparks, fencing/barriers, pedestrian access paths, camping area improvements, fireplaces, composting toilets and signage.***
- 8. *That the landowner/proponent prepare a Development Contribution Plan in accordance with State Planning Policy 3.6 — Development Contributions for Infrastructure and to the satisfaction of the Council, with an agreement to maintain infrastructure and facilities provided for a period of 5 years".***

The relevance of the *Shire of Nannup Coastal Management Plan* is discussed further in this Report.

Local Planning Scheme No. 3

The subject land is zoned "Coastal Landscape" under Local Planning Scheme No. 3 (LPS No.3), the objective of which is to *".... protect significant landscapes and environmental features and provide for development which is compatible with and which will enhance the landscape and environmental qualities of the area"*.

Clause 4.13.5.1 defines the Specific Objectives of the Zone as follows:

- "(a) To protect the significant landscapes and environmental features of the locality; and*
- (b) To provide for development which is compatible with and will preserve and enhance the landscape and environmental qualities of the locality".*

The zoning table defines uses that can be considered ('D' or 'A') and those that are prohibited ('X') there are however uses that cannot clearly be defined in the Scheme. In this instance, 'Wind Farm' is not defined in LPS No. 3 and therefore is considered to be a 'Use not Listed'. This is consistent with Under Clause 4.4.2 of LPS No. 3, the requirements of the local government in determining a 'Use Not Listed' is as follows:

4.4.2 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category 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 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.*

As there is no land use class for a Wind Farm in LPS No.3, Council could consider the proposal as a "Use Not Listed". If Council was to consider the proposal as such, the proposal would be the subject of statutory advertising under LPS No.3.

Initial Stakeholder Circulation/Consultation

Prior to referring the Application to Council for consideration of a "Use Not Listed" in accordance with the LPS No.3, the Application was 'informally advertised' for a period of 21 days. Referrals were made to nearby landowners; advertisements were placed in 4 newspapers and sent to the following agencies:

- Environmental Protection Authority
- Department of Environment and Conservation (Manjimup) and (Bunbury)
- Department of Planning and Infrastructure, (Bunbury)
- Department of Planning and Infrastructure (Coastal Branch)
- Department of Indigenous Affairs
- Western Power
- Civil Aviation Authority
- Shire of Augusta-Margaret River
- Shire of Manjimup

Newspapers for advertising

- The Telecentre Telegraph
- The Augusta-Margaret River Mail,
- The Dunsborough - Busselton Times,
- The Manjimup - Bridgetown Times.

The Applicant also conducted external consultation including conducting several information seminars at both Nannup and Augusta for interested stakeholders.

The purpose of the 'informal' (but extensive) advertising was to assist Council determining whether the "Use Not Listed" "... *is consistent with the objectives of the particular zone and is therefore permitted*" (pursuant to Clause 4.4.2 (a).

The response from Government Agencies (at the time of writing this Report) was as follows:

- Western Power No objection - see **Attachment 2**
- Environmental Protection Authority 'Not Assessed' - see **Attachment 3**
- Department of Environment and Conservation Manjimup office and Bunbury office – No response
- Civil Aviation Authority – No objection - see **Attachment 5**
- Shire of Augusta-Margaret River – No objection - see **Attachment 6** (Note: Email advice has been received confirming that the AMR Council strongly supported the application)
- Shire of Manjimup - see **Attachment 7**
- Department of Indigenous Affairs – see **Attachment 8**
- Department of Planning and Infrastructure **Attachment 9**

Five public submissions were received which outlined the following planning comments/concerns pertaining to the proposal including:

- General support for wind farms and sources of alternative energy (4 submissions).
- Noise impacts on an adjoining lot (one submission – owner of Lot 1 – west of the subject land).

The support for the wind farm is noted. The issue raised with respect to noise impacts is considered to be reasonable as a submission due to the submitters land being very close to the 35dB(A) contour. The issue of noise has also been addressed by the Environmental Protection Authority – although their concerns do not relate specifically to the submitters land.

It is necessary for the Applicant to ensure that no off site impacts occur unless it is with the agreement of the land owner. The Applicant has advised that ongoing discussions with adjoining landowners in order to ultimately achieving a lease

agreement (or similar) with these owners affected by the minimum 35dB (A) noise contour.

From the Proponents application the wind farm will impact on the environment. This factor will be addressed in more detail in a later report. However, in this regard, it is reasonable for the Council to seek to have the Applicant provide Council with some written acceptance from these land owners of the impacts of the Wind Farm on their land.

Note: The five public submissions will be included in the schedule of submitters in the final report to Council for planning approval and will be available to Councillors.

LPS No.3 states as follows:

Clause 4.4.2

It is suggested that the 'circulation' of the Application and the resultant (apparent) acceptance of the proposal by the community and agencies should assist Council in determining the matter pursuant to Clause 4.4.2 of the LPS No. 3 (i.e. that the "... use is consistent with the objectives of the particular zone".)

Clause 4.13.5.6

Clause 4.13.5.6 of LPS No. 3 "*Development of Land Abutting Coast*" defines the assessment necessary to determine an Application in the "Coastal Landscape" zone.

"For any development other than a single residential dwelling and uses associated with an established or proposed agricultural use on land abutting the coastline or vacant crown land that itself abuts the coast, a site specific coastal management plan is to be prepared to the satisfaction of the local government, addressing (but not limited to) the following issues:

- *Setbacks for development;*
- *Dune and vegetation protection measures;*
- *Beach access points;*
- *Vehicle movement control;*
- *Fencing;*
- *Fire management;*
- *Vesting of any adjacent unallocated crown land (if applicable); and*
- *Visual amenity".*

The Application is discussed in relation to the above issues identified on Clause 4.13.5.6.

Setbacks for development

LPS No.3 defines a minimum set back of 20m for all development to any boundary. The setbacks to the respective lot boundaries and roads of the Application are as follows:

- Northern Boundary (to Woodarburrup Rd) ~ 850m
- Eastern Boundary (to Woodarburrup Rd) ~ 295m
- Southern Boundary (to Unallocated Crown Land triangle) ~ 90m
- Western Boundary (to Lot 367) ~1170m

The setbacks appear reasonable for the proposed Wind Farm, however one impact of the turbines is that they will produce noise in excess of 35dB(A) at times (**Note Attachment No. 10**). Some of this impact is outside the subject land and would impact upon the siting of any future dwellings on these 'external' lots.

The Application notes:

"..... a range of noise sensitive buildings have been identified outside and in close proximity to the project area. To address potential wind farm noise emission impacts on these surrounding buildings, noise emission boundaries have been developed. The noise emission boundaries are based on backgrounding noise monitoring and modelling worst case wind farm noise emissions for a range of wind turbine development scenarios". (page 15)

This issue has been acknowledged by the EPA in relation to Lot 1. Accordingly it is reasonable for Council to seek to have Verve Energy enter into a to lease agreement (or similar) with those land owners not forming part of the Application but who are affected by the 35dB(A)/40dB(A) noise contour. In this regard, they would indicate their acceptance of the impacts of the Wind Farm on their land and the potential impacts on future residences.

Dune and vegetation protection measures

The proposal is set back approximately 500m to the high water mark. The Applicant has provided the following comments:

Preliminary studies undertaken through the Augusta Walpole Coastal Strategy and the Nannup Coastal Management Plan indicate that the Wind Farm site abuts a section of the coast that is considered stable in nature. A setback of a minimum of 500m is therefore considered more than adequate to ensure the proposal will not have an impact on the coastal processes that may lead to erosion or a threat to the stability of the proposed development. In this regard, and as provided for through the exemptions contained within SPP 2.6 a more detailed physical coastal setback assessment is not warranted given the limited life span of the proposal and its significant setback from the coastline.

Should a Planning Approval issue, it is reasonable to have a condition that requires the siting of the turbines assessed in light of the WAPC's *Statement of Planning Policy No. 2.6 State Coastal Planning Policy*.

Beach access points/Vehicle movement control

The WAPC's *Augusta-Walpole Coastal Strategy* was finalised in August 2009. In relation to the subject land, the *Augusta-Walpole Coastal Strategy* notes:

"This area, shown in detail in figure 19b, is near the junction of Milyeannup Coast Road and Woodarburrrup Road.

The locality of Milyeannup has been identified as a potential coastal access node as it is roughly in the centre of precinct 1, and because of the existing and potential surrounding land uses and its potential for low key accommodation.

Further assessment through a coastal management plan will determine whether Milyeannup can support some low-key tourism facilities or is better suited to day use only. No subdivision of the coastal access location at Milyeannup will be supported until the exact location of the coastal access road, associated infrastructure, cost and land contributions are resolved, because a number of privately owned lots have been identified as having potential for a coastal access road.

Recommendation 5.7.2: Should lots 1, 2 or 704 (Milyeannup) be the subject of an application to develop or subdivide, ensure that the provision of public access is considered during the assessment process".

The *Nannup Coastal Management Plan* includes several recommendations but does not address the 'trigger' for requiring land to be ceded to Council for coastal access. In relation to development however, Recommendation No. 5 of the *Nannup Coastal Management Plan* states:

"That the Nannup Shire Council adopt the position that any subdivision application will be subject to a formula for contributions to infrastructure and facilities provision and calculated in accordance with the provisions of State Planning Policy 3.6 — Development Contributions for Infrastructure, including the upgrading of Woodarburrrup and Milyeannup Coast Roads and any identified offsite infrastructure which would be affected by the subdivision."

The Applicant's Coastal Management Plan which accompanies the Application states in relation to coastal access:

"In the case of the Milyeannup Wind Farm, there is no intention to encourage or attract further public use of the coastal zone as a result of the development. The development will be off limits to the public with the exception of a turbine to be established near Woodarburrup Road in the eastern portion of the site. The nearest turbine from the beach will be approximately 500m away. The lease arrangements between Verve Energy and landowners preclude noise-sensitive premises to be built within the noise buffer areas for the wind farm for 28 year period of the lease.

It is therefore considered that given the Wind Farm development will have no effect on the current use of the beach or on the current coastal processes, there is no justification for additional land being excised from the property for inclusion within the coastal reserve.

The land has been managed effectively by the current land owners for many years. The introduction of a Wind Farm to the property will not change management techniques – in fact, the management levels will be further increased by the additional surveillance that Verve Energy and its contractors will be undertaking over the life of the project on the site. Such surveillance will enable prompt addressing of any public access issues that may arise affecting the coastal zone.

Imposition of a requirement for additional land for inclusion into a foreshore reserve, to be ultimately vested in the Shire of Nannup, would place significant additional pressures on the Council's resources in terms of management. Verve Energy and its contractors, with the landowners, will manage the land in its current form with regular surveillance and responses, thereby saving resources that the Shire of Nannup can therefore direct to other coastal management requirements and possibly maintaining the coastal interface more effectively than will be possible by the Council".

There is no intention of the Applicant (or the land owners) to provide any land for coastal access purposes associated with the proposed development as they consider that this should be undertaken at subdivision only.

Under LPS No.3 and the *Augusta-Walpole Coastal Strategy*, the requirement to address coastal access does not relate specifically to subdivision. Development is also a 'trigger' for considering additional public access.

The key Shire document in this regard is the *Nannup Coastal Management Plan*. This policy of Council was adopted in early 2009 and uses 'subdivision' as the 'trigger' for considering additional public access. There is some merit in pursuing additional public access in accordance with the *Augusta-Walpole Coastal Strategy* and the *Nannup Coastal Management Plan* at this stage as the development is approved and commenced, will 'lock up' the land for some 28 years. However, it is subdivision and tourist development that attracts people to

the area and which also provides a policing and surveillance mechanism for the protection and safety for what is and will be for the foreseeable future, an isolated area.

The closest proposed turbine to the proposed access road (as defined in the *Nannup Coastal Management Plan*) is in excess of 850m away.

As noted by the Applicant, the Wind Farm site will be leased by Verve Energy from the existing landowners during the 28 year duration of the wind farm project (comprising of 25 years of operation and 3 years construction / decommissioning).

It is Verve's intention that the Wind Farm will be removed from the site once the lease has expired to allow other development, such as subdivision of the land, to occur. At this later time further assessment of the need to provide a coastal access node on the western edge of the site will be examined and considered through the relevant planning Framework. During this time the lease arrangement will restrict construction of noise sensitive premises from occurring on site.

It is clear that it is the intention of Council to provide coastal access in close proximity to the Wind Farm. It is open for Council to consider that the access node should be provided as part of this proposal (at no cost to Council) where it considers that there is clear 'nexus' and a planning purpose between the development and the need for the access.

On the face of it, as the development of the Wind Farm is an infrastructure project, which will not involve the process of subdivision or increase the demand for access to the beach, no such nexus can be determined. However, to achieve the 'planning purpose, it is open for Council and any other agency to at some time in the future seek to negotiate or compulsory acquire the access node.

Accordingly it is appropriate for Council to resolve not to require the '*Nodal Concept – Milyeannup Node*' access, car park and development to be associated with the Wind Farm pursuant to the *Nannup Coastal Management Plan* and *Augusta-Walpole Coastal Strategy* on the basis that the proposed Wind Farm does not establish a clear 'nexus' and a planning purpose between the development and the need for the access. In this regard, the proposal is not considered to 'trigger' the need for such access and infrastructure as the need is generated when subdivision and relevant tourist developments result in addition population pressures on the coast

It is considered appropriate that Council determine the issue of additional public access for the proposed Wind Farm prior to determining the appropriateness or otherwise of the Wind Farm application to ensure that the two matters (access and the Application) are dealt with separately.

Fencing

The Coastal Management Plan accompanying the Application notes as follows:

"The site is already partly contained by a boundary fence along the coastal interface. The other boundaries of the site are already fenced. The coastal boundary may be subject to further fencing as determined necessary by Verve Energy to secure the site if there is increased risk of access from the beach by beach users.

If necessary, any potential access available to the site from the beach will be subject to immediate attention by Verve Energy and its contractors to ensure security of the site". (page 6)

Although no fencing details have been provided, any subsequent Approval could be conditioned that fencing be 'open rural' fencing in accordance with existing standards.

Fire Management

The Shire requested a Fire Management Plan prior to consideration of the Application. The Applicant advised that it discussed the proposal with FESA and DEC and that at the Application Stage, a FMP was not necessary. By Email to the Applicant's Planning Consultant, FESA offered no objection to a fire management plan for the wind farm being a condition of the development approval. Similarly, the DEC advised the Applicant's Planning Consultant (via Email on 4 August 2009) that:

"....DEC has no objection to the requirement for a FMP being a condition of the development approval.

This is based on DEC's perception that the wind generator tower structures and blades will be constructed of non flammable materials and that the access requirements for each tower means that there will effectively be a 20m wide break adjoining and surrounding each tower structure. DEC also perceives that the turbines and cables will not present a fire ignition hazard understanding that consequential clearing for underground transmission cables and supporting substation and ancillary structures will be part of the assessment by the EPA. On this basis DEC does not anticipate a need for further vegetation clearing for specific fire protection purposes will be required and thus the existing clearing requirements considered as part of the environmental assessment for the wind farm proposal will address the sites fire protection needs.

If any part of DEC's perceptions referred to above are not correct, then this advice may need to be revised. Note that during construction it is anticipated that there will be additional risks of fire ignition arising from construction machinery,

equipment or other accidental causes which will need additional planning to minimise the risk and provide for a emergency suppression capability.

These and other items will need to be addressed in a Fire Management Plan to the satisfaction of DEC prior to commencement of construction”.

The Shire would prefer the FMP to be provided prior to considering significant Applications to be assured that fire management is not an ‘afterthought’. In this regard, it is not considered that the ultimate development is necessarily a fire risk, however, the construction and erection of the towers and ancillary works will be a significant risk due to the possible use of welding and grinding that is likely to take place on site, along with up to 50-60 employees on-site during the construction. It is recommended that Council reiterate the Shire requirement for a FMP prior to the issue of any Planning Approval.

Vesting of any adjacent unallocated crown land (if applicable)

Unallocated Crown Land abuts Lot 704 and Lot 921. However, it is not considered necessary for the vesting to be modified as a result of this Application. In addition, the Shire’s Coastal Plan addresses this matter in detail.

Visual amenity

The Applicant prepared an ‘in house’ visual assessment of the proposed Wind Farm based on the WAPC’s *Visual Landscape Planning in Western Australia – A Manual for Evaluation, Assessment, Siting and Design, 2007*.

Visual management assessment is considered to be a vital aspect of this Application and according, the Shire commissioned William James Landscape Architect (located in Margaret River) to professionally review the landscape and visual assessment of the Wind Farm undertaken by the Applicant. A complete copy of Mr. James’s assessment is included as **Attachment 11**. The Applicant was provided with a copy of Mr. James’s review. The Department of Planning and Infrastructure (‘DPI’) was also provided with a copy Mr. James’s review. The DPI also has specialist landscape assessors and they have been contacted for their views on the Application. The DPI generally concur with Mr. James’s views on the inadequacy of the Applicant’s visual assessment.

In his review, Mr. James noted that the Applicant’s assessment was prepared by Verve Energy, the developers of the wind farm and that there is no author’s name on the Assessment report. The Verve Energy Assessment concludes that the project will not have unacceptable impacts on landscape values. Mr. James concludes that the Verve Energy Landscape and Visual Assessment does not satisfy the minimum standards for a rigorous assessment of the landscape values and the resulting impacts of the proposed development on those values. He notes:

"It uses a rather confused, and confusing, methodology and makes several fundamental errors in judgment as well as simple tabulation. At the same time as purporting to assess the impacts of the proposal it also promotes the proposal.

It fails to adequately describe the landscape. It lacks a detailed description of the landscape character, significant features, wilderness qualities, views and how people experience the area.

It lacks a systematic identification or classification of viewing opportunities, or the expectations of those experiencing the landscape.

It does not adequately assess the landscape values.

It does not adequately assess the impact of the proposal on the values. Nowhere does it actually discuss or acknowledge the obvious impacts – that the proposal will change the character of the landscape; will alter the significant features; will remove the experience of wilderness; and will significantly change the views.

It does not test the impacts against relevant policies.

It does not explore any options, but takes the proposal as a given and attempts to justify it through the application of an apparently objective methodology.

