COUNCIL POLICY

Local Planning Policy – Renewable Energy Facility

Policy No: 8.6

Policy Subject: Local Planning Policy – Renewable Energy Facility

Purpose:
This Policy sets out the Shire of Katanning Council's position on renewable energy facilities (wind farms and solar systems) and is particularly relevant to the Rural zone.

It should be noted that the Local Planning Policy is a guide for the exercise of discretion. The Shire of Katanning Council will have significant due regard to the Policy requirements in the assessment of any new development application.

The Policy requirements are in addition to the matters already set out under the Western Australian Planning Commission Position Statement on Renewable Energy.

Relevant Scheme Provisions:
A 'renewable energy facility' is not defined in the Shire of Katanning Local Planning Scheme No. 5 (scheme), nor is it listed in the scheme's Table 4: Zoning Table. A renewable energy facility application must therefore be processed as a "Use not Listed" and be assessed as outlined in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

An application for a renewable energy facility will be considered in accordance with this Policy.

Objectives:
The objectives of this policy are as follows;

a) To protect continued traditional agricultural, other food production activities, and tourism uses.
b) To reduce the amenity impact of wind farms by ensuring a satisfactory minimum distance from sensitive land uses.
c) To decrease the visual impact of wind farms by implementing a minimum distance to neighbouring lot boundaries.
d) To minimise or avoid any potential impact on the natural environment, flora and fauna.

e) To achieve wind farm layouts which do not compromise the safety of the local community, aviation activities, or continuation of activities occurring on nearby and adjacent land.
f) To ensure that the local community is engaged in the early stages of wind farm planning, by the proponent.
g) To protect areas of visual significance and ensure wind turbines are appropriately and sensitively sited.
h) To ensure that wind farms are located so as not to have a significant impact on Views from townsites within the Shire.
i) To provide a clear position on wind farms for the assessment of development applications.
j) To protect and maintain Council's Road Infrastructure.
k) To conserve use of local resources such as gravel, water and sand.

Under this Local Planning Policy, the following are some of the relevant planning considerations against which a renewable energy facility development application can be assessed.

Policy Measures:
The following provisions must be used when assessing applications for wind farms:

a) Renewable energy facilities should be designed in a manner that minimises adverse impacts upon flora, fauna, environmentally sensitive areas, or landscape character and amenity.
b) Renewable energy facilities should be positioned so as not to significantly impact adjacent properties or the surrounding area in terms of noise, visual or traffic impacts.
c) The height and location of renewable energy facilities will be determined through preparation of a detailed visual impact assessment, consultation with community and key stakeholders and compliance with relevant planning documents, including the Scheme where relevant.
d) Some locations may have Aboriginal heritage, natural or built heritage significance which may impact site suitability and will require compliance with the relevant statutes.
e) Some locations may have biodiversity and conservation values, such as threatened ecological communities, environmentally sensitive areas and will require compliance with the relevant statutes.
f) All applications for a renewable energy facility require a building license to be submitted after the issuance of a valid Development Approval.

The Policy does not apply to domestic scale wind turbine servicing a single residence or farming operation.

Application Requirements:
In addition to the information requirements prescribed in clause 63 in Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 and the local government's Development Application Checklist, all development applications for

windfarms must be accompanied by the following information:

a) Detailed specifications of the renewable energy system to be installed, including site plans detailing setbacks, access, floor plan and elevation plans for any building structures;
b) Consultation as detailed in 6. Community and Stakeholder consultation of this Policy;
c) An Environmental Survey as detailed in section 7 Environmental Impact of this Policy;
d) A Visual and Landscape Impact Assessment as detailed in section 8 Visual and Landscape Impact of this Policy;
e) A Noise Impact Assessment as detailed in section 9 Noise Impact of this Policy;
f) Assessment on impacts on cultural heritage;
g) A Construction Management Plan (include information on the housing of construction workers and the use of local labour and local businesses);
h) An Operational Management Plan;
i) A Traffic Management Plan (incorporating a Traffic Impact Assessment for traffic activities associated with development during construction, operation and decommissioning);
j) Bushfire Management Plan;
k) Aviation Impact Assessment;
l) Shadow Flicker Assessment;
m) Natural resource impact assessment (water, gravel and sand), the purpose of which is to ensure our natural resources are not demised beyond supply capability for future generations and that the sourcing of resources does not impact on the natural environment.
n) A Decommissioning Plan as detailed in section 12 Decommissioning Program of this Policy.

