

**SHIRE OF VICTORIA PLAINS  
LOCAL PLANNING SCHEME NO.5**



**NOTICE OF DETERMINATION ON APPLICATION FOR  
DEVELOPMENT APPROVAL**

*Planning and Development Act 2005*  
Shire of Victoria Plains

**DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL**

**Address:** No street address numbers assigned by Landgate.

**Lot Nos:** M1407 & M1421

**Plan/Diagram No:** 6129 & 6179

**Certificate of Title Details:** Volume No: 1214 / Folio No: 038

**Application Date:** 10 September 2024

**Application Fee Payment Received:** 19 September 2024

**Description of proposed development:**

Construction and use of a proposed meteorological monitoring mast on Lot M1407 on Diagram 6129 with all access via Lot M1421 on Diagram 6179 Scholz Road, Gillingarra for approximately five (5) to seven (7) years to help inform the design layout for the future proposed Grevillea Wind Farm.

The application for development approval is:



Approved subject to the following conditions



~~Refused for the following reason(s)~~

**Conditions**

1. The proposed development shall be undertaken in accordance with the documentation and plans submitted in support of the application subject to any modifications required as a consequence of any condition/s of this approval or otherwise approved by the local government.
2. Any additional development which is not in accordance with the application the subject of this approval or any condition of approval will require the further approval of the local government.
3. The proposed development shall be substantially commenced within a period of two (2) years from the date of this approval. If the development is not substantially commenced within this period it shall not be carried out without the further approval of the local government having first being sought and obtained.
4. This approval is valid for a period of seven (7) years only unless otherwise approved by the local government.
5. The proposed mast, including the associated guy wires and concrete footings,

shall be sited on Lot M1407 in accordance with the minimum boundary setback requirements of the Shire of Victoria Plains Local Planning Scheme No.5 unless otherwise approved by the local government.

6. The proposed mast shall be constructed with alternating markings for at least the top one third portion of the structure (i.e. alternating contrasting bands of colour) in accordance with Part 139 (Aerodromes) Manual of Standards 2019. Marker balls or high visibility flags/sleeves must also be installed on the upper one third portion of the outside guy wires to improve the mast's visibility for the benefit of aircraft operators.
7. Details of the proposed mast's coordinates and elevation shall be provided to Airservices Australia by the applicant for inclusion in an obstacle database maintained by that agency and publication on aeronautical charts. Evidence of the notification required by this condition shall be provided to the local government within seven (7) days of the notification being provided to Airservices Australia.
8. The removal and/or trimming of any native vegetation within any local road reserves used to access the proposed development is not permitted.
9. The applicant shall, at its own cost, arrange for the immediate repair of any damage and/or extraordinary wear and tear on the local road network arising from the proposed development in accordance with any written directive and specifications issued by the local government's Chief Executive Officer.
10. All waste generated during the construction process shall be disposed or recycled at an approved/licensed waste disposal and/or recycling facility. No waste is permitted to be stored and disposed on the land.
11. The applicant shall ensure a legal right of access to/from Lot M1407 via Lot M1421 is formalised and maintained in accordance with the *Transfer of Land Act 1893* (as amended) in the event either of the two lots are sold to a third party during the life of the proposed development (i.e. the creation of a right-of-carriageway easement by transfer). Written evidence of the applicant's compliance with this condition must be provided to the local government within 28 days of registration of the right-of-carriageway easement on the certificate of title of each lot.
12. The proposed mast and all associated improvements shall be removed from the land in their entirety with the area they occupied reinstated to its original condition insofar as practicable within 90 days of expiry of this approval unless otherwise approved by the local government.

#### Advice Notes

1. This approval is not an authority to ignore any constraint to development on the land which may exist through contract or on title, such as an easement or restrictive covenant. It is the responsibility of the applicant and not the local government to investigate any such constraints before commencing development. This approval will not necessarily have regard to any such constraint to development, regardless of whether or not it has been drawn to the local government's attention.
2. This is a development approval of the Shire of Victoria Plains under its Local Planning Scheme No.5. It is not a building permit or an approval to commence or carry out development under any other law. It is the responsibility of the applicant to obtain any other necessary approvals, consents, permits and licenses required under any other law, and to commence and carry out development in accordance with all relevant laws.

3. In accordance with section 70 of the *Building Act 2011* and Schedule 4 of the *Building Regulations 2012*, a certified building permit application for the proposed structure is required. Please contact the local government's Principal Building Surveyor Mr Gordon Houston on 9628 7004 or [ehobs@victoriaplains.wa.gov.au](mailto:ehobs@victoriaplains.wa.gov.au) to discuss the relevant requirements in this regard.
4. The applicant is reminded of its obligation to ensure compliance with the requirements of the *Public Health Act 2016* and associated guidelines for the management of public health risks associated with temporary toilets in Western Australia. To confirm the relevant requirements in this regard please contact the local government's Consultant Environmental Health Officer Mr Gordon Houston on 9628 7004 or [ehobs@victoriaplains.wa.gov.au](mailto:ehobs@victoriaplains.wa.gov.au).
5. The requirements of Condition 11 of this approval do not apply in the event both lots are sold to the same third party during the life of the proposed development.
6. Failure to comply with any of the conditions of this development approval constitutes an offence under the provisions of the *Planning and Development Act 2005* and the Shire of Victoria Plains Local Planning Scheme No.5 and may result in legal action being initiated by the local government.
7. If the applicant/landowner is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with the *Planning and Development Act 2005* Part 14. An application must be submitted directly to the State Administrative Tribunal within 28 days of the determination.

Signed:

Dated: 29 November 2024



**Sean Fletcher**  
**Chief Executive Officer**  
**Shire of Victoria Plains**