At the core of these inadequacies is an apparent lack of understanding of the purpose and process of landscape assessment. The purpose is to protect the landscape. The process involves answering the five straightforward questions posed in the Introduction to this review:

- 1. What is there? (what is the landscape like?)*
- 2. How valuable is it?*
- 3. What changes are proposed?*
- 4. Are the changes acceptable?*
- 5. If not, then what can be done to make them acceptable?*

The Assessment does not adequately answer these questions.

When more appropriate and informed judgments are applied to the evaluation criteria contained in the Assessment the result shows that the Assessment is wrong in concluding that the landscape and visual impacts of the wind farm proposal are acceptable. When another methodology is applied it is apparent that the proposal does not comply with relevant State and Local Government policies. The Assessment as I stand should not, therefore, be given any weight in the Council's decision-making".

The issue of landscape assessment will be important to determining the impacts of the Application. Staff have suggested to the Applicant that a response to Mr. James's review and DPI's comments be provided prior to referring the Application back to Council.

This will be considered in greater detail (with a response from the Applicant) when the Application is fully assessed.

PHYSICAL ASSESSMENT

Land Capability

The site is considered acceptable due to its locality and topography. The Applicant considered the site suitable as follows:

"The primary issues in identifying possible wind farm sites are wind resource, transmission access and social acceptability.

Western Australia has an excellent wind resource; however, there are limited locations for commercial wind farm development. The main reasons are that many of the windy areas are either inaccessible due to their recognised natural heritage value, such as National Parks or specific Reserves, or they are too far from the high voltage electricity transmission network. If a wind farm is too far from the network then long, above-ground high voltage lines are required. These lines can be prohibitively expensive and can involve substantial land and environmental disturbance. Transmission lines can also be unpopular with local communities.

A wind farm does not supply what is called 'firm capacity'. This simply means that a wind farm cannot be turned on at any time to get maximum electricity output, as it depends on the wind conditions. While the wind cannot be controlled, a site can be chosen where the wind blows when the energy is most needed. To do this it is necessary to understand how wind fluctuates with seasons and throughout the day, which requires long term wind resource measurements.

The size of the transmission network is also important. In Western Australia, as a consequence of our spread-out and small population, the electrical system is sparse and electricity supply may be disturbed by large amounts of wind energy input.

Social acceptability is an increasingly important issue for wind farm developments. Wind farms need to be appropriately sited, and the community engaged in their development.

The proposed location of Milyeannup Wind Farm has all of the positive features needed for a wind farm. Verve Energy has a good understanding of the issues that need to be addressed at this site. With long-term wind resource information available and long term experience of operating wind turbines at other sites, Verve Energy has the confidence to pursue a new wind farm development at this site. The electricity generated will be fed into the 132KV power lines located to the east of the subject Lots”.

It is considered from the advice of the Applicant and review by the EPA that the subject land is suitable and capable of being used for the purpose of Wind Farm.

Environmental Impact

The Government's State Sustainability Strategy reflects on the imperative of ensuring land use and development are consistent with the efficient use of energy and minimisation of greenhouse gas emissions. Wind energy is a renewable energy which fits closely with the ideals of the Strategy. Wind Farms affect the visual amenity of Coastal Landscape zone landscapes, however, the Application will be subject to community consultation and landscape assessment which will enable Council to gauge the level of acceptability prior to either approval/refusal of the proposal.

Noise

The Applicant has undertaken a Noise Modelling Assessment to determine whether or not the proposed Wind Farm will comply with relevant Guidelines in respect to allowable noise levels received at noise sensitive land uses (Dwellings) on neighbouring properties.

The *Western Australian Planning Commission's Planning Bulletin 67 - Guidelines for Wind Farm Development* endorses the use of the Wind Farms – Environmental Noise Guidelines produced by the South Australian Environmental Protection Authority to be utilised as criteria for noise emissions produced by wind turbines. These Guidelines stipulate that sound levels should not exceed 35dB(A) in the locality or 5dB(A) higher than background noise. In addition, the *Planning Bulletin* states:

“To avoid adverse noise impacts on the amenity of the surrounding community, wind farm developments should include sufficient buffers or setbacks to noise sensitive premises. As a guide, the distance between the nearest turbine and a noise-sensitive building not associated with the wind farm, is likely to be 1km. The ultimate distance between sensitive uses and the wind turbine, may be determined on the basis of acoustical studies”.

It would appear that the only existing house not forming part of the subject land is 'Lot 1' (west of the subject land) where it would appear to be approximately 1km

from the proposed turbines. Accordingly, Shire Staff recommend that no wind turbines be placed any closer than the existing wind turbines proposed on the Applicant's Planning Application and that all landowners affected by the noise impact are involved with a lease agreement (or similar) with Verve Energy as outlined in this Report.

Along with the EPA, the Shire Staff are of the view that a Special Use 'exclusion zone' (or similar) should be established over all land affected by the Wind Farm – once it is clear that project will progress. This will be discussed in a further Report to Council.

Design

The proposal seeks permission for a term of 28 years and includes development of 30 wind turbines and associated infrastructure over six lots which have a total area of 1290ha. The cost of the development is estimated at over \$160 million. It should be noted that although the Application is based on up to 30 turbines, the Applicant advises that the project details are not yet final including wind turbine make/model and network access capacity.

The wind turbines will have a maximum tower height of 85m and three blades with a maximum rotor diameter of 100m. Each turbine will be placed on a circular steel tower, bolted to a steel reinforced concrete foundation. The foundation will sit below ground except for the portion which meets the tower being just above ground level. A control panel and switchboard will be housed inside the base of each turbine tower.

Electromagnetic Interference

As Wind Farms can potentially affect the electromagnetic signals in an area, the Applicant has committed to investigate and apply a range of measures to rectify any interference should it occur.

CONCLUSION

From the information provided, the outcomes of the 'informal' advertising and comment from agencies and the Shire of Augusta-Margaret River, it is concluded that Council could favourably consider the proposed 'Wind Farm' as a "Use Not Listed" under LPS No.3.

In this regard, the Application would be given Public Notice in accordance with the Statutory Advertising provisions of LPS No.3. Having already undertaken extensive public circulation of the Application (comprising notices in local papers and referral to Government Agencies, Shire of Augusta-Margaret River, Shire of Manjimup and neighbours) for comment, the Public Notice is recommended to be limited to an advertisement notice in the following newspapers for 14 days:

- The Augusta-Margaret River Mail
- The Dunsborough - Busselton Times
- The Manjimup - Bridgetown Times

There are however, matters that still require the input of the Applicant. These relate to noise, visual management and fire management.

The issue of noise is that some aspects of the Wind Farm operation will impact on nearby and adjoining landowners (not forming part of the subject land) and reflected by the 35dB(A) noise contour. It is reasonable given that the Wind Farm has potential impacts on future residences and is to be in operation for up to 25 years, that a lease (or similar) be entered into with Verve Energy and those land owners affected. Council should only consider the Application when proof that the land owners have accepted the arrangements.

Visual Management assessment has been undertaken by the Shire's landscape consultant (and presumably the DPI). The Applicant will need to address the issues raised and (preferably) done by a suitably qualified person.

The Shire notes the advice from FESA and DEC that a fire management plan can be prepared as a condition of any Approval.

It is suggested that for a thorough planning assessment to be undertaken, an initial fire management plan/strategy that addresses the impacts of the Wind Farm through the construction phase to operation, needs to be undertaken as part of the Application assessment – not only as a result of an Approval.

From initial consultation and review of the Application, the provision of the Wind Farm may prove to have substantial energy benefit along with favourable social and economic advantages. There is no evidence that Wind Farm will have any negative cultural impacts. On an environmental impact perspective, the proposal may have an impact, visually and acoustically.

On balance, given no identified opposition to the proposal received, the inclusion of the Wind Farm as a 'use Not Listed' pursuant to LPS No.3 is supported. Any issues in addition to those raised in this Report and those that may be identified from formal advertising would be dealt within the normal planning process.

STATUTORY ENVIRONMENT:

Council's Local Planning Scheme No.3 provides a statutory framework for all development in the Shire and has been discussed throughout this Report.

POLICY IMPLICATIONS:

Signed:

Dated 24 September 2009

There are no Council Policies pertinent to Wind Farm development. Shire Staff do not envisage the need for such a policy at this time.

FINANCIAL IMPLICATIONS: No implications are anticipated.

STRATEGIC IMPLICATIONS:

The Shire of Nannup 'Forward Plan 2006/07-2010/11' notes that the vision of the Shire of Nannup is:

"To foster a community that acknowledges its heritage, values and lifestyles whilst encouraging sustainable development."

The Shire of Nannup – draft Natural Environment Strategy (January 2008) notes that the objective of the Strategy is:

"The broad principles to consider in environmental management are the sustainable management of natural resources and the protection of the biodiversity that may be affected by human activity".

The Strategy notes the following area of environmental importance:

"Greenhouse Gas Emissions and Energy Efficiency

Council decision making and Shire practice should:

- (i) Promote energy efficiency at all levels from development and urban design incorporating issues such as energy efficient building design and orientation of building lots for solar efficiency, to reducing general electrical consumption by best management techniques.*
- (ii) Support the retention of existing vegetation and revegetation to reduce the carbon "foot print" of the community.*
- (iii) Support the use of alternative energy regeneration, including renewable energy, where appropriate.*
- (iv) Progressively ensure that CouncilThe Applicant states that the wind farm will generate significant environmental, economic and social benefits to the local and wider community".*

The construction of up to 30 wind turbines will generate:

- Up to 55 MW of electricity into the south-west electricity networkUp to 160,000 tonnes per year of greenhouse gas emissions avoided each year.
- Enough electricity to power up to 26,000 homes every year.
- Feed electricity into the Western Australian south west grid supplying renewable electricity free of carbon emissions.
- Offset 160,000 tonnes per year of greenhouse gas emissions.

- Direct and indirect employment opportunities to the local/regional community.

The Applicant estimates that there will be an average of 50-60 employees on-site during the construction. Maximum labour on site is expected to peak at between 80 and 90. The Wind Farm would increase the sustainability of energy supply in Western Australia and contribute to efforts to address global climate change.

RECOMMENDATION

That Council, in relation to the Application for Planning Approval on Lots 2, 3, 14, 499, 704 and 921 Milyeannup Coast Road and Woodarburrup Road, Shire of Nannup for a Wind Farm:

1. Determine that the proposed use is a "Use Not Listed" as referenced in the Western Australian Planning Commission's *Planning Bulletin Number 67 - Guidelines for Wind Farm Development*.
2. In accordance with the provisions in Local Planning Scheme No.3 give Public Notice of the proposal the form of an advertisement in the following newspapers for 14 days:
 - The Augusta-Margaret River Mail
 - The Dunsborough - Busselton Times
 - The Manjimup - Bridgetown Times.
3. Resolve that with respect to the Application for Planning Approval on Lots 2, 3, 14, 499, 704 and 921 Milyeannup Coast Road and Woodarburrup Road, Shire of Nannup for a Wind Farm that Council not require the 'Nodal Concept – Milyeannup Node' access, car park and development as defined in the *Nannup Coastal Management Plan* and *Augusta-Walpole Coastal Strategy* on the basis that the proposed Wind Farm does not establish a clear 'nexus' and a planning purpose between the development and the need for the access. In this regard, the proposal is not considered to 'trigger' the need for such access and infrastructure as the need is generated when subdivision and relevant tourist developments result in addition population pressures on the coast.
4. Advise the Applicant of 3. above and that prior to determining the Application the Applicant will need to provide the following:
 - Noise - lease agreement (or similar) with those land owners not forming part of the Application but who are affected by the 35dB(A) noise contour. In this regard, the land owners would indicate their

acceptance of the impacts of the Wind Farm on their land and the potential impacts on future residences.

- Visual Management – assessment undertaken by a suitably qualified person that addresses the review and commentary by William James and the DPI.
- Fire management – submit a fire management plan that addresses the impacts of the Wind Farm through the construction phase to operation.

8239 DEAN/CAMARRI

That Council, in relation to the Application for Planning Approval on Lots 2, 3, 14, 499, 704 and 921 Milyeannup Coast Road and Woodarburrup Road, Shire of Nannup for a Wind Farm:

1. Determine that the proposed use is a "Use Not Listed" as referenced in the Western Australian Planning Commission's *Planning Bulletin Number 67 - Guidelines for Wind Farm Development*.
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4. Advise the Applicant of 3, above and that prior to determining the Application the Applicant will need to provide the following:
 - Noise - the Applicant is to commit to finalising lease agreements (or similar) with those landowners not forming part of the Application but

who are affected by the 35 dB(A) noise contour, as a condition of Development Approval, prior to the Shire of Nannup issuing a building licence for the Wind Farm. In this regard, the landowners would indicate their acceptance of the impacts of the Wind Farm on their land and the potential impacts on future residences.

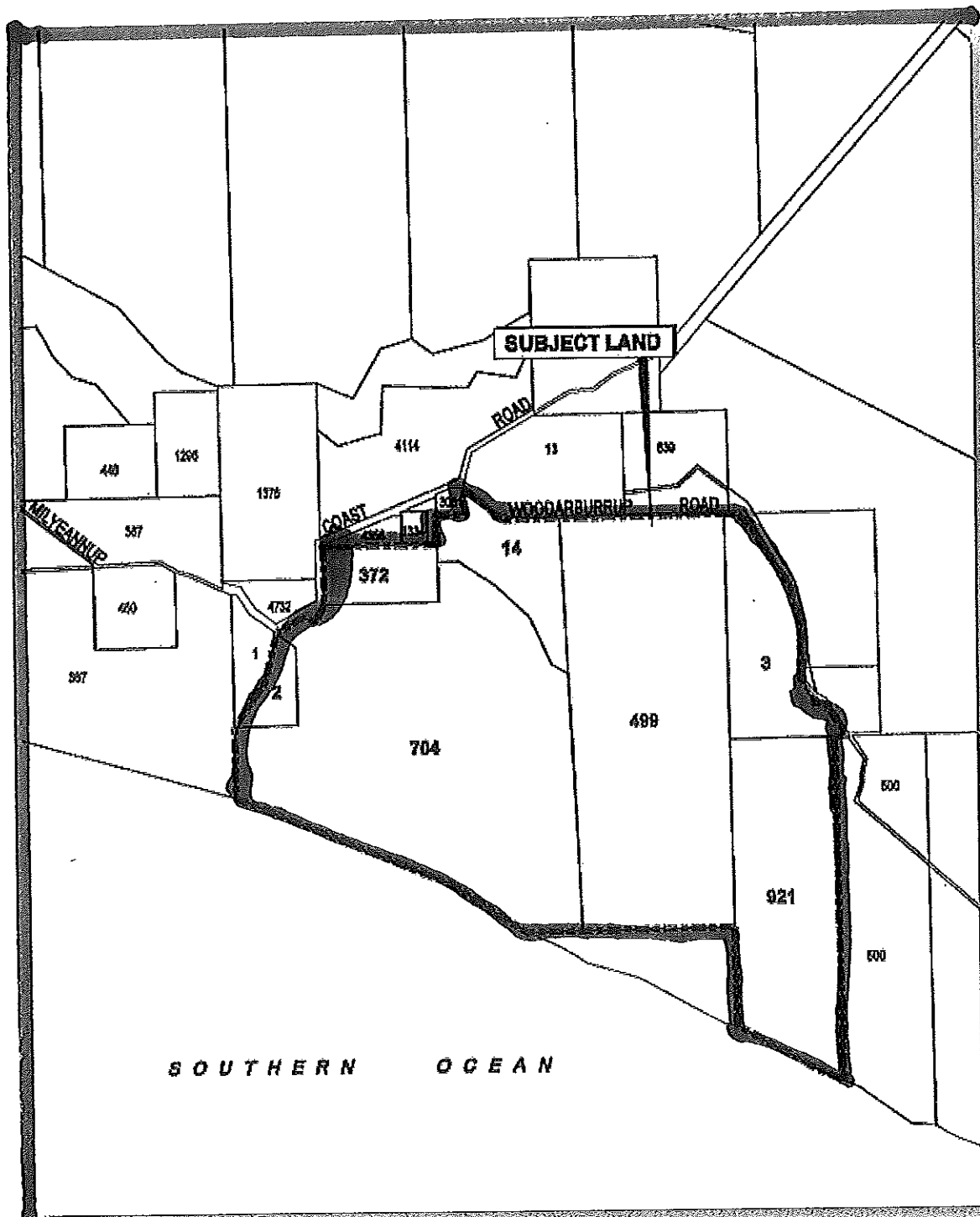
- Visual management - the Applicant is to provide formal comment on the opinions of William James and the Department of Planning, for Council consideration when the Application is scheduled again for determination.
 - Fire Management - the Applicant is to submit a Fire Management Strategy for Shire and Council consideration on the basis that submission of a full Fire Management Plan will be a condition of Development Approval. The Fire Management Strategy and Plan are to address the impacts of the Wind Farm through the construction phase to operation.
 - Dieback Control Management Plan, Acid Sulphate Management Plan and Traffic Management Plan - the Applicant is to commit to preparing these plans to the satisfaction of the Shire, Council and relevant approval authorities prior to construction of the Wind Farm commencing, as a condition of Development Approval.
5. Advise the applicant that the Shire of Nannup will be developing a model of differential rating for the proposed development.

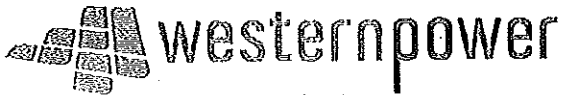
CARRIED 6/0

Cr Dunnet returned to the meeting at 4.55pm and resumed the chair.

ATTACHMENT 1

LOCATION PLAN





Enquiries: Mark Stevens
Telephone: 9326 4144

363 Wellington Street Perth WA 6000
GPO Box L921 Perth WA 6842
T: (08) 9326 4911 F: (08) 9326 4595
www.westernpower.com.au
Electricity Networks Corporation ABN 16 640 492 601

6 August 2009

Ewen Ross
Manager Development Services
Shire of Nannup
PO Box 11
Nannup WA 6275

Dear Ewen

Milyeannup Wind Farm 132kV Transmission Line

Thankyou for your letter dated 30 July 2009 asking for clarification on the 132kV transmission line for the Milyeannup Wind Farm project.

From previous discussions with the Shire, Western Power is aware that a fire brigade shed or a community hall has been proposed for Lot 5392 on the corner of Milyeannup Coast and Governor Broome Roads. The line route that has been chosen has been done so in consultation with the Shire of Nannup and the surrounding landowners. At this late stage of design Western Power is reluctant to move the alignment of the transmission line as this would require moving the line into the road reserve which would result in a significant increase in vegetation clearing.

The transmission line is aligned 20 metres inside the property boundary and will have a 10 metre easement either side of the line. Lot 5392 is approximately 160 metres long and it appears that there would be sufficient room to construct the shed or hall in the remaining land.

If necessary under the conditions of the easement you will be allowed to construct a car park under the line where the natural contours of the land are not altered. There will be a need to place one pole within Lot 5392 and the exact position of this pole will not be known until the end of August 2009.

The transmission line is mostly aligned in private property 20 metres from the road reserve and only enters the road reserve for 600 metres near the Scott River where it will follow the existing distribution line alignment. The distribution line in this area will be placed underground.

The transmission line will be constructed from wooden poles approximately 18 metres in height with an average span length of 150 metres and will be screened along Milyeannup Coast Road by the existing road reserve vegetation. Where the line crosses the Scott River Western Power will use two steel poles, one either side of the river, as these poles will allow a longer span to avoid Aboriginal heritage issues.

It is not Western Power's intention to do a visual impact study on this project for the following reasons:

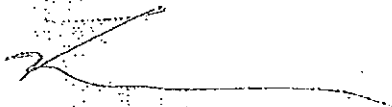
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- the line is constructed of wood poles that are approximately 5 metres taller than the existing distribution poles that run along Milyeannup Coast Road and therefore it is envisaged that the local area can absorb the visual impact of the line.
- Transmission lines of this type are typical of power lines located in rural landscapes throughout the southwest of the state
- the line will be screened by the existing road reserve vegetation.
- the area has low population and housing density.
- the area has a relatively low traffic volume and it is not anticipated that there would be any detrimental effect on recreation or tourism in this area resulting from the installation of these poles.

Western Power is not aware of any conflict between power lines and radio communication as they use different frequencies.

Should you require any further information regarding the project please do not hesitate to call Mark Stevens on 9326 4144 or 0419 197 001.

Yours sincerely



Frank Trollo
Manager Approvals and Development South



Environmental Protection Authority

The Atrium,
Level 8, 168 St Georges Terrace,
Perth, Western Australia 6000.
Telephone: (08) 6364 6500.
Facsimile: (08) 6467 5557.

Postal Address: Locked Bag 33,
Cloisters Square, Perth, Western Australia 6830.
Website: www.epa.wa.gov.au

Mr Daniel Thompson
Verve Energy
GPO Box F366
PERTH WA 6841

Your Ref: DMS#3159303
Our Ref: CRN222122 DEC1442
Enquires: Amy Sgherza, 6467 5424

Dear Mr Thompson

PUBLIC ADVICE

PROPOSAL: MILYEANNUP WIND FARM
LOCATION: LOTS 2, 3, 14, 704, 499 AND 921 SCOTT RIVER EAST
LOCALITY: NANNUP
PROPONENT: VERVE ENERGY
ASSESSMENT: NOT ASSESSED -- MANAGED UNDER PART V OF THE EP ACT (CLEARING)

Further to the Environmental Protection Authority (EPA) letter of 20 Jul 2009 with regard to the above proposal, the EPA Service Unit (EPASU) advises that no appeals were received against the EPA's determination that your proposal should be treated as Not Assessed- Managed under Part V of the EP Act (Clearing).

On further consideration, the EPA has decided to issue the following advice and recommendations:

ADVICE AND RECOMMENDATIONS

1. Environmental Issues

- a. Native vegetation
- b. Fauna
- c. Noise

2. Advice and Recommendations regarding Environmental Issues

- a. Native vegetation

In regards to the proposal as described in the document *Milyeannup Wind Farm -- Environmental Impact Assessment* (GHD & Blota Environmental Services, 2009) which includes up to 30 wind turbines and a maximum clearing of 24 hectares post rehabilitation, the following advice and recommendations regarding environmental issues is provided.

It is noted that the 14 kilometres of overhead transmission line which will run from the proposed substation within the subject site, and along Milyeannup Coast Road to join the existing 132,000 volt network, will be the subject of a separate proposal.

Clearing

The EPA notes that the proposal involves the clearing of native vegetation and recommends that, where possible, existing tracks should be utilized to furnish the wind turbines and proposed access roads and infrastructure.

Please visit the Department of Environment and Conservation's (DEC) website at the following web address <http://nvp.environment.wa.gov.au> for information on the provisions of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* and the procedures in relation to applying for a Clearing Permit. The DEC will make a decision to grant or refuse a permit. The decision of the EPA to not assess your proposal carries no presumption about the outcome of an application for a Clearing Permit.

It should be noted that clearing cannot be undertaken until the clearing permit application process is concluded.

Priority Flora

The subject site contains known populations of the following significant flora:

- o *Oxalys phyllanthi*
- o *Clematis linearifolia*
- o *Diplolaena dampiera*
- o *Eucalyptus cornuta*

A field investigation of Declared Rare and Priority Species and Threatened Ecological Communities, and particularly the above significant species, should be undertaken during the flowering season, in conjunction with a search of the DEC's database prior to any commencement of site works. If identified on the property the location of the wind turbines should be modified to avoid disturbance of these species. The plant community (EmEmCcaBAaBOHlf) that supports *E. cornuta* may be very restricted in the local context. This community should be identified and avoided in the development footprint.

The vegetation complex Dwellingup 5 (D5) as mapped by Mattiske and Havel (1998) should be identified and retained as it is under reserved with less than 10% currently in secure reservation. The location of the wind turbines and associated infrastructure should be modified, where necessary, to ensure this vegetation is protected.

Erosion

All coastline vegetation should be retained and clearing of any vegetation within 500m of the coastline should be avoided. The vegetation complex D'Entrecasteaux 5 (De5) as mapped by Mattiske and Havel (1998) is identified along the coastline on the subject site. This vegetation complex carries a "severe" to "extreme" wind erosion hazard if vegetation is cleared. A foreshore management boundary should be determined based upon land capability and criteria and where practicable, wind turbines should be located to avoid vegetation susceptible to erosion. It may be that a suitable foreshore boundary would be set back further than 500 metres, to avoid clearing this vegetation, depending upon the assessment.

Management Plans

Due to the presence of the Dieback (*Phytophthora cinnamomi*) susceptible species *Dryandra sessilis* ssp. *Cordata* on site, a dieback disease risk assessment needs to be undertaken and a dieback hygiene plan should be implemented to manage the risk of dieback introduction and spread, both for the construction phase and the on-going management access. This will be best achieved through the development of a Dieback Management Plan prepared and implemented on advice of the DEC.

A Rehabilitation Plan for the post-construction phase of the project should be prepared and implemented on advice of the DEC.

A Weed Management Plan should also be prepared and implemented on advice of the DEC to ensure that the spread of environmental and declared weeds throughout the site and adjacent Reserves is minimized.

b. Threatened (Priority) Fauna

Western Ringtail Possums (*Pseudocheirus occidentalis*), Baudin's and Black Cockatoos are known to exist on the site, and should be protected pursuant to the *Wildlife Conservation Act 1950*. Existing tracks should be utilized to avoid clearing significant habitat areas.

The proponent should be aware of their responsibilities under the *Environmental Protection and Biodiversity Conservation Act 1999*.

All Peppermint trees (*Agonis flexuosa*) should be retained and where this is not possible an environmental consultant with appropriate expertise or an officer from the DEC should be on hand prior to clearing of vegetation to relocate any Western Ringtail Possums. In addition to this, a Western Ringtail Possum Management Plan should be prepared and incorporated on advice of the DEC. This should include, but not be limited to, DEC South West Region protocols being followed during the construction phase on the days that vegetation clearing is to take place. That is, a 'possum spotter' should be on site to guide machine operators in best Western Ringtail Possum management practices and to deal with any injured or derelict animals that can not be relocated on site.

In addition to the proponents proposed fauna management actions, the following actions should also be incorporated:

- The construction workforce briefing should include information on the protection of reptiles/snakes and the banning of pet dogs from the site.
- Rehabilitation plans for Peppermint trees (and WRP habitat) should include pre-disturbance documentation of existing habitat parameters, such as, percentage canopy cover, stand density and detailed documentation of the structure of the habitat, so that appropriate completion criteria can be established and rehabilitation progress evaluated.
- A bird strike monitoring program should be developed and implemented, which includes, details as to the design and implementation of the monitoring program, or amelioration strategies should the consequences of bird strike be deemed unacceptable for species conservation.
- A predator baiting program should be developed in consultation with the DEC.

c. Noise

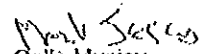
The operation of the wind turbines will produce noise in excess of 35dB(A) at times, however, it is understood that all affected landowners will enter into a lease agreement which will outline this. In addition to this it is recommended that the owner of Lot 1 also be included in the lease agreement as any future proposed residences on this site will be within the 35-40dB(A) noise contour. Any future proposed development of Lot 1 should be restricted to within the 35-40dB(A) noise contour.

The proponent should demonstrate the practicability of the use of the noise reduction mode proposed to be used overnight and develop a procedure for their wind turbine operations.

It is also recommended that the proponent work together with neighbouring landowners and the Shire of Nannup to develop a Special Use (Wind Farm) zone over the project area, to restrict any future residential development to within the 35dB(A) noise contour on surrounding land.

The EPA expects the relevant decision-making authorities to consider and implement this advice through the approvals process. If you have any enquiries, please contact the person cited above.

Yours sincerely


Colin Murray
Director
Environmental Impact Assessment

5 August 2009

CC: Shire of Nannup



PLANNING BULLETIN • WESTERN AUSTRALIA

WESTERN AUSTRALIAN
PLANNING COMMISSIONISSN 1324-9142
May 2004

Guidelines for Wind Farm Development

1. Purpose

This Planning Bulletin is intended to provide local government, other relevant approval authorities and wind farm developers with a guide to the planning framework for the balanced assessment of land-based wind farm developments, throughout the State of Western Australia.

This Planning Bulletin replaces *Planning Bulletin No. 59 Draft Guidelines for Wind Farm Development*, released in draft form in September 2003. This Planning Bulletin incorporates a number of changes in response to the submissions received during the consultation period.

For land use planning purposes, a wind farm or wind energy facility, can be defined as any turbine, building or other structure used in, or in conjunction with, the generation of electricity by wind force.

This Planning Bulletin is not intended to apply to turbines used principally to supply electricity for a domestic property, rural use of the land or anemometers.

The Western Australian Government's *State Sustainability Strategy* reflects on the imperative of ensuring land use and development are consistent with the efficient use of energy and minimisation of greenhouse gas emissions. Wind energy is a renewable energy technology, which fits closely with the ideals of the strategy. Electricity generation from wind energy is considered a mature technology and is economically feasible, particularly

in remote areas. Worldwide, the wind energy industry is a multibillion dollar enterprise with some major companies employing up to 5,000 people.

The climatic conditions in Western Australia and incentives through State and Commonwealth energy policy are likely to make wind turbines an attractive source of renewable energy for a variety of purposes, from the isolated rural station to regional towns and cities. Planning has an important role in the development of renewable energy by facilitating the appropriate siting, establishment and operation of wind farms in a way that balances the environmental, social and economic benefits with any demonstrated environmental, landscape and amenity impacts.

These guidelines identify the planning issues relevant to wind farm developments. The discussion of these issues is intended to assist proponents in their design and siting, as well as assisting the responsible authorities in their assessments. Measures to reduce the impact of wind farm development are also suggested. The full range of issues and measures may not always apply equally to every proposal to install a wind energy facility. Each proposal should be considered on its merits having regard to the scale of the operation.

2. Objectives

The objectives of these guidelines are to:

- Facilitate the development of wind farms in an efficient, cost-effective and environmentally responsible manner that meets community needs; while taking into account the needs of

developers, and State and national imperatives.

- Promote community understanding of the issues involved in the design and installation of wind farm infrastructure and provide opportunities for community input to decision-making.
- Promote a consistent approach in the preparation, assessment and determination of applications for planning approval for wind farm developments.
- Minimise disturbance to the environment (including landscape) and loss of public amenity in the establishment, operation, maintenance and decommissioning of wind farms.

3. Background

This Planning Bulletin has been prepared in the context of existing international agreements on limiting greenhouse gas emissions, such as the Kyoto Protocol and the State Government's commitment to a sustainable, secure, affordable electricity supply. A move towards sustainable development has also been witnessed with a number of State policy initiatives already finalised or in progress, including the draft *State Greenhouse Strategy*, *State Sustainability Strategy* and *State Planning Strategy*; while at a national level, a number of strategic initiatives are under way.

The Commonwealth Mandatory Renewable Energy (Electricity) Target (MRET) requires that 9500GWh (gigawatt-hours) of electricity must be generated from new renewable sources by the year 2010 for Australia. Western Australia currently has more than 28Mw (megawatts) of installed wind generation capacity, with potential

for significantly more. This equates to an annual energy supply for about 15,000 homes.

Wind farm developments have the following advantages:

- Contributes to national and international efforts to reduce emissions of greenhouse gases and other air pollutants through the potential displacement of those created by fossil fuel power sources.
- Improves sustainable production of electricity in Western Australia.
- Assists Western Australia in meeting its MREBT obligations.
- Increases energy supply, diversity and security.
- Provides greater electricity distribution network efficiency, through reduced transmission losses.
- Reduces cost of electricity supply in certain circumstances such as remote, off-grid rural communities.
- Provides a source of income and employment in regional areas.
- Encourages redevelopment and niche ancillary industries that manufacture energy technologies.
- Reduces regional community and government dependence on fossil fuels.

The key issues concerning wind farm developments include:

- Land use and planning controls.
- Visual impact on landscape.
- Other amenity issues, such as noise, "shadow flicker", blade glint, overshadowing and minor electromagnetic interference.

Environmental considerations include:

- Potential impact on fauna, such as birds, vegetation, soil drainage, erosion and water quality.
- Construction issues including provision of infrastructure and utilities to these facilities.

- Public health and safety, including airfield and aircraft safety.
- Socio-economic considerations.
- Impact on items of Aboriginal significance.

4. Technical Issues

Wind turbines can be deployed singly, in clusters or in larger groups. Wind turbines convert the kinetic energy of the wind into mechanical energy by using the wind to turn blades attached to a rotor and generator. The wind passing over the blades creates differences in pressure, which cause the rotor to turn. As the rotor turns, the generator attached to the rotor converts mechanical energy into electrical energy.

Each turbine comprises of a rotor, nacelle, tower and concrete footings. Footings on large turbines can be up to 15m in diameter, are about 2.5m thick and invariably are below ground. The towers can be steel or concrete and typically are between 3m and 5m in base diameter and taper to about 2m at the top. The total height varies and is increasing with advances in technology. Some towers may be as high as 100m but a common size in Australia is about 70m. On top of the tower are the nacelle and rotor. The nacelle is a weatherproof cover which contains the gearbox, generator and other ancillary equipment. The turbine blades, normally three up to 45m long (made of reinforced plastic or wood epoxy), attach to the hub and together, this assembly is known as the rotor. The rotor sits in front of the nacelle and a shaft passes through it to connect the large bearings and the generator inside. The whole nacelle and rotor assembly turns on top of the tower to face the wind as it changes direction, an action called yawing.

A small substation or transformer is required at each turbine to step up the voltage of the electricity produced by the wind turbine and this equipment may be housed inside the tower. The output is distributed from each tower, usually via underground cables, to a

central substation located at the nearest suitable point of connection to the electricity network.

Modern wind turbines have a life span of approximately 20 years, although certain parts may need to be replaced and serviced during this time. Turbines may be re-powered with new equipment at the end of their design life.

The energy produced by wind turbines depends upon:

- The strength of the wind. A turbine located on a site which has an annual mean wind speed of 6m/s will produce less than half as much energy as the same machine on a site where the annual wind speed is 8m/s. Sites with a mean wind speed above 7.5m/s are favoured.
- How well the turbines are micro sited. Turbines have to be arranged so that they sit on the windiest locations in an area but avoid the wakes behind other turbines.
- The area swept by the rotor. A turbine with a 15m-diameter rotor will only produce a quarter of the energy of a machine with a 30m rotor.
- Obstacles in the wind area such as trees, houses and cliffs, which can cause turbulence and lower the amount of energy produced.
- The capacity of the local electricity distribution network. The ability to connect wind turbines to a system will depend on the configuration of the network and generators. There will be less ability to connect wind turbines to some systems than others. Problems may occur in balancing the network system and this may restrict the output of a wind farm.
- The organisation undertaking the development. Larger organisations are investing in larger, more expensive, more efficient machines.

Proponents assessing the potential of sites to harness wind power use historical meteorological data and

information derived from anemometry masts. These masts, sometimes called wind monitoring masts or wind prospecting masts, monitor wind speed at the tower height for at least 12 months in order to help determine the suitability of the site.

It is important to note that the price paid for wind-generated electricity also can determine the location of wind farms. If legislation makes extra subsidies available for renewable energy, less windy, inland sites with lower output could become more attractive to proponents. Locations close to high-voltage transmission lines or power stations reduce costs and therefore are favoured in the selection process.

5. Planning Issues

The following matters should be considered by decision-making authorities in assessing wind farm proposals. An assessment of the impact of a wind farm development in relation to these matters should be weighed against the benefits of wind energy.

5.1 Land Use and Planning Controls

The *Model Scheme Text* does not include a definition of wind farms or wind energy facilities; hence these developments are usually "a use not listed" in town planning schemes. In rural, non-urban and similar zones, local government should consider wind farm proposals under the provisions of Clause 4.4.2 (b) *Model Scheme Text*; that is, the use is considered as a discretionary use for which the approval of local government is required and the public advertising procedures of Clause 9.4 apply.

Alternatively the following definition could be inserted into a scheme by way of an amendment:

"wind farm or wind energy facility" means premises used to generate electricity by wind force and includes any turbine, building or other structure used in, or in conjunction

with, the generation of electricity by wind force but does not include turbines used principally to supply electricity for a domestic property, rural use of the land or anemometers.

In this case, wind farms should be considered as an AA or SA in rural, non-urban and similar zones.

The Western Australian Planning Commission (WAPC) is the responsible authority for determining development applications for wind farms within regional reserves under a region scheme.

Where a proposal would have a significant effect on the environment, it must be referred to the Environmental Protection Authority (EPA) by the decision-making authority. The proponent, or any individual, may also choose to refer a proposal to the EPA. The EPA will then decide if the proposal should be subject to an environmental impact assessment. Referral to Environment Australia, under the *Environmental Protection and Biodiversity and Conservation Act* (Cwlth), may also be required.

Local government may consider appropriate locations for wind farms as part of the local planning strategy.

It is sometimes possible for the agricultural use of land to continue after installation of a wind farm.

Where an area is particularly well suited to wind energy production, there may be a cumulative effect, as multiple proposals for wind farms are generated. Each proposal must be determined on its merits, having regard to the overall context of the area and its ability to accommodate future development.

5.2 Public Health and Aircraft Safety

The wind farm development should be highlighted on all navigational maps and be equipped with tower safety lighting or marking, to minimise any impact upon the safety of aircraft and the operation of

airfields. The Civil Aviation Safety Authority (*Manual of Standards 139*), Air Services Australia and the RAAF, should be consulted, as appropriate, on wind farm proposals, in the vicinity of airfields and flight paths.

Public access to the site during construction should be prohibited and the perimeter visitor traffic should be carefully managed.

5.3 Socio-economic Benefits

Wind farm developments may have direct and indirect benefits for the community and its economy. The assessment and consultation process should allow for any potential negative impacts, such as visual impact, to be considered in the context of their benefits.

Wind farms can be of considerable public interest and a tourist attraction. A management plan for visitors should be considered if the wind farm is to be accessible or visible to the public.

5.4 Construction, Infrastructure and Utilities

The transport of equipment and freight to the site should be carefully managed and may need to be co-ordinated with adjacent local governments. If ongoing disruption to traffic is likely to occur, police escorts may be required for the transport of large turbines.

Towers and foundations should be designed and constructed in accordance with the manufacturer's specifications. Site clearance works, earth moving, cutting, filling and stockpiling of topsoil should be kept to a minimum wherever possible.

Once turbines are in operation, there may be one or two utility vehicles based continuously at the site. The need to replace machine components will generate heavier commercial vehicle movements, but these are likely to be infrequent.

Infrastructure, such as a substation maintenance building and service roads required for the operation of

the wind farm development, should be designed with care, having regard to any environmental and landscape impacts. This infrastructure will need the same consideration, in terms of siting and design, as the turbine towers. It is recommended that equipment with minimal visible support be selected and that power cables should be installed underground where possible.

If visitor facilities are planned as part of the development, additional services may be required, including gas, water, telecommunications and on-site or off-site sewage treatment.

When a site is decommissioned, the demolition work will need to be managed and the site should be reinstated to its original use and condition, or other agreed use.

6. Environmental Issues

6.1 Landscape and Visual Impact

Visual impact is based on a number of factors which affect the perceived visual quality. The degree to which a wind farm development will impact on the landscape will depend upon:

- Siting, layout and design of the turbines, infrastructure, signage and ancillary facilities, including provision for tourism.
- Number, colour, shape, height and surface reflectivity of the towers and blades.
- Visibility of the development, having regard to the location, distance from which the development is visible, skyline and view sheds.
- Significance and sensitivity of the landscape, having regard to topography, the extent and type of vegetation, natural features, land use patterns, built form character and community values.

Methods to ameliorate visual impact include:

- Ensuring all turbines look alike, have a clean, sleek appearance and that the blades rotate in the same direction.

- Minimising the number of turbines, as appropriate, by using the largest possible model (subject to the visual absorption capabilities and environmental considerations of the site) rather than numerous small ones.
- Siting the wind farm, ancillary buildings, access roads and transmission infrastructure to complement the natural landform contours and landform backdrop, including ridgelines.
- Ensuring the choice of materials and colour (e.g. off-white and grey for turbines, low contrast for roads) for the development complements the skyline and the backdrop of the view sheds.
- Minimising removal of vegetation and using advanced planting of vegetation screens as visual buffers where appropriate.
- Ensuring good quality vegetation and landform rehabilitation, on-site and off-site, where appropriate.
- Locating turbines to reflect landscape and topographical features (e.g. a random pattern may suit a rolling, varied landform and a linear pattern may suit a coastal edge, farm or industrial site).
- Avoiding clutter, such as advertisements and apparatus.

6.2 Noise

A wind energy facility can create noise from the turbine gearbox (if used) or generator (mechanical noise), movement of the blades (aerodynamic noise) and during construction. Mechanical noise has been analysed and reduced in modern machines and usually is similar to, or less than, aerodynamic noise. Aerodynamic noise generally is unobtrusive, broadband in nature and similar to the noise of wind in trees. The noise characteristics of machines vary according to the make and model. Turbines with dual wind speed blades reduce noise emission when wind speeds are lower, however this may not be less than that generated by fixed speed machines. Some turbines have the

ability to reduce their sound output at night.

To avoid adverse noise impacts on the amenity of the surrounding community, wind farm developments should include sufficient buffers or setbacks to noise-sensitive premises. As a guide, the distance between the nearest turbine and a noise-sensitive building not associated with the wind farm, is likely to be 1km. The ultimate distance between sensitive uses and the wind turbine, may be determined on the basis of acoustical studies. It is expected that the proponent will undertake noise monitoring and acoustical modelling against the relevant criteria, to enable the relevant planning authority to determine the acceptability of the development and the merits of a lesser separation distance. Until such time as a formal policy is adopted in Western Australia, the Department of Environment (DoB) endorses the criteria and approach of assessing wind farms based on background noise levels, as described in the South Australian guidelines *Environmental Protection Authority – Wind Farms Environmental Noise Guidelines*. These guidelines provide that wind farm developments should be constructed and designed to ensure that noise generated will not exceed 5dB(A) above the background sound level or 35dB(A) using a 10-minute L_{Aeq} , whichever is the greater, at surrounding noise-sensitive premises.

Acoustical consultants are encouraged to discuss the noise modelling methodology with the DoB Noise Section within the Response and Audit Branch, in the first instance.

6.3 Other Possible Amenity Effects

A wind energy facility can affect local amenity due to:

- Shadow flicker, which occurs when the sun passes behind the blades and the shadow flicks on and off, although in Australia this is uncommon.

- Glint, which occurs when the sun's light is at low angles and is reflected off the blades.
- Overshadowing which affects adjacent developments.

Modelling can determine areas where these issues require further consideration. Careful siting and design, including the use of low-reflectivity materials, can minimise or avoid any impact.

Electromagnetic interference caused by wind turbines, which may effect home appliances (such as televisions and radios) is likely to be limited. The effects can be minimised through appropriate turbine siting, avoiding the line of sight of telecommunications transmitters and receivers or through technical modifications to turbines, repeater station or receivers.

6.4 Vegetation and Fauna

The types, locations and significance of flora and fauna, particularly endangered or threatened species in the development area, should be mapped. Field surveys will help avoid highly sensitive areas of vegetation, including remnant native vegetation and enable roads and services to be placed appropriately. During construction, disturbance and vegetation clearance can be avoided or minimised, through careful siting and consideration of issues such as erosion, drainage run-off, habitat or food source destruction, dieback, weed hygiene, introduction of feral animals and contractor guidelines or penalties.

Where a proposed wind farm involves the clearing of remnant vegetation, the proposal should be examined against the BPA's *Position Statement No. 2 Environmental Protection of Native Vegetation in Western Australia*.

Development issues to be addressed include controlling run-off, maintaining water quality, stabilising topsoil and retaining existing vegetation, particularly in coastal areas where vegetation can be hard to re-establish. Any construction,

particularly on slopes, should not cause degradation and careful attention will be required, especially in sensitive areas. As a general principle, steep slopes and ridgelines should be avoided.

The impact of wind farms upon birds and bats should be considered. The cumulative effects of wind farms may have an impact on the migratory routes of certain bird species. A full avian study is recommended when a large wind facility is proposed. Solid towers and round nacelles prevent birds from nesting in the structure. The positioning of turbines away from migratory routes and the use of larger, slower turning turbines, may reduce the risk of avian strikes.

7. Information Requirements

The following "check list" is recommended for applicants and decision-making authorities considering wind farm proposals.

7.1 Site Analysis

A site analysis or audit will be required, including plans, photographs and any other material, which describes the site and matters that influence the proposal. Applications for wind farms should include:

- A context statement for the locality including current planning framework, significant features, sites of cultural significance, characteristics, contours, existing land uses and ownership.
- A technical assessment on the suitability of the site having regard to alternative potential sites in the area (to address possible cumulative impact) including wind information, landscape significance, ground conditions, erosion factors, surface and groundwater conditions.
- Access to the electricity network.

7.2 Wind Farm Design Statement

The design statement should be in written and illustrative form, including details of:

- turbine design, including dimensions, height, colour and materials;
- layout, orientation and siting arrangements;
- road design;
- topsoil, overburden, vegetation clearing and rehabilitation areas;
- small-scale plans and cross-sections showing the layout of the turbines, infrastructure, ancillary buildings and equipment;
- power output and description of electrical specifications and connections; and
- operational and maintenance arrangements, including tourist-management facilities and amenities.

7.3 Impact Assessment and Mitigation Measures

The application should be supported by various impact assessments of the proposal, a design response to the site analysis and methodology statements on how any adverse impacts will be managed. The latter can be made through an environmental management plan. Expert advice on these matters should be sought. The assessments should be presented using best practice techniques and should include:

- A landscape and visual impact statement to address specific issues outlined in Section 6.1, as well as using (where appropriate), computer visualisation/simulation, view shed analysis, static seen area diagram and other modelling data.
- Noise impacts including the sound power level of the turbine and sound propagation modelling for the expected range of wind speeds and directions.
- Environmental impacts on vegetation, fauna/avifauna, biodiversity, ground erosion/stability, surface water/groundwater and aquifers.

- Amenity impacts including blade glint/shadow flicker, overshadowing, Aboriginal artefacts, heritage/archaeology, electromagnetic interference, vehicular and non-vehicular access and transport corridors, aviation flight paths and air fields, railways and any cumulative effects.
 - Construction impacts including staging, phasing and freight transportation proposals.
 - Power network connection and transmission line infrastructure.
 - Decommissioning and reinstatement proposals.
 - Social and economic benefits, tourism potential, relationship to other similar developments and design life span.
- 7.4 Consultation**
- Applications also should include proposals for:

- consultation with the relevant local government, BPA, DoB, WAPC, Department for Planning and Infrastructure, Department of Conservation and Land Management, Civil Aviation Safety Authority, Air Services Australia, Commonwealth Department of Defence, electricity network provider, Department of Land Information, Department for Industry and Resources and Main Roads WA
 - stakeholder meetings
 - community consultation.
- relevant Statements of Planning Policy;
 - outcomes of consultation with agencies, stakeholders and the community;
 - outcome of the Impact assessments including:
 - effect of the proposal on significant landscapes, views, visual characteristics and skyline;
 - impact of the proposal on local amenity including shadow flicker, blade glint and noise;
 - impact of the proposal on the local flora and fauna, effects on avian safety and environmental values;
 - economic benefits to local and regional areas; and
 - criteria for decommissioning and reinstatement of the site to its original use and condition or other agreed use; and
 - the environmental and social benefits of wind farm development, in particular their ability to increase the sustainability of energy supply in Western Australia and to contribute to efforts to address global climate change.

8. Relevant Considerations

The full range of issues and measures may not always apply equally to every proposal to install a wind energy facility and each should be considered on its merits, having regard to the scale of the operation.

In determining an application, the responsible planning authority should take into account:

- relevant local and region scheme provisions;
- relevant local planning strategies;

9. References

- Australian Wind Energy Association, 2002, *Best Practice Guidelines for Implementation of Wind Energy Projects in Australia*, Australian Greenhouse Office
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- City of Albany, 2003, *Albany Wind Farm Presentation*
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- Department for Planning and Infrastructure Landscape, Environment and Natural Resources Branch, 2003, *Utilities, Land Use Guidelines Wind Farms, Landscape Planning Guidelines Project* (work in progress - unpublished), Western Australia
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- Sustainable Energy Authority Victoria, 2002, *Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria*
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- Countryside Agency and Scottish Natural Heritage (UK), 2002, *Landscape Character Assessment: Guidance for England and Scotland*
- Sweet and Maxwell Planning Law Service (UK), 1997, *Renewable Energy*
- The Civil Aviation Safety Authority Australia, 2001, *Manual of Standards 139*
- Western Australian Planning Commission, 1997, *State Planning Strategy*

10. Glossary

W = watt = a unit of power. The power generation capacity of a wind turbine is measured in watts.

Wh = watt-hour = a unit of energy. The amount of electricity a wind energy facility generates in a prescribed period of time. Energy is measured in watt-hours.

GWh = giga-watt hours

k = kilo 10^3

M = mega 10^6

G = giga 10^9

m/s = metres per second, 1m/s = 3.6 kilometres per hour.

dB = decibel = a unit of sound. The decibel describes the sound pressure level of a noise source. It is a logarithmic scale referenced to the threshold of hearing. A 10dB increase in sound level approximates to a doubling of noise, as perceived by a listener.

dB(A) = an A-weighted sound pressure level. An A-weighted noise level is adjusted in such a way so as to represent the way humans hear sound. Since the human ear is not very sensitive in the lower frequencies these frequencies are filtered more than the higher frequencies.

L_{Aeq} = an L_{Aeq} level is an equivalent, continuous A-weighted sound pressure level. It is the constant noise level that would result in the same amount of sound energy as the actual, fluctuating noise measured, assuming that both noises operated over the same time period. An L_{Aeq} level is commonly considered to represent the average noise level during a measurement period.

Further information regarding the matters set out in this Planning Bulletin should be directed to the Department for Planning and Infrastructure Business Unit responsible for your region or to:

Director Planning Reform
Department for Planning and Infrastructure
Albert Pacey House
469 Wellington Street
Perth, Western Australia 6000

Please quote file reference 553/1/1/8 in all correspondence.

WEBSITE

As part of its continuing improvements to its service to clients and the public, the Western Australian Planning Commission has a website at the following address:

<http://www.wapc.wa.gov.au>

The site contains a range of information concerning the WAPC, including Planning Bulletins.



Australian Government

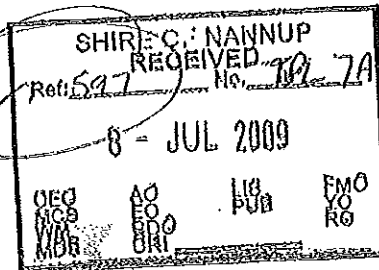
Civil Aviation Safety Authority

OFFICE OF THE DIRECTOR OF AVIATION SAFETY

Trim Ref: G109/491

3 July 2009

Mr Ewen Ross
Manager
Development Services
Shire of Nannup
PO Box 11
NANNUP WA 6275



Dear Mr Ross

*TPLA
9.07.09.
Encl to submission
no reply required*

Thank you for your letter dated 18 June 2009 to the Civil Aviation Safety Authority (CASA) regarding the planning application for the proposed Milyeannup Wind Farm.

There do not seem to be any obvious issues with this proposal from an air safety perspective. CASA has no statutory power under current air safety regulations to require marking and lighting on obstacles such as wind farms not in the vicinity of a licensed aerodrome. The advisory circular published in 2007 to provide guidance to developers on the marking or lighting of wind turbines for aviation safety purposes has been withdrawn for that reason.

CASA is undertaking a review of the risks to aviation safety posed by wind farms and other obstacles. This will include consultation with industry stakeholders and take into account international developments. The scope of the review will be expanded to include all obstacles located outside the vicinity of a licensed aerodrome. It is expected that the review will result in the development of new legislation, regulations and advisory material.

I trust this information is of assistance.

Yours sincerely

Paul Trotman
Manager
Corporate Relations and Strategy

SHIRE OF AUGUSTA-MARGARET RIVER
ORDINARY COUNCIL MEETING AGENDA: 13 August 2009
12.2.7 SUBMISSION ON MILYEANNUP WIND FARM APPLICATION

12.2.7 SUBMISSION ON MILYEANNUP WIND FARM APPLICATION

LOCATION/ADDRESS	SHIRE OF NANNUP
APPLICANT/ LANDOWNER	SHIRE OF NANNUP
FILE REFERENCE	LND/83
REPORT AUTHOR	Andre Schonfeldt, Planning and Development Services
AUTHORISING OFFICER	Geoff Broad, Director Planning and Development Services

IN BRIEF

- Council is in receipt of a request for submission from the Shire of Nannup regarding a proposed Wind farm within the Shire of Nannup.
- It is proposed that the wind farm be operated for 25 years, following completion of construction in 3 years, after which it is currently proposed to be removed from the site.
- This report proposes to provide support to the application with specific recommendations with regards to relevant planning issues.

RECOMMENDATION

That Council writes to the Shire of Nannup expressing support for the proposed wind farm.

LOCATION PLAN

TABLED ITEMS

1. Letter and accompanied application received from Shire of Nannup 22 June 2009

BACKGROUND

- A development application has been lodged by Verve Energy to the Shire of Nannup to construct a wind farm with 30 wind turbines capable of generating 55MW of electricity.
- The wind turbines will be located on Lots 2, 3, 14, 499, 70 and 921 Woodaburup Road and Milyeannup Coast Road, Scott River, in the Shire of Nannup.
- The wind farm is located 20 km east of Augusta, 17km east of East of Augusta, about 15km east of Molloy Island and located about 3km outside the Shire of Augusta Margaret River local government boundary.
- Each of the Wind turbines will be up to 85 metres in height with a blade diameter of around 50m.
- The project is the culmination of many years of work done to investigate options for cleaner energy generation.

CONSULTATION AND ADVICE

Verve energy has undertaken an extensive community consultation programme including a public display and presentation session in Augusta in April 2009. The display was attended by between 30-35 people with the presentation attended by an additional 16. A total of 23 feedback forms were received from this session with the majority (90%) supporting the concept for clean sustainable energy and the idea of a wind farm within the community.

The issues raised at the presentation night related to the community acceptance, benefit and the location of the overhead powerlines.

The Shire of Nannup has advertised the proposal to surrounding neighbours and has placed advertisements in the local newspapers to invite comment from local residents regarding the proposal.

The Shire of Nannup has requested a formal response from the Shire of Augusta-Margaret River regarding the proposed wind farm. This report provides an assessment of the proposal against local

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planning policies considered relevant to the application and provides information to Council as a basis for a response.

DISCUSSION/OFFICER COMMENTS

Landscape and Visual Impact Assessment

Verve Energy states that they have been open with regards to potential visual impact of the proposal during the consultation process and that proposed montages were provided for discussion.

The proposal is accompanied by a Landscape and Visual Impact assessment. The visual Impact assessment considers three particular view points within the Shire of Augusta-Margaret River including: Cape Leeuwin Light House, Flinders Bay Boat Ramp and Augusta Hotel. The Visual Impact assessment indicates that although the wind farm will be visible from these points the impact is limited when considered in line with the entire landscape.

The proposed layout of the wind farm is also based on good practice in the sense that equal spacing and the retention of the natural landscape and vegetation as far as possible will limit potential visual impacts. See Attachment 2: Photomontage from Cape Leeuwin Lighthouse, Flinders bay Boat Ramp and Augusta Hotel.

ATTACHMENT 2

Noise Buffers

The proposed development will be located about 15km away from the nearest settlement. The Noise Assessment indicated that potential noise levels from the proposed turbines will be at an acceptable level for properties directly abutting the proposal. Please see Attachment 1: Noise Contours.

ATTACHMENT 1

Flora and Fauna

The proposal is accompanied by an environmental assessment including a separate fauna and separate flora survey. The applicant states care has been taken in identifying rare flora species within the area and that the total land area for lots involved in the wind farm is around 1287ha of which only 42ha will be impacted on, and with rehabilitation the footprint will be reduced to only 24ha. This effectively means that less than 4% of the area will be impacted upon by the proposal in terms of clearing and that rehabilitation will provide for this to be reduced in time to less than 25.

With regards to Fauna the proposal indicates that there is reason to expect that individual bird strikes may occur during the operation of the wind farm. It is also further stated that potential individual losses with regards to fauna as a result of vehicle movement during construction and potential tourism movements could also occur, however due to the limited ongoing vehicle movement in the area these losses are not seen as significant enough to affect the overall conservation status of any of the species recorded in the area.

Specific management methods are proposed to control potential risks associated with weeds and soil pathogens. In this regard it is recommended that these management methods form conditions of the planning approval and that a dieback management strategy be prepared by the applicant and approved by relevant authorities prior to the commencement of site works or construction.

Acid Sulphate Soils

Areas of the subject land have been assessed by the Department of Environment and Conservation to contain high to moderate levels of acid sulphate soils. Appropriate acid sulphate soil management plans will be prepared and implemented should the soils contain high levels of acid sulphate soils.

It is recommended that a request be made to the Shire of Nannup to ensure that appropriate conditions be placed on the planning approval which requires an acid sulphate soil management plan to be prepared and implemented in order to limit the potential impacts of acid sulphate as a result of the development on the watercourses and environment.

Bushfire Management

It is proposed that a detailed Bushfire Prevention and Management Plan be prepared. Specific precautionary steps are to be implemented to minimise fire risk during the construction phase.

It is recommended the Bushfire Management Plan be prepared in consultation and to the satisfaction of Local Volunteer Fire Brigades, Shire Fire Management officers of both AMRSC and Nannup, and FESA prior any site works or construction being undertaken.

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Traffic Management

It is proposed that a traffic management plan, be developed to focus especially on the two year construction stage. This is supported and will be required to be submitted and approved by the Infrastructure departments of both AMRSC and Nannup.

STATUTORY ENVIRONMENT / LEGAL IMPLICATIONS

Nil

STRATEGIC PLAN / POLICY IMPLICATIONS

Within the Shire of Augusta Margaret River's Strategic Plan, key result areas 1 and 2 promote sustainable development and environmental protection. Outcome 1 under Environmental Protection aims to achieve a carbon neutral shire. The proposal although not within our shire, could still be seen as a big step towards providing clean green energy and should be commended and supported.

PLANNING FRAMEWORK

The proposal is not located within the Shire of Augusta-Margaret River; however it is considered that the potential visual impacts of the proposal will be mostly visible from Augusta and other areas within this shire. The Shires Visual Management Policy is therefore considered to be a relevant consideration. Considering other similar areas within the southern coast included into the visual management policy it is likely that the area would relate to Visual Management Zone B.

Accordingly development within the area may be visually apparent but should nevertheless be subordinate to established landscape patterns and should not be visually dominant. To establish this it is proposed that structures are sympathetic in design, within a unified group and that road construction be left to a minimum design standard in order to minimise cut and fill.

In considering the elements of the proposal as set out in the landscape and visual impact assessment, and discussed above, it is clear that although the wind turbines will be visible from the three viewpoints identified, it would not be dominant within the broader landscape. This is due to the turbines being proposed within existing contours which will limit the requirement for cut and fill, equal spacing of the wind turbines to will be visible from Augusta as a unified group and minimal impact on natural landscape and vegetation for road construction.

Other relevant Local (shire of Nannup) and State planning policies have been addressed as part of the proposal and is considered appropriately addressed. As such it is recommended that the proposal be supported in its current form.

FINANCIAL IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- Environmental
- Social
- Economic

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council writes to the Shire of Nannup stating its support to the proposed wind farm and recommending specific development conditions regarding the following:

- Management for dieback control
- Acid Sulphate Management Plan
- Bushfire Management Plan
- Traffic Management Plan

ATTACHMENTS

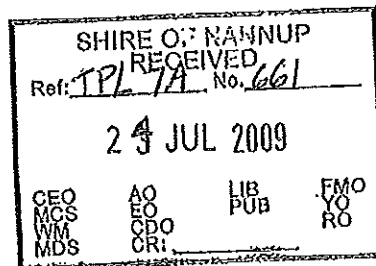
1. Noise contours
2. Photomontage from Cape Leeuwin Lighthouse, Flinders bay Boat Ramp and Augusta Hotel

Shire of Manjimup

Our Ref: TPL7
Your Ref: TPL7A
Enquiries: Andrew Campbell

22nd July 2008

Chief Executive Officer
Shire of Nannup
PO Box 11
Nannup WA 6275



PO Box 1 / Cnr. Rose & Brockman Streets,
Manjimup

Telephone **ATTACHMENT 7**
Facsimile 0809 2112 1112

Email: info@manjimup.wa.gov.au
Website: www.manjimup.wa.gov.au
A.B.N. 36453349691

Dear Shane,

PLANNING APPLICATION – MILYEANNUP WIND FARM PLANNING No 010/09

The Shire of Manjimup supports the proposal for a Wind Farm at Milyeannup in alignment with key objectives of the draft Shire of Manjimup Strategic Plan 2009-2019 being:

- Reduce the impact or resource consumption on the environment; and
- Increase the use of renewable energy.

One matter that requires your attention is the capacity of Western Powers' Diamond Electricity Substation linking the Beenup and Manjimup 132kV transmission lines. As you may be aware the Shire of Manjimup approved a proposal for a Biomass Power Plant that will utilise the same Substation and it is understood that significant upgrading works to the Substation are planned to accommodate the additional electricity generation expected from this project. It is not known whether there would be any implications with this Substation that would jeopardise the viability of the project currently under your consideration.

Yours Sincerely

Andrew Campbell
DIRECTOR STATUTORY SERVICES

Ewen Ross

From: Denis Callaghan [Denis.Callaghan@dla.wa.gov.au]
Sent: Friday, 10 July 2009 10:47 AM
To: Ewen Ross
Subject: Verve Energy Planning Application - Milyeannup Wind Farm Planning No 010/09

The Chief Executive Officer, Shire of Nannup

Mr Ewen Ross

Your Ref: TPL7A

I refer to your letter of 18 June 2009 regarding the Milyeannup Wind Farm Planning No 010/09.

Your letter sought comment on the likelihood of the occurrence of significant sites on this land parcel.

As detailed on p54 of the Application there are no registered sites on this land. However, the Register should be regarded as a statement of what is known about heritage values for areas already surveyed for Aboriginal sites.

I wish to advise that alteration of an Aboriginal site without the consent of the Minister for Indigenous Affairs is a breach of s17 of the *Aboriginal Heritage Act 1972 (AHA)*.

In essence it is the responsibility of the developer to inform themselves and to assess the risk and make a judgment about the impact of the development on the heritage values.

A heritage survey is recommended as many locations are known only to traditional owners. A consultative heritage survey is the best insurance against the risk of litigation. If sites are discovered during the survey an application under s18 of the AHA is required. This work should occur well in advance of construction to avoid costly delays.

If subsurface artefacts or skeletal material is found during excavation the Police Service and this Department should be notified.

Regards Denis

"Cultural heritage... has considerable impact in many areas of economic and regional development, sustainable tourism, job creation, improving skills through technological innovation, environment, social identity, education and construction" - The London Declaration, 2004

Denis Callaghan

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ATTACHMENT 9

Subject: Landscape and Visual Assessment: Milyeannup Wind Farm

1. Recommendations

A majority of the information required appears to be in the landscape and visual assessment although it is not presented in a logical manner. However there are components missing as outlined below. The assessment requires a thorough edit, restructure, formatting and some rewriting to link the assessment process and the outcomes.

The proposed wind farm will have an impact that needs to be addressed. There is not enough information provided to develop the visual management strategies required to address the impacts, whether they are positive or negative.

The proponent was advised to follow state guidance using the methods in Visual Landscape Planning in Western Australia: a manual for evaluation, assessment, siting and design (WAPC 2007) which complies with state policy, and this was not completed in a transparent manner.

Given landscape impacts are a significant component of a wind farm development, it is recommended that the landscape and visual assessment follows the guidance outlined in the WAPC Manual (2007) in a consistent way.

The proposal does not comply with the State Planning Policy No.2: Environment and Natural Resources (WAPC 2003) as the assessment was not as comprehensive as required.

If this proposal is to proceed, the landscape and visual assessment needs to be improved as advised below.

2. General Comments

The overall application of the method (s) was inconsistent and some basic steps were not undertaken. Using one methodology would have been more effective and consistent, than a combination of 3 different components of differing methods. During initial meetings for this proposal, Department of Planning (then DPI) recommended the Visual Landscape Planning Manual (WAPC 2007) as the method (s) and wind farm development guidelines; as they are consistent with state policies and Planning Bulletin No.67 (WAPC 2004).

It is unclear as to why the proponent used 3 different components of methods, of which two are from the UK.

This assessment appears to be promoting the wind farm development, rather than assessing the landscape values that exist within the study area.

The terminology used is not consistent with state guidance for visual landscape assessment. For example 'visual amenity' is an obscure, outdated term and is not relevant in this context.

3. Comments on Appendix 10 - Landscape and Visual Impact Assessment

This section provides comments as per the numbered sections in Appendix 10.

3.4 PLANNING CONTEXT

The planning context requires some changes:

- 'State Planning Scheme' is incorrect - there is no such document.
- This section should be headed: **State Policy Context**
- **Environment and Natural Resources State Planning Policy (WAPC 2003)** should be included in the policy context, as it details what is required in regard to landscape assessment and protection
- WAPC Planning Bulletin date needs to be included - **WAPC (2004)**
- The zoning at the local planning scheme level should be noted in the policy context 'Coastal Landscape' and two lots are allocated as 'Rural Conservation Zone (Area A) in the Augusta-Warpoles Coastal Strategy (draft 2007).

4. COMMUNITY VALUES

The proponent did conduct two sessions for the purpose of community feedback regarding this proposal. However there are some issues that need to be addressed:

- Desktop work concerning community perceptions/values derived through the Regional Forest Agreement (RFA) was completed 12 years ago (ie 1997). This information is out of date and perceptions of the communities and community demographics would have changed over this time. Updated information is required.
- Each shire was consulted however it would be expected that more than one session per shire would be needed to gain adequate feedback.
- Summary (Appendix 1) is sparse in detail and not comprehensive.
- Would expect a more comprehensive community consultation process, such as workshops with community groups to gain their knowledge of the local area, and identify what is valued in the region and at a local level where the wind farm is proposed.
- There is no mapping of community preferences (as outlined in WAPC (2007) method).

5. WIND FARM VISUAL CHARACTERISTICS

This section should be integrated into the visual impact assessment - not as a separate component. Step 2 of the visual impact assessment (VIA) in the WAPC Manual states clearly:

Step 2: Describe the proposed development which includes:

-
- analysis, description and illustrations of the main visual components of the proposed development...
 - develop design options
 - key dimensions such as height, colour and materials

Comparison to Albany wind farm is not relevant to this proposal. Every landscape is different and cannot be compared. The proposal states that it will be using the Albany wind farm design principles to 'ensure minimal visual impact'. However, these principles are not provided.

The design and sizing of the sub-station should be straightforward. The use of a photo from the UK is not relevant to Western Australia. There is no mention of colour, height, size and materials.

Transmission Line

The distance chosen for the spacing between the power poles requires justification. Figure 13 is not indicative of what the transmission line will look like, nor does it give a location of where the figure was taken.

The transmission line, which is a major visual element that will impact the landscape, has not been included in the visual impact assessment. It is not possible to assess the impact of the transmission line with the information given.

6. VISUAL LANDSCAPE EVALUATION

6.2 Landscape Character Description

Regional landscape character written description is adequate. Figure 15, requires greater clarification as an illustration as it is difficult to read. The regional landscape character types require new mapping for this purpose. Figure 16 shows the vegetation for the region, however this is only one component of regional landscape character mapping.

Bioregional setting is unlikely to change significantly over time, however the assessor should incorporate current descriptions, rather than just using one quotation from another source for the entire section (6.2.2). This applies to Land and Waterform also (6.2.3).

Vegetation was the only component that the assessor described from independent critique. Land Use, Social and Heritage Values and Wilderness Values were all desktop descriptions by different authors. Fieldwork verification would have been beneficial. Figure 20 depicting 'wilderness areas' is dated 1997, and is questionable if it is a true representation of wilderness values. Again this map is derived from the Regional Forest Agreement assessment process that was conducted 12 years ago. The reproduction of this data for this proposal is irrelevant, outdated and was conducted for a different purpose.

6.3 Landscape Character Units

The landscape character units are inappropriate. Arterial roads, rural residential homes and power lines are not landscape character units. They are landscape features that would exist within a landscape character unit.

The landscape character unit descriptions are very thorough. However it is confusing that there are several 'examples' for some character units. They should be described as one unit. This is a result of classifying 'landscape character units' using actual landscape features, as they would exist within several character units.

Refer to Step 2, pg 18 of the Visual Landscape Planning Manual for explanations on how to delineate landscape character units and map them.

A map of the landscape character units is not included, which is an essential component of the visual landscape evaluation. The purpose of mapping landscape character units is for evaluation and developing strategies to plan and manage each character unit. Refer to pg 23 of the Visual Landscape Planning Manual (WAPC 2007).

This map should also form the basis for the composite mapping technique to arrive at particular outcomes: that is, visual landscape character strategies (for protection and maintenance; best practice and design; and enhancement and restoration).

Only visual landscape character descriptions have been undertaken Section 6, there is no evaluation at the regional and local level. Community input should be included. Visual management strategies should have been developed at this level. The evaluation of the way the landscape is viewed, experienced and valued has not been included.

Therefore there are no outcomes from this section (ie identification of landscape values and the assessment of them), which is supposed to form the basis for the visual impact assessment of the development proposal.

7. LANDSCAPE AND VISUAL IMPACT ASSESSMENT

The title of this section is incorrect - it should be Visual Impact Assessment.

Method used does not follow the WAPC Manual, which is a state guidance reference document. The steps in the Manual are simple and straightforward and have been developed from national and international research. It is unclear why the steps in the Manual were not followed. They are considered the five generic steps of visual impact assessment.

The visual impact assessment that has been undertaken is not clear or transparent, and are not indicative of a visual impact assessment in that it does not identify the values then the impacts upon those values and adequate mitigation measures.

Landscape sensitivity is only one component of the assessment process, and should have been incorporated in Section 6 as part of the evaluation. Community sensitivities, viewing experiences and community values are usually included in combination with sensitivity categories. Sensitivity levels for viewing experiences are outlined in the Manual - see Step 3 pg 27 and Appendix 1, Table 5 (levels of sensitivity).

Landscape sensitivity alone does not determine the visual impact a development has on an area. It is a component of the evaluation section from the broader visual landscape evaluation that is a precursor to the visual impact assessment process.

The classification undertaken using visual receptors is confusing and unclear how this has contributed to an impact assessment

Section 7.3 is not an impact assessment process. Figure 21 Regional Viewer Map - there are no directions of the views and the map is not legible.

The tables that describe each view point - it can only be assumed it is linked to Figure 21, however with no directions of the views, it is difficult to analyse the impact of the proposal. The 'Altered' simulations are poor quality and again it is difficult to analyse the impact when it is difficult to visualise what the wind farm is going to look like.

Figure 22: Zone of Visual Influence Diagram - It is unreadable (particularly the colours) and very hard to interpret. That is, it is not easy to see what is visually affected or not by the wind farm and from what directions.

8. VISUAL MANAGEMENT STRATEGIES

Under Section 8.1 the report states that it will have in place a comprehensive Environmental Management Plan to manage visual aspects of the development. This statement is confusing, as the management of the visual aspects should result from the landscape and visual impact assessment.

The visual management strategies address the impact of the siting of the wind farm including the roads, hard-stand area, substation (although colour, height and size are omitted) and the transmission line (although colour is omitted).

Strategies would be required to manage the transmission line, viewing experiences, view points and direction of views; as well as identified values in the landscape which have not been completed.

More siting and design guidelines for wind farm development are needed, and these are available in the Manual (WAPC 2007) in detail (refer to pg 129).

9. CONCLUSIONS

The conclusions are inadequate, as the assessment process has not been completed thoroughly.

Although the wind farm proposal, and the development of a wind farm is temporary, there is still a significant change to the landscape for a length of time that requires management.

The remaining conclusions appear to be promoting the development, rather than concluding on the outcomes of the assessment.

4.. Comments on application for planning approval: main text

6.2 VISUAL

This summary of the landscape and visual assessment undertaken has more description of the landscape than the actual assessment itself in Appendix 10; although the last sentence of the closing paragraph appears to be contradictory:

'At the local level the wind farm is found to have a high visual impact, but in the context of an already modified and changing landscape and restricted access to local recreational areas, the proposed wind farm does not have a significant impact.'

It is agreed that at the local level the wind farm is found to have a high visual impact. However it is not agreed that the proposed wind farm does not have a significant impact. These are contradictions in terms and the proposed wind farm will have a significant impact, due to its size and location.

Landscape and visual impact assessment is a part of a process of wind farm assessment due to the size and nature of the development. The findings from the assessment completed for this development application are not adequate enough to come to such conclusions.

MYLEANNUP WIND FARM

**REVIEW OF THE LANDSCAPE AND VISUAL IMPACT
ASSESSMENT BY VERVE ENERGY**

DRAFT

For the Shire of Nannup

Wednesday, 22 July 2009

Prepared by
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1. SUMMARY

I have been commissioned by the Shire of Nannup to review the Landscape and Visual Assessment of the Myleannup Wind Farm. The proposed site of the wind farm on the south coast of Western Australia, approximately 20km east of Augusta. The Assessment was prepared by Verve Energy, the developers of the wind farm. There is no author's name on the Assessment report

The essential elements of the Assessment are:

- descriptions of the landscape to establish character and significance,
- a statement of relevant policies,
- an identification of viewing locations,
- photo-simulations to identify and measure impacts,
- identification of magnitude of impacts from viewing locations,
- conclusions.

The Assessment concludes that the project will not have unacceptable impacts on landscape values.

The goal of a visual landscape assessment should be to protect landscape values. The more valuable the landscape, the higher the level of protection it should be given. The objectives of a landscape assessment are to identify the landscape values and the impacts and determine whether the impacts are acceptable. This objective will be met by a thorough and objective landscape assessment. Considerations of other factors, such as, in this case, the environmental benefits of wind farm generated electricity, are not relevant to the landscape assessment and should not discount any findings of the assessment.

Also irrelevant to the landscape assessment is the aesthetic value of the wind turbines and towers. Whether they are considered "ugly" or "beautiful" is of no account. What is important is protecting the existing values of the landscape.

The Assessment states that the wind farm will be temporary and that all trace will go when it is decommissioned. The Assessment does not say how long "temporary" is but I would suggest that it is longer than would normally attach to the word "temporary."

The Assessment makes only positive statements about community perceptions in regard to wind farms. This should be balanced by reference to attitudes in places where wind farms are no longer a novelty. The tide has turned against the location of wind farms in wild landscapes in Britain and Europe and there is considerable disagreement over the siting of a wind farm in Denmark W.A. In putting forward the Albany Wind Farm as an example, the Assessment does not report that landscape professionals who examined it did not support the development, nor that DEC generally opposed it. People may like it, but that doesn't mean that the landscape values are protected or that people wouldn't give more support to a wind farm located inland.

There is a distinctly promotional aspect to the Assessment. While acknowledging that there will be significant impacts, the Assessment plays down the impacts and plays up the benefits of the project. The Assessment finds that the landscape is "wild" and "natural", and acknowledges that the wind turbines and towers will be visible from sites of the highest viewer sensitivity and also that they will be a "dominant" feature of the landscape, but, nevertheless, concludes that their visual impact will be acceptable.

A central purpose of landscape assessment should be to identify landscapes with "wild" and "natural" characteristics, as these landscapes are afforded the highest levels of protection by the community and by relevant government policies. This is because wild, natural landscapes are highly valued; are unique and irreplaceable; and are the most susceptible to change. There is a

general presumption, an imperative even, against changing the character of a landscape from "wild" and "natural" to "developed", just as there is an imperative to protect the significant natural features of the landscape.

The central, relevant facts pertaining to the Assessment are that the site of the proposed development is in a landscape with the highest natural landscape values that is viewed from sites of the highest viewer sensitivity. One of these sites, the Leeuwin Lightstation, has the highest level of heritage listing.

In this review I have gone through the process of the Assessment and commented on the general methodology and the judgements made by the assessor at the relevant stages. In significant aspects I disagree with the judgements made by the assessor and as a result I have arrived at a different conclusion. I have also applied a different assessment methodology to the project and concluded, again, that the development is unacceptable as it stands.

The essence of the Assessment is contained in a series of six tables starting on Page 58 of the Assessment. I will discuss these tables in some detail in this Summary¹. By applying the descriptions and classifications contained in the tables to photo-simulations of the project from various viewpoints, the assessor arrives at "Magnitudes of Impact". These are given on Page 7 in the Executive Summary of the Assessment.

I will take the view from Leeuwin Lighthouse as an example. The Assessment finds the impact of the project on the "Significance of Landscape Effects" to be "Moderate" and on the "Significance of Visual Effects" "Moderate/Minor". The Assessment arrives at this conclusion by making the following judgements:

Tables 3, 4 and 5 in the Assessment deal with "Landscape Impacts".

In Table 3, "Classification of Landscape Sensitivity", the Assessment judges that the following description is the most accurate of four descriptions, "Landscape or feature of particularly distinctive character susceptible to very small changes, may be nationally or internationally designated. Pristine unspoilt or with strong vernacular tradition intact". The "Sensitivity" classification of this description is "High". I agree with this.

In Table 4, "Classification of Magnitude of Landscape Impact", the Assessment judges that the following description most closely fits, "A change affecting small areas of landscape character and quality, together with a loss of some less characteristic landscape elements or the addition of new features or elements". The Magnitude of Impact is given as "Low". I would judge that the following description more closely fits, "Changes would be large in extent and scale with the loss of critically important landscape elements, that may also involve the introduction of new uncharacteristic elements that either or singularly or in combination contribute to the overall change in landscape in terms of character, value and quality." This is a "High" Magnitude of Impact.

The important judgement here is made in Table 3. If a "High" is given in Table 3 it does not matter whether a "High", "Medium", or "Low" is given in Table 4. The resultant "Significance of Landscape Effects" given in Table 5 must be "Major". The Assessment incorrectly reports that the impact on "Significance" is "Moderate", not "Major"

Tables 6, 7 and 8 deal with "Visual Impacts".

Still considering the view from Leeuwin Lighthouse, the Assessment makes the following judgements:

¹ It will be useful to have the Tables in the Assessment before you when going through this part of my Summary

Table 6, "Classification of Sensitive Visual Receptors", the Assessment judges that the following descriptions most closely fits, "Primary views from residential properties, public rights of way or from locations that have protected designation or are accessible for recreational purposes where the activities are focussed on the landscape". The classification for this description is "High". I agree.

Table 7, "Classification of Magnitude of Visual Impact", the Assessment judges this description to be the most accurate, "The Development constitutes only a minor component of the wider view, which might be missed by the casual observer or receptor. Awareness of the development would not have a marked effect on the overall quality of the scene." This is given a "Low" classification. I would judge that the following description more closely fits, "The Development would result in a major change in the existing view and/or would cause a major change in the quality and/or character of the view. Development would appear large scale and/or form the dominant elements within the overall view and/or may be in full view of the observer or receptor." (The significant words here are "and/or"). This description receives a "High" classification. There is no doubt that the development "would cause a major change in the quality and/or character of the view" and would be "in full view of the observer or receptor." The judgements made by the Assessment lead to a finding that there would be a "Minor" Magnitude of Impact on the Significance of Visual Effects. The Assessment has mistakenly given this impact as "Moderate/Minor".

Correcting for the two errors in tabulation contained in the Assessment the outcome, on any informed judgement of the landscape and the projected impacts, should have resulted in a finding of "Major" Magnitudes of Impact on both Landscape and Visual Effects. This alone leads to the undeniable conclusion that the development does not comply with the relevant policies. The same discrepancy in outcomes occurs when considering the other tested views.

I carried out an abbreviated assessment using an alternative methodology which confirmed that the development would result in unacceptable impacts on landscape character, wilderness quality, landscape significance and views.

Having reviewed the Assessment and carried out an independent abbreviated assessment using a different methodology I must come to the conclusion that the Assessment is not an adequate document to inform Council of the impacts of the proposed development on the very high landscape values of the area. Contrary to the findings of the Assessment, the development will have unacceptable impacts on the landscape values that cannot be relieved by minor strategies as suggested in the Assessment. The site is the problem, more specifically the coastal location. It is simply too close to the coast. The coast in this location has very high natural landscape values that cannot accommodate development of this scale and magnitude.

I tested the impacts of the proposal against the relevant State and Local Government policies and conclude that the proposal as it stands does not comply with any of these policies. The Assessment as it stands should not, therefore, be given any weight in the Council's decision-making.

2. INTRODUCTION

I have been commissioned by the Shire of Nannup to review the Myleannup Wind Farm Landscape and Visual Assessment prepared by Verve Energy for a proposed wind farm at Myleannup on the south coast of Western Australia, approximately 20km east of Augusta. The wind farm is a Verve Energy project. The land is privately owned.

I have extensive experience in landscape assessment, mostly in the southwest of Western Australia. I am a Registered Landscape Architect. I attach my C.V.

The various methodologies used in landscape visual assessment can be rather complicated and confusing – as can any technical methodology – but the purpose of any landscape assessment is, or should be, to answer five straightforward questions:

1. What is there? (what is the landscape like?)
2. How valuable is it?
3. What changes are proposed?
4. Are the changes acceptable?
5. If not, then what can be done to make them acceptable?

An assessment that does less than address and answer the above questions is inadequate; and an assessment that attempts to justify a project on grounds other than that it satisfies visual aesthetic objectives goes further than is required and “blurs the edges” between visual assessment and other factors that affect decision making.

In reviewing the assessment I visited the wind farm site and most of the sites from which photographs were taken and simulations prepared. I didn't visit Black Point or the Lagoon. I have carefully read the assessment report. My review will address the major components.

I do not use the methodology or methodologies (there are actually multiple methodologies) used in this Assessment but I have interpreted these components in the terms of the landscape and project being assessed. I have pointed out where my interpretation of the landscape or the impacts differs from the Verve Assessment and I have noted where there are inadequacies and shortcomings.

I have also applied another, abbreviated, assessment methodology to the project to compare results of two methodologies.

3. ASSESSMENT REVIEW

I will review the assessment by interpreting its response to each of the five questions outlined in the Introduction.

3.1 *What is there?*

Section 6 of the Assessment purports to answer this question. (It is listed as Section 7 in the Table of Contents.) This Section defines and maps the landscape in terms of regional and local landscape character, land use, social and heritage values and wilderness values. The assessment describes the regional landscape in broad terms as described in the 1994 DEC (then CALM) publication "Reading the Remote - Landscape Characters of Western Australia". The local character is described under "character unit" descriptions which places equal emphasis on a total of nine units. It does not, however, describe the character of the site in any detail apart from the general description under the headings "Coastal dune belt" and "Beach/Shoreline".

There should be a detailed description of the site and immediate surrounds. The description should include all landscape characteristics, how people use and experience the area, significant landscape features, wilderness quality, etc. This is missing.

The description of the Beach/Shoreline unit describes an "experience with a high degree of naturalness" and "experience of wilderness". This is very significant as it recognises the extremely high value of the landscape. Landscapes which provide an "experience with a high degree of naturalness" and "experience of wilderness" always receive the highest level of protection.

The Assessment describes wilderness quality as defined in the Regional Forest Agreement. This is a strict scientific definition of wilderness that is not particularly relevant to landscape visual assessment. The RFA maintains, indeed, that there is no wilderness at all in the southwest. This obviously contradicts our sensory experience of the region.

Wilderness, in the context of visual landscape, is more concerned with experience and perception than scientific classification. A more useful definition of wilderness quality would be:

Wilderness² quality considers perceptions of wilderness rather than the strict definition of wilderness. Areas of high wilderness quality represent the environment in its most natural state, provide a resource bank and may provide the backdrop and sense of remoteness for other more used areas.

Areas of high wilderness quality offer opportunities for low impact access and nature based experience. Private land of high wilderness value is not available to the public but seeing it together with similar public lands strengthens the wilderness experience.

² Wilderness is defined by the Australian Heritage Commission as a "large area in which ecological processes continue with minimal change caused by modern development. Indigenous custodianship and customary practices have been, and in many places continue to be, significant factors in creating what non-Indigenous people refer to as wilderness."

Structures, vehicle access and sophisticated facilities detract from the potential wilderness experience.

By the above definition the site of the proposed wind farm is in an area of high wilderness quality not low to moderate as suggested in the Assessment.

In not describing the specific landscape of the proposed location in detail, i.e. character, significant features, wilderness quality, views, the Assessment fails to adequately answer the question, "what is there?"

3.2 How valuable is it?

This question is considered in Sections 3 and 4 of the Assessment (4 and 5 in the Table of Contents). The value of a landscape is a measure of the importance the community places on that landscape. This is often reflected in relevant local government and state government policies. Community attitudes are also an indicator of landscape value.

The relevant Policies

The following policies are identified in the Assessment.

State Government

"The State Coastal Planning Policy State Planning Policy No. 2.6 (SPP 2.6) sets out the State Government's broad planning approach to the Augusta-Walpole area. The objectives of the policy, in the context of the study, are to:

protect, conserve and enhance coastal values, particularly in the areas of landscape, nature conservation, and indigenous and cultural significance.

Another important planning guideline is the Western Australian Planning Commission's Planning Bulletin No. 67, guidelines for wind farm development, which (sic) the following landscape conservation objective:

minimise disturbance to the environment, (including landscape) and loss of public amenity in the establishment, operation, maintenance and decommissioning of wind farms (WAPC 2004)."

The Government's Draft Augusta-Walpole Coastal Strategy 2007 has the following main objectives:

- *Ensure that development complements the natural landscape and wilderness experience*
- *Provide appropriate infrastructure while ensuring the environment, heritage, social and cultural values of the coast are protected.*

The Vision Statement of the strategy is:

The unique environment and wilderness values of the Augusta-Walpole coast are protected and conserved with sustainable use occurring for the wellbeing of present and future generations.

Local Government

The Shire of Nannup Coastal Management Plan (Martin 2008) states:

Accommodate community desires for coastal access, recreation and development, while protecting and enhancing the environment and landscape characteristics, community values...

The Shire's Local Planning Scheme No. 3 aims:

- *To manage the use and development of land by means of zoning and development controls to achieve compatibility between land uses, and the preservation, and where possible the enhancement of visual amenity of urban and rural areas.*
- *To safeguard and enhance the character and amenity of the built and natural environment of the Scheme area.*

- *To recognise and protect places of natural beauty, historic interest and scientific interest that are considered to be important to the heritage of the Shire.*

The Planning Scheme's objectives for the Coastal Landscape Zone are:

- *Protect the significant landscape and environmental features of the locality and;*
- *to provide for development which is compatible with and will preserve and enhance the landscape and environmental qualities of the locality*

State and local government policies are consistent in their emphasis on "protecting", "preserving", "conserving" and "enhancing" the natural landscape and wilderness experience.

Under the Heading "Community Values" (Section 4,) the Assessment reports that the Cape Leeuwin Light Keepers Cottages and the Cape Leeuwin Lighthouse. The Water Wheel, Cape Leeuwin and the Scoot National Park are registered on the Australian Heritage Database. This is the highest heritage category in Australia.

Data has been obtained, but no nomination exists for Alexander Bridge, Augusta Shell Bed (East Augusta), Flinders Bay Settlement (Whaling Memorial - Augusta), Black Point Geological Site (Organ Pipes).

The Assessment also considers the Regional Forest Agreement Community Consultation.

The Assessment concludes that the following sites "should be included in the visual landscape and landscape assessment."

- Cape Leeuwin lighthouse, Lightkeeper's cottage and Water Wheel
- Whaling Memorial, Augusta
- Black Point.

The Assessment lacks a systematic identification of viewing opportunities or sensitivity.³

Community information and consultation sessions were held in Nannup and Augusta. The Assessment reports that in Nannup eight people attended the display and eight attended the night presentation session. The respective numbers in Augusta were 30-35 and 23. The Assessment reports that "The feedback received was overall very positive with respondents believing that wind energy has many positive attributes from providing clean, sustainable energy to showing commitment to the preserving of the environment....Every respondent supported the idea of a wind farm in their community." It should be noted that the Assessment does not say that respondents supported a wind farm on a coastal site with high natural landscape and wilderness values.

The Assessment does not report the growing opposition to wind farms on wild, natural or rural areas of high landscape value in Britain and Continental Europe nor the contention over the siting of a wind farm on the coast at Denmark W.A. In putting forward the Albany Wind Farm as an example, the Assessment does not report that the development was not supported by landscape professionals who examined it, or DEC generally. People may like it but that doesn't mean that landscape values are protected or that people wouldn't give more support to a wind farm located inland.

³ See Attachment 1 for a standard classification of Viewer Sensitivity Levels

The Assessment falls well short of adequately answering the questions "how valuable is it?". It places little weight on the significant values – apart from the discussion of landscape character, Regional Forest Agreement and the Australian Heritage Council there is no assessment of values. How do we know what to protect if we have not first identified the values.

3.3 *What changes are proposed?*

The question of "what changes are proposed?" is considered in Section 5 (Section 6 in the Table of Contents). The first subsection – General Comments – quotes from a report on wind farm landscape assessment, "World experience suggests that landscape will normally be the single most strongly argued issue in any wind farm decision".

The Assessment goes on to say that "Assessment of visual impacts of wind farms will always contain elements of subjective judgement; some find them intrusive and "ugly", where others appreciate them as being majestic, and focus more on their green credentials." This statement shows a lack of understanding of the purpose and process of landscape assessment. It seems to suggest that because there are divergent opinions about the appearance of wind farms we should not place too much weight on landscape assessments – presumably this one included. Landscape assessment is no different from any other form of environmental assessment that uses established criteria to define values. The task of a landscape assessment is to determine the value of the landscape and the impact that the development will have on those values. Neither of these issues is subjective. They can be objectively defined, measured and evaluated. That is the purpose of landscape assessment.

Again under General Comments the Assessment argues that "Wind farms should not be judged on their visual properties alone..." This is true, but it is surely not the place of the assessor to be promoting a proposal that is being assessed. The statement seeks to downplay the results of the Assessment. Decision-makers should be given an impartial visual assessment, the results of which they then weigh against other factors.

Under "Siting of Wind Farms" the Assessment states that "Wind farm development in Western Australia has typically been located on coastal areas to ensure optimum wind yields", while acknowledging that "The coastal character in WA is held in high regard by its inhabitants, so any interruption to its character will be contentious". Relevant to the first statement is that in other states, notably Victoria, wind farms are more and more being located inland on farm-land where the wind conditions may not be as optimal as on the coast but the landscape values are also not as high. There, the community has recognised the value of coastal landscapes and determined that the lesser efficiency of inland wind farms is a reasonable trade-off to protect these high-value landscapes.

The reference to the acceptance of the wind farm at Albany is anecdotal and irrelevant. A person with an opposing view could find many people who do not approve of the Albany wind farm.

The Assessment describes the wind farm in detail with photographs of the Albany Wind Farm provided as examples. It describes generic strategies for integrating wind farms into the landscape and discusses colours. It seems to be recommending the colour white. The Assessment cites a report by Stanton of the School of Landscape Architecture at Herriot Watt University in Edinburgh, and states, "The colour of turbines, including tower, blades and nacelle, are typically white; as recommended by Stanton (1996) who describes the use of the colour white as representing a forthright design statement, rather than off-white or grey which may seem to be seen as a form of deception, as an effort of camouflage". The Assessment goes on, however, to report that the turbines will be "matt grey" – an "effort of camouflage" perhaps

The Assessment comprehensively describes the various elements of the wind farm – towers, turbines, roads and hardstands, buildings, powerlines. The main elements of interest in a visual assessment are the turbines, towers and the powerlines. The impact of the powerlines is not assessed. This is a serious omission.

3.4 Are the changes acceptable?

This question is considered, inadequately, under Sections 3, 7 and 8 of the Assessment (3, 8 and 9 in the Table of Contents) under the respective headings 'Landscape and Visual Impact Assessment' and 'Visual Management Strategies'.

Section 3 describes the process of creating photomontage simulations that represent the visual appearance of the wind farm from different identified viewing locations. The methodology used to produce the photomontage is adequately described. Several aspects are worth querying:

Figure 3 "Estimated Primary Fields of Human Vision" (Coggin, 2007) suggest that the human field of vision is typically 4 times wider than it is high – the photo-simulations are created to these proportions. This creates a rather distorted field of view that is wider in relation to height than we actually experience. It also gives equal emphasis to the edges and the centre. What happens when we look at landscape is rather more complicated. The following quote is from a book called "Visual Elements of the Landscape" By John A. Jackle (1987).

"Traditionally, visual perception has been conceptualised as a rapid succession of still images racing through the mind. As interest in a landscape increases, the eyes focus on particular objects and the derived images are made more vivid through conscious thought. Once interest is lost, visual awareness continues as low-grade, subconscious scanning of environment. Cognitive input obtains only from a relatively small portion of the visual field as measured on either side of the direct line of focus. The visual field is shaped like an oval that extends approximately 180 degrees horizontally and 150 degrees vertically. It is sharp and clear at the centre and increasingly vague towards the periphery; the information gathered peripherally is used primarily to cue focusing."

This interpretation gives greater importance to the focus of the view. When viewing the wind farm in the landscape, attention will be drawn to the turbines and towers because of their verticality in an otherwise horizontal landscape – this is particularly true with a distant view – and by the movement of the blades. The turbines will become the focus of the view and the periphery will receive less attention.

No simulations were made of the view from Black Point "due to the difficulty in matching the wind farm terrain to the terrain in the photo" (page 78 of Assessment). The view of the wind farm from Black Point "is interpreted as being imperceptible from this location, due to the distance and location of proposed wind farm – situated approximately behind White Point landform." This has obviously not been tested. I did a simple cross-section based on contours from a 1:50,000 topographic map and it is clear that the wind farm will be visible from Black Point (see Figure 1). The tops of the towers, the turbines and the blades will be visible from Black Point at a distance of about 16km. This is significant as Black Point, like Leeuwin Lightstation, is a Sensitive Level 1 viewing location.

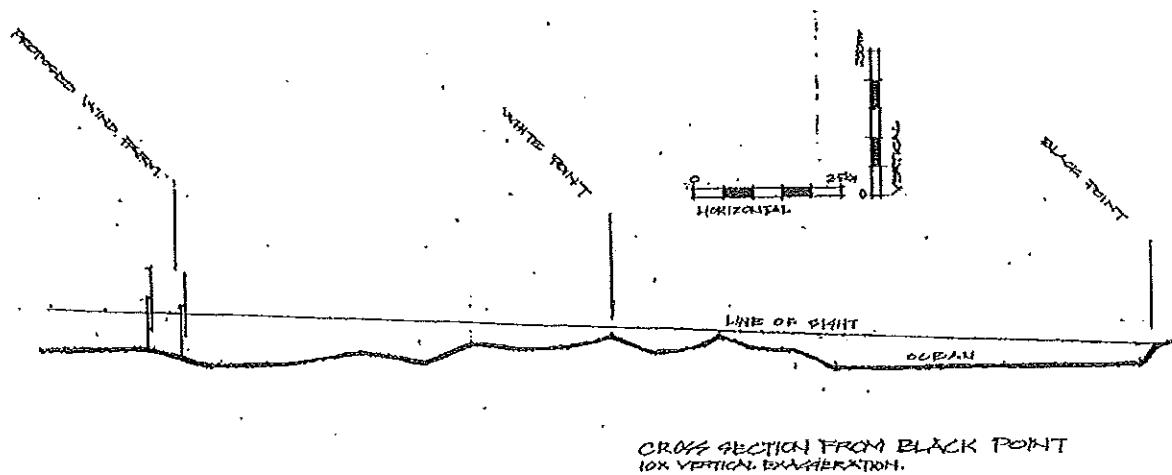


Figure 1: Cross section from Black Point to Proposed Wind Farm

I agree with the author of the Assessment that photo-simulations are useful in visual landscape assessment but I do not think that they are a valid a primary impact assessment tool. They should be used to represent typical views or compare various options but they can actually "get in the way" of the assessment process. There are two main reasons for this:

- Photographs, and photo-simulations, look deceptively "real" but are, in fact, not terribly accurate representations of a particular view or experience.
- A photograph or photo-simulation, alone, encourages a subjective response. People tend to make judgements by only looking at the pictures, but an impact assessment involves an assessment of the impact on values using a range of assessment tools including simulations.

Section 7 of the Assessment (8 in the 'Table of Contents) deals with the evaluation of the impacts of the proposal. It does so through a set of tables and matrices that establish the "Magnitude of Impact" on "Significance of Landscape Effects" and "Significance of Visual Effects". The matrices give a grading of Major, Medium or Low impact. The resulting grades depend on the inputs. The inputs are derived from definitions contained in the tables. These tables and matrices appear on pages 58, 59 and 60 of the Assessment. The impacts from each of the identified viewpoints, pages 63 to 90, are interpreted in light of the criteria set out in the 'Tables.

The Tables and matrices are reproduced in the following pages. The person carrying out the Assessment goes through the Tables 3 and 4 and identifies the description that most accurately represents the landscape and the impact for each of the views under consideration. These descriptions correspond to a High, Medium, Low, Negligible, or Imperceptible, classification. The results are then put into the matrix represented in Table 6 resulting in a Major, Moderate, Minor or Negligible "Magnitude of Impact" for "Significance of Landscape Effects". A similar process is undertaken for Tables 7, 8 and 9 to arrive at a "Magnitude of Impact" on Significance of Visual Effects"

This is the crux of the Assessment and I differ from the author of the Assessment in identifying the most accurate descriptions in each case, and, therefore, in the "Magnitude of Impacts" for both Landscape and Visual Effects.

MYLEANNUP WIND FARM
LANDSCAPE AND VISUAL IMPACT ASSESSMENT

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Table 3 Classification of Landscape Sensitivity (Capita Symonds 2008)

Sensitivity	Criteria
High	Landscape or feature of particularly distinctive character susceptible to very small changes, may be nationally or internationally designated. Pristine unspoilt landscape or with strong vernacular tradition intact.
Medium	Landscape or feature of distinctive character susceptible to relatively small changes, may have designation of protection at regional level or at a non-designated local level where there is evidence of local value and use. (e.g. acknowledged as having landscape value in guidebooks and/or identifiable elements enjoyed by local community)
Low	Landscape of lower value or non-designated landscapes reasonably tolerant of changes. May have some elements of recognisable quality.
Negligible	Relatively unimportant, undesignated or degraded landscape, potentially tolerant of substantial change. Also landscapes with major man-made influences.

Table 4 Classification of Magnitude of Landscape Impact (Capita Symonds 2008)

Magnitude of Impact	Description
High	Changes would be large in extent and scale with the loss of critically important landscape elements, that may also involve the introduction of new uncharacteristic elements that either singularly or in combination contribute to the overall change in landscape in terms of character, value and quality.
Medium	Changes that are more limited in extent and scale involving the loss of landscape characteristics or elements that may also involve the introduction of new uncharacteristic elements or features that either singularly or cumulatively would lead to changes in landscape character and quality.
Low	A change affecting small areas of landscape character and quality, together with the loss of some less characteristic landscape elements or the addition of new features or elements
Imperceptible	Changes affecting small or very restricted areas of landscape character. This may include the limited loss of some elements or the addition of some new features or elements that are characteristic of the existing host landscape or hardly perceptible

The Significance of Landscape Effects is determined from Table 5, which defines the relationship between sensitivity and magnitude of impact.

Table 5 Significance of Landscape Effects (Capita Symonds 2009)

Sensitivity of Receptor	Magnitude of Impact			
	High	Medium	Low	Imperceptible
High	Major	Major	Moderate	Negligible
Medium	Major	Moderate	Minor	Negligible
Low	Major	Negligible	Negligible	Negligible

(In Table 5 above "Sensitivity of Receptor" in the top left cell should read "Landscape Sensitivity").

7.2.2 Visual Impact

Visual impacts result from the change to the appearance of the landscape as a result of the proposed development intruding into, or obstructing existing views, or by the overall impact on visual amenity and character.

The classification of Sensitive Visual Receptors and Magnitude of Visual Impact are defined in Table 6 and Table 7 below.

Table 6 Classification of Sensitive Visual Receptors (Capita Symonds 2008)

Sensitivity	Description
High	Primary views from residential properties, public rights of way or from locations that have protected designation or are accessible for recreational purposes where the activities are focussed on the landscape.
Medium	Views from properties or public rights of way within scenic landscapes. Receptors would include walkers, cyclists, road users or tourists travelling through the landscape.
Low	Views within landscapes of lower value and low public right of way or recreational use. Receptors would include people at their place of work or partaking of activities not involving appreciation of the landscape.
Imperceptible	Views within landscapes that could include pedestrian rights of way, places of work or from within low value landscapes such as industrial land or urban fringe. Receptors would include people involved in activities not focussed on appreciation of the landscape.

Table 7 Classification of Magnitude of Visual Impact (Capita Symonds 2008)

Description	Description
High	The Development would result in a major change in the existing view and/or would cause a major change in the quality and/or character of the view. Development would appear large scale and/or form the dominant elements within the overall view and/or may be in full view of the observer or receptor.
Medium	The Development would result in a noticeable change in the existing view and/or would cause a noticeable change in the quality and/or character of the view. Development would form a conspicuous element within the overall view and/or may be easily noticed by the observer or receptor.
Low	The Development constitutes only a minor component of the wider view, which might be missed by the casual observer or receptor. Awareness of the development would not have a marked effect on the overall quality of the scene.
Imperceptible	The Development would result in barely perceptible change in the existing view without affecting the overall quality and/or would form an inconspicuous minor element in the wider landscape that may be easily missed by the observer or receptor. Only a small part of development would be discernible and/or it is at such a distance that no change to the existing view can be appreciated.

The Significance of Visual Effects is determined from Table 8, which defines the relationship between sensitivity and magnitude of impact

Table 8 Significance of Visual Effects

Sensitivity of Receptor	Magnitude of Impact			
	High	Medium	Low	Imperceptible
High	Major	Major / Moderate	Moderate / Minor	Negligible
Medium	Major / Moderate	Moderate	Moderate / Minor	Negligible
Low	Minor	Moderate / Minor	Minor / Negligible	Negligible

In nearly all cases I suggest that the Assessment has identified a lower classification than is appropriate, resulting in a lower than deserved level of impacts.

- Under High in Table 3 – “Classification of Landscape Sensitivity” is the description, “...Pristine unspoilt landscape...”.
- Under High in Table 4 – “Classification of Landscape Impact” is the description, “...the introduction of new uncharacteristic elements that either singularly or in combination contribute to the overall change in landscape in terms of character value and quality”.
- Under High in Table 6 – “Classification of Sensitive Visual Receptors” is the description, “Primary views from residential properties, public rights of way or from locations that have protected designation or are accessible for recreational purposes where the activities are focussed on the landscape”.
- Under High in Table 7 – “Classification of Magnitude of Visual Impact” is the description, “The development would result in a major change in the existing view and/or would cause a major change in the quality and/or character of the view. Development would appear large scale and/or form the dominant elements within the overall view and/or may be in full view of the observer or receptor”.

These descriptions are appropriate for most, if not all, of the views considered in the Assessment.

- The description under High in Table 3 is true of the landscape of the site of the proposed wind farm. The landscape has a high degree of naturalness and at present has no apparent development.
- The description under High in Table 4 is true of the proposed wind farm project. “Character” is the key word here. There is no doubt that the wind farm will change the character of the landscape. You cannot introduce structures of the size and appearance of the wind turbines into the view of a natural “pristine unspoilt landscape” without changing its character.
- The description under Table 6 is true of the views from the Leeuwin Lightstation, Augusta townsite and Hotel, Flinders Bay Whaling Memorial and Black Point. If White Point goes to public ownership at subdivision then it will also be so described.
- The description under Table 7 is true of all the viewpoints covered in the Assessment.

Given the above results it must be concluded that there is a “Major Magnitude of Impact” on both the “Significance of Landscape Effects” and “The Significance of Visual Effects”. These results signify the highest levels of impact.

I believe that the Assessment errs in its conclusion that the wind farm will not result in “Major” and, therefore, unacceptable visual impacts.

3.5 If not, then what can be done to make them acceptable?

The final question asks: if the impacts are found not to be acceptable, how can the project be modified to reduce the impacts to an acceptable level?

The Assessment does not deal with this question as it concludes that the impacts are acceptable. My review suggests that the methodology used in the Assessment, if used by a person more familiar with landscape assessment and less aligned with the wind farm project, would have arrived at a different result.

If a different result had arisen, and the project as assessed had been found to be unacceptable, could anything have been done to make it acceptable? The answer is no, not short of re-location. There is nowhere within the site being considered that the wind farm will not be highly visible, given clear conditions, from viewing points of the highest sensitivity. The Assessment attempts to justify the project on other than visual

landscape grounds and plays down the impacts on landscape values. From the outset the project is a given. The site has been determined and the number of turbines has been determined. The only measure used to reduce the impacts is the colour of the turbines – matt grey.

The Assessment states that the project is sited a long way from sensitive viewing locations, particularly Augusta and Leeuwin Lightstation because of an awareness that the visual impacts of the project would be a major issue. This led to the selection of a site as far as possible from these viewing locations. Under rigorous assessment it is evident that the site is not far enough away to overcome unacceptable impacts.

The Assessment discusses at some length the arrangement of turbines and towers in the landscape to make them “fit” better, but this does not remove the difficulty of their macro siting. It also discusses atmospheric conditions and the effect on visibility. This is interesting but largely irrelevant. The turbines will be visible, more or less, on most days. On bright clear days they will be highly visible, on dull days they will be less visible and on some days they will be invisible. It is visibility in itself that is the issue.

When assessing the impact of the wind farm on the views from Augusta and Leeuwin Lightstation the Assessment concludes that, “The wind farm is barely visible from this location and would most likely be missed by the casual observer, particularly on a typical overcast south west day”. Both the propositions in this conclusion are wrong. The wind farm would be highly visible. The view from Leeuwin Lightstation, as simulated on page 64 of the Assessment, shows a spur of the Leeuwin-Naturaliste Ridge extending into the sea, with a horizontal line of sand cliffs and scrub-covered dunes running in a sweeping crescent to Black Point. There are some offshore islands in the right of the photo. This is the view from the Visitor’s Centre and similar to the view from the timber platform to the east of the lighthouse. In this view, the eye is led down the slope of the land falling to the sea, straight to the wind farm, which would be seen just off the “toe” of land. The attention will be arrested by strong tall vertical lines of the 30 turbines in the flat landscape, changing the character of the view from “wild”, “pristine” and “natural” to something else – a landscape with obvious development. Put aside for the moment what kind of development. It is development of one kind or another – that is the significant factor in protecting the landscape of wild places.

It was demonstrated to me on the day of my site visit how visible the wind turbines would be from the Leeuwin Lightstation. I was on the site on a “typical” south coast winter day. It was a day of showers with sunny breaks. Standing on the wind farm site I looked towards Cape Leeuwin. At first the Cape was in shadow. I could make out the Lighthouse quite easily, then the sun shone on the Cape and the Lighthouse became highly visible – the instant focus of attention. There are differences between the Lighthouse and the 30 turbines. The Lighthouse is white, the turbines would be matt grey. A white Lighthouse would be more visible than a matt grey Lighthouse in the distance. However, the Lighthouse is 58m high and the turbines would be 85m high with 50m long blades. There is one Lighthouse and there would be 30 turbines.

The other proposition contained in the conclusion is that typical southwest days are overcast. This is not an accurate description. Many days, particularly in the high tourist season, are very clear, with atmospheric conditions ideally suited to visible clarity over long distances.

There is no doubt that the wind farm would be highly visible from the Lightstation on many days of the year.

The Lightstation view is particularly significant because of a precedent set by the State Appeal Tribunal in a planning appeal regarding a residential development at Bunkers Bay. The Tribunal accepted an argument from the DPI that there should be no

character change seen from the top of the Cape Naturaliste Lighthouse. This decision was taken even though the main attention of viewers is the Ocean and though the landscape character was rural, not natural. The important point of the decision is that the heritage value of the Lighthouse extends to the views from the Lighthouse. The views are a part of the heritage value and shall be protected.

4. APPLYING A DIFFERENT ASSESSMENT METHODOLOGY

It is worth considering what the outcome would be if another assessment method were used the same project.

I use a methodology that was developed by John Cleary. Cleary prepared the landscape study that informed the Leeuwin-Naturaliste Ridge State Planning Policy and has extensive experience in landscape assessment. He has assessed wind farm projects in WA and Victoria. This methodology places less emphasis on specific views than the Assessment under review, and more emphasis on the overall experience and cognition of the landscape. The methodology typically assesses the landscape in terms of four major visual characteristics and ascribes management objectives and standards to these visual characteristics.⁴ Projects must demonstrate a high level of compliance with the objectives and standards to be deemed to satisfy the relevant policies. The visual characteristics are:

- Landscape character
- Landscape significance
- Wilderness quality
- Views

These aspects of landscape contain both opportunities and constraints. Opportunities are provided by the existing conditions and the potential to "add" value to these conditions; constraints are contained in the potential of developments to change the existing conditions in such a way that existing values are diminished or destroyed.

Landscape character

Landscape character is the nature or identity of the landscape. It is a combination of the natural and cultural elements and their functions. These elements and functions change from place to place and so, therefore, does the landscape character. A major purpose of landscape planning and management should be to maintain the diversity in landscape character existing between different places by protecting the unique qualities inherent in a place.

The landscape character is "natural".

Impacts of the proposal

The proposal contrasts dramatically with the natural character of the area and changes the character from "natural" to "developed with natural influence".

Landscape significance

Significance arises from outstanding landscape features within the context of the particular Character Units.

⁴ Typical objectives and standards are outlined in Attachment 2 of this review. Other factors may also be considered if relevant to the site or project -eg. cultural, historic, scientific and heritage values.

The significance derives from the long, low, uninterrupted, undeveloped coastline, seen across an ocean, from remote recreation areas, small, relatively isolated settlements and from a Heritage listed location.

Impacts of the proposal

The proposal will dominate the significant landscape features of the area (vegetation mosaic, dunes, beach and ocean.)

Wilderness quality

Wilderness quality considers perceptions of wilderness rather than the strict definition of wilderness. Areas of high wilderness quality represent the environment in its most natural state, provide a resource bank and may provide the backdrop and sense of remoteness for other more used areas.

The area has high wilderness quality.

Impact of the proposal

Any sense of wilderness will be eliminated.

Views

Views provide the opportunity to become acquainted with a place or landscape from a distance and put place and landscape into a broader context.

There are extensive views over an expanse of ocean to a coastline with high wilderness quality.

Impact of the proposal

The proposal will dominate views to and across the Ocean.

The methodology concludes by testing the impacts against the relevant policies:

State Government Policies

"The State Coastal Planning Policy State Planning Policy No. 2.6 (SPP 2.6). The objectives of the policy, in the context of the study, are to:
protect, conserve and enhance coastal values, particularly in the areas of landscape, nature conservation, and indigenous and cultural significance.

The proposal does not comply.

Western Australian Planning Commission's Planning Bulletin No. 67, guidelines for wind farm development has the following landscape conservation objective:
minimise disturbance to the environment, (including landscape) and loss of public amenity in the establishment, operation, maintenance and decommissioning of wind farms.

The proposal does not comply.

The Government's Draft Augusta-Walpole Coastal Strategy 2007 has the following main objectives:

- *Ensure that development complements the natural landscape and wilderness experience*

- *Provide appropriate infrastructure while ensuring the environment, heritage, social and cultural values of the coast are protected.*

The proposal does not comply.

The Vision Statement of the strategy is:

The unique environment and wilderness values of the Augusta-Walpole coast are protected and conserved with sustainable use occurring for the wellbeing of present and future generations.

The proposal does not comply.

Local Government

The Shire of Nannup Coastal Management Plan (Martin 2008) states:

Accommodate community desires for coastal access, recreation and development, while protecting and enhancing the environment and landscape characteristics, community values...

The proposal does not comply.

The Shire's Local Planning Scheme No. 3 aims:

- *To manage the use and development of land by means of zoning and development controls to achieve compatibility between land uses, and the preservation, and where possible the enhancement of visual amenity of urban and rural areas.*
- *To safeguard and enhance the character and amenity of the built and natural environment of the Scheme area.*
- *To recognise and protect places of natural beauty, historic interest and scientific interest that are considered to be important to the heritage of the Shire.*

The proposal does not comply.

The Planning Scheme's objectives for the Coastal Landscape Zone are:

- *Protect the significant landscape and environmental features of the locality and:*
- *to provide for development which is compatible with and will preserve and enhance the landscape and environmental qualities of the locality*

The proposal does not comply.

5. CONCLUSION

The Landscape and Visual Assessment prepared by Verve for the proposed wind farm at Myleannup does not satisfy the minimum standards for a rigorous assessment of the landscape values and the resulting impacts of the proposed development on those values.

It uses a rather confused, and confusing, methodology and makes several fundamental errors in judgement as well as simple tabulation.

At the same time as purporting to assess the impacts of the proposal it also promotes the proposal.

It fails to adequately describe the landscape. It lacks a detailed description of the landscape character, significant features, wilderness qualities, views and how people experience the area.

It lacks a systematic identification or classification of viewing opportunities, or the expectations of those experiencing the landscape.

It does not adequately assess the landscape values.

It does not adequately assess the impact of the proposal on the values. Nowhere does it actually discuss or acknowledge the obvious impacts – that the proposal will change the character of the landscape; will alter the significant features; will remove the experience of wilderness; and will significantly change the views.

It does not test the impacts against relevant policies.

It does not explore any options, but takes the proposal as a given and attempts to justify it through the application of an apparently objective methodology.

At the core of these inadequacies is an apparent lack of understanding of the purpose and process of landscape assessment. The purpose is to protect the landscape. The process involves answering the five straightforward questions posed in the Introduction to this review:

1. What is there? (what is the landscape like?)
2. How valuable is it?
3. What changes are proposed?
4. Are the changes acceptable?
5. If not, then what can be done to make them acceptable?

The Assessment does not adequately answer these questions.

When more appropriate and informed judgements are applied to the evaluation criteria contained in the Assessment the result shows that the Assessment is wrong in concluding that the landscape and visual impacts of the wind farm proposal are acceptable. When another methodology is applied it is apparent that the proposal does not comply with relevant State and Local Government policies. The Assessment as it stands should not, therefore, be given any weight in the Council's decision-making.

ATTACHMENT 1 – Viewer Sensitivity

Defining landscape value requires a consideration of how the physical resource is viewed. This is commonly known as “viewer sensitivity”.

Viewer sensitivity is a measure of the significance of the views of the subject site. This significance depends on the type and number of viewers and the significance of the travel route or location from which the site is viewed.

Classification	Type of Use - Existing or Formally Proposed		
	Non-recreation use roads	Recreation and tourism	Settlement
Level 1 High Sensitivity	National & State Highways. Links between cities and major towns including rail	Designated tourist roads. formally or informally at a national or state level, including walking tracks and lookouts. Primary access to these recreation sites or multiple level 2 use areas. Travel routes or sites through or adjacent to scenic or historic areas with recognised or assessed values of national or state significance.	Places with recognised or assessed scenic or historic values of national or state importance.
Level 2 Moderate Sensitivity	Main link roads between towns and highways.	Important but undesignated tourist and recreation roads. Recreation sites of regional importance, including walking tracks and lookouts. Primary access to these recreation sites or multiple level 3 use areas. Travel routes or sites through or adjacent to scenic or historic areas with recognised or assessed values of regional significance.	Places developed to capitalise on views or attractions.
Level 3 Low Sensitivity	Minor link roads	Local recreation	Residential areas other than Level 1 or 2.
Level 4 Very Low Sensitivity	Roads receiving local non-recreational traffic		Industrial areas.

Table 1: Public Sensitivity Level: Travel Route and Use Area Classification.

Table 1 is a viewer sensitivity classification table used for determining the sensitivity level of travel routes and locations. (Based on criteria used in the Visual Management System, Williamson and Calder, 1979⁵)

⁵ Williamson, D.N. and Calder, S.W., 1979. Visual resource management of Victoria's forests: a new concept for Australia, Landscape Planning 6:313-341 Elsevier Scientific Publishing Co.

ATTACHMENT 2 – Typical visual aesthetic management objectives and standards.

The methodology ascribes Visual Aesthetic Objectives and Standards to the landscape attributes. These Objectives are derived from relevant policies and established community attitudes. A set of Management Objectives and Standards that might apply to this project is given below:

Landscape Character

Management Objective

Land use changes and developments should be such that the existing landscape character is protected.

Priority for protection should be given to areas:

- that have high levels of naturalness
- that are uncommon in the local region; or
- are close to locations with high sensitivity levels (ie. Level 1 and 2⁶)

Standard

In areas that have a high level of naturalness, the existing character should be maintained when viewed from Level 1 and 2 routes and sites. This means that character change should not be recognised from these routes and sites regardless of distance. As a guide; to achieve this, character change should be unseen in distance zones less than middleground (1-3km) and very low impact in greater distance zones. Exceptions to these standards include:

- changes that are evident only in the short-term

Landscape Significance

Management Objective

Maintain and reinforce natural landscape significance.

Standards

- Structures should not be seen when viewed from Level 1 and Level 2 Sensitivity routes and sites in any distance zone.

Wilderness Values

Management Objective

Maintain high wilderness quality

Standard

- Retain the existing wild, natural, undeveloped quality of the landscape when viewed from any Sensitivity Level 1 and 2 sites at any distance zone.

⁶ See Attachment 1 for the classification of Sensitivity Levels. Leeuwin Lighthouse, Augusta townsite and Black Point are Level One Sensitivity

Views

Management Objective
Maintain significant views

Standard
- In natural character areas major ridgelines should not be broken by the structure (i.e. the structure should not be skylined) when viewed from Level 1 or 2 routes or sites at any distance.

ATTACHMENT 3 - Curriculum Vitae

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Background to the practice of William James Landscape Architect

The practice of William James Landscape Architect was established in 1988. It has, in the past twenty years, successfully undertaken a wide range of projects in the south west of the State. The firm comprises Bill James as principal and sole practitioner.

Bill James was Consultant Landscape Architect to The University of Western Australia for eighteen years. At the University of Western Australia, Bill prepared landscape designs for ten major new building projects, as well as the refurbishment of major open spaces within the main campus and the Nedlands campus. He has undertaken two major reviews of the campus landscape. He has an ongoing role as a Project Landscape Architect at The University.

Prior to establishing the private practice, Bill James was Landscape Architect for the Joondalup Development Corporation for a period of seven years. During this time the Joondalup Centre grew from a bushland site to a residential neighbourhood, Business Park and the beginnings of the City Centre. He was responsible for all aspects of landscape management, planning, design, documentation and implementation.

The practice specialises in site planning, landscape assessment and water sensitive design.

AN OUTLINE OF PAST PROJECT

Consultant Landscape Architect

On-going Commission

The Consultant Landscape Architect to the University of Western Australia from 1988 until 2006. This consultancy involved the preparation of two major Campus Landscape Reviews.

A sample of past projects

Visual assessment and management:

- Visual Resource Assessment and Development Guidelines for the Shire of Augusta- Margaret River.
- Visual Assessment and Management for a proposed urban subdivision on Rosa Brook road in Margaret River
- Visual Assessment and Management of a proposed rural subdivision at Pinjarra.
- Visual Assessment and Planning for a proposed residential and tourist development at Injidup Bay
- Visual Management Study of Caves Road for the Shire of Busselton
- Landscape and Visual Analysis Coastal and Lakelands Study, Peel Inlet to Leschenault Inlet for Land Assessment Pty Ltd
- Visual Assessment of the Augusta Townsite Foreshore Reserve
- Assessment of the impacts of the proposed Raffles Hotel redevelopment -- prepared for the Ministry for Planning
- Assessment of the impacts of a possible expansion of the Gracetown townsite - prepared for the Ministry for Planning
- Visual Assessment and Management of a proposed subdivision adjacent to the Busselton Bypass

- Visual Assessment and Management of Bussell Highway (Vasse to Margaret River) for the Main Roads WA
- Siting and Design Guidelines for a house adjacent to the Leeuwin Naturaliste Ridge National Park north of Gracetown for the owners
- Expert witness for the Shire of Augusta Margaret River , defending an appeal to the Town Planning Appeal Tribunal regarding a dwelling in the vicinity of Leeuwin Naturaliste Ridge.
- Expert witness for the Shire of Augusta Margaret River , regarding an appeal to the Town Planning Appeal Tribunal concerning a proposed lodge at Gnarabup, Margaret River.
- Preparation of witness statement for the Shire of Augusta Margaret River , defending an appeal to the Town Planning Appeal Tribunal regarding a caravan park on Caves Road.
- Landscape assessment of a proposed dwelling adjacent to Leeuwin Naturaliste Ridge National Park south of Moses Rock Road for the owners
- Landscape study of Kemerton Industrial Area for a Structure Plan Review
- Landscape study for the proposed Southgate residential development at Geraldton
- Landscape study to support the relocation of two building envelopes adjacent to the Leeuwin Naturaliste Ridge National Park
- Landscape study to investigate two residential subdivision at Pemberton.
- Prepare witness statement for the Shire of Busselton in regard to the Laurance Winery SAT appeal.
- Landscape study for a proposed holiday unit at Wallcliffe Farms
- Landscape study for the re-subdivision of ten lots at Isaac Road, Margaret River
- Landscape study for a proposed cellar door sales outlet on Caves Road in the Shire of Busselton
- Landscape study for a proposed resort on Caves Road near Cosy Corner.
- Landscape Study for a subdivision on Caves Road near Wallcliffe Road.
- Landscape Study for a resort at Moses Rock (in progress).
- Numerous landscape studies to identify building locations in private properties adjacent to the Leeuwin Naturaliste Ridge National Park.

Townscape projects:

- Townscape Studies in association with Hocking Patman Antill - Manjimup, Pemberton, Northcliffe, Walpole, Augusta, Bridgetown, Harvey, Brunswick Junction, Binningup and Jarrahdale.
- Townscape Study in association with KTA Partnership - Katanning.
- Townscape Study of Boyanup.
- Planting Plan for Donnybrook Mainstreet Project.
- Bridgetown Main Street upgrade in association with WML Engineers

Site planning and landscape masterplans:

- Landscape Masterplan for Lake Joondalup Regional Open Space - North-West Portion for the Department of Planning and Urban Development.
- Foreshore Management Plan for Ashfield Parade in the Town of Bassendean for the Waterways Commission.
- Design Study of Queens Gardens for the City of Bunbury.
- Draft Landscape Masterplan for the Koombana Bay and Koombana Drive area in Bunbury.
- Design study of the Ensign McLeod Lookout area on Leschenault Inlet for the South West Development Commission.
- Design study of Boulders Heights for the City of Bunbury in Association with Sasha Ivanovich and Associates, Architects.
- Landscape masterplan for Glen Mervyn Dam
- Landscape Masterplan for Boulders Heights for the City of Bunbury
- Landscape Masterplan for the Methodist Ladies College, Claremont.
- Landscape Masterplan for the new Performing Arts Centre at Perth College, Mt Lawley.

- Landscape Masterplan for the Colonial Motor Inn at Margaret River.
- Landscape Masterplan for Basildene Manor at Margaret River.
- Landscape Masterplan for the Bunbury Arts Centre and Pioneer Park.
- Landscape Masterplan for Dunsborough Town Square.
- Landscape Masterplan for various farms and vineyards in the Margaret River region.
- Landscape Masterplan for the Georgiana Molloy School at Vasse and then Busselton.
- Landscape Masterplan for Leeuwin Lighthouse Precinct for the Augusta Margaret River Tourism Association
- Site plan for the Jewel Cave precinct for the Augusta Margaret River Tourism Association

Built Designs:

- Design, Documentation and Contract Administration for the Dolphin Discovery Centre on Koombana Bay for the South West Development Commission.
- Design and Documentation of foreshore improvements to Koombana Beach for the South West Development Commission.
- Koombana Beach Redevelopment at Bunbury for SWDC.
- Design, Documentation and Contract Administration for the Victoria Park Administration Building and adjacent Memorial Gardens.
- Design and Documentation and Contract Administration for the Town of Victoria Park Works Depot
- Design and supervision of implementation of various rural residential properties and developments in the Margaret River area
- Design and Documentation for various stages of the Mindarie residential development in Perth.
- Design and Documentation for the grounds of the Colonial Motor Lodge in Margaret River
- Design, Documentation and Contract Administration for the Silos Park at Bunbury.
- Design and Documentation and Contract Administration for the twelve state schools in the south west.
- Design and Documentation and Contract Administration for the new Georgiana Molloy Anglican School in Busselton
- Design and Documentation for the Year 11 courtyard at St Mary's Anglican School for Girls, Perth.
- Design, Documentation and Contract Administration for the Auditorium, Pre-primary and Resource Centre at Methodist Ladies College, Perth.
- Landscape Design, Documentation and Contract Administration for Performing Arts and Physical Education Buildings at the Bunbury Grammar School.
- Design, Documentation and Contract Administration for the landscape development of the Galway Green subdivision in Australind
- Design, Documentation and Contract Administration for the landscape development of the Westgarth subdivision in Australind
- Design, Documentation and Contract Administration for the landscape development of the Regency Beach Club resort at Dunsborough
- Design, Documentation and Contract Administration for the landscape development of the Riverslea subdivision in Margaret River
- Design, Documentation and Contract Administration of numerous private gardens, wineries and farms in the south-west region.
- Design, Documentation and Contract Administration for the landscape development of the Rapids Landing subdivision in Margaret River

Management plans:

- Foreshore Management Plan for the Geographe Motel at Busselton.
- Mindarie Beach Foreshore Management Plan.
- Provision of specialist advice for the Mullaloo Coastal Management Plan.
- Foreshore Management Plan for Yanchep and Two Rocks for the City of Wanneroo
- Yellagonga Regional Park Management Plan in association with PLAN E
- Foreshore Management Plan for the Riverslea subdivision on the Margaret River
- Foreshore Management Plan for Woodard Avenue Margaret River
- Foreshore Management Plan for Woodyche Falls on the Margaret River
- Foreshore Management Plan for the Riverslea South subdivision at Margaret River

Qualifications:

Bachelor of Applied Science (Natural Resources) 1978, Canberra College of Advanced Education.

Professional Associations:

Associate of the Australian Institute of Landscape Architects

Professional Accreditation:

Registered Landscape Architect. (Reg. No. 220)