Community And Stakeholder Consultation:
The Shire of Katanning requests that renewable energy proponents actively engage in early community and stakeholder consultation, prior to lodgement of any formal application.

Early, meaningful and innovative community consultation, demonstrating an ongoing commitment to providing clear information and ensuring opportunities for genuine input, is important to delivering good planning outcomes.

Pre-lodgement consultation should be aimed at identifying and considering options for eliminating, reducing or otherwise managing impacts, not merely informing communities and stakeholders on the proposed layout.

The Shire of Katanning's expectation is that proponents will use a range of tools for community and stakeholder engagement. The Shire has a strong view that developers need to invest time and effort into positive community engagement and to build a relationship with nearby and adjacent owners.

This Policy requires applications for renewable energy facilities to address consultation in a comprehensive way and include:

a) Lodgement of a detailed Community and Stakeholder Engagement Plan that outlines the outcomes of pre-lodgement community consultation, and a strategy for further consultation for the life of the development. The Plan should identify key stakeholders early in the project planning stage.
b) Community and Stakeholder Engagement Plans should incorporate the fundamental principles, actions and frameworks outlined in the Clean Energy Council 'Community Engagmeent Guidelines for the Australian Wind Industry'.
c) An outline of how landowners' and stakeholders' issues have been considered prior to lodging any formal development application.
d) A written agreement or signed statement of non-objection from neighbouring landowners where any turbines are proposed to be sited between 500m and 1km to a sensitive land use (e.g. neighbouring lot boundaries).

Proponents should liaise with a wide range of relevant key stakeholders early in the process, including the Shire, Main Roads WA, Western Power, Department of Water and Environmental Regulations, Department of Biodiversity, Conservation and Attractions CASA, Air Services Australia, local spraying contractors, nearby unlicensed airstrip owners, and any relevant local community groups.

Other stakeholders may also be relevant depending on the potential project impacts.

The Shire requires proponents of renewable energy facilities to include information on any financial and/or development contributions stemming from pre-lodgement planning and community/stakeholder consultation.

Environmental Impact:
Consistent with the WAPC Position Statement on Renewable Energy Facilities, this Policy requires applications to address, avoid and minimise impacts of any renewable energy facility on the natural landscape and environment (including flora/fauna).

Applications should be accompanied by an environmental survey of the site by a suitable qualified environmental consultant and address:

i. The type, location and significance of flora and fauna;
ii. Any rare or endangered species;
iii. Stopover sites, local bird species, roosting or nesting sites for birds of conservation significance;
iv. Location of bat colonies;
v. Areas of high raptor activity;
vi. The cumulative impact of turbines on migration routes;
vii. Existing remnant vegetation to be retained or that is proposed to be removed (on a plan);
viii. Distances to areas of habitat, remnant vegetation and areas of natural environment on a context plan, including conservation areas, reserves or crown land;
ix. Maximising distances to bird conservation areas, the breeding grounds of sensitive species and areas of remnant bushland that is likely to have high value bird habitat or habitat for birds of conservation significance;

x. Methods to avoid bird collision such as keeping bird migration corridors free; and
xi. Decommissioning of the renewable energy facility at the end of its life.

The Shire of Katanning will take into consideration any separate environmental processes being undertaken at the time of lodgement by applicants, whether it be at a state or federal level.

The requirements of this Section do not apply to noise which is discussed under Section 9.

Visual And Landscape Impact:
A Visual and Landscape Impact Assessment is required and shall;

i. Describe the appearance of changes in the landscape caused by the proposed renewable energy facility;
ii. Identify the view of the renewable energy facility from sites of key sensitive land uses, key locations of major roads/tourist routes (including rest areas), heritage places; any tourist facilities and recreational reserves;
iii. Ensure photos in the report include a view of the existing landscape and a photomontage with the turbines superimposed;
iv. Include all images in colour with a high quality/resolution;
v. Include a clear plan that shows the location of where each photo was taken, the direction it was taken, and numbering of each photo location;
vi. Be in accordance with the WAPC's manual titled; Visual Landscape Planning in Western Australia and the 'Wind Farms and Landscape Values (2005) produced by the Australian Wind Energy Association and Australian Council of National Trust.

Renewable energy facilities are required to be designed, sited and operated to minimise their visual impacts and shall meet the following requirements:

i. A setback of at least 1.5 kilometres between any wind turbine, measured from the tip of the blade at its highest point, and a highly sensitive land use (e.g. dwelling), not associated with the development.
ii. A setback of at least 1km between any wind turbine, measured from the tip of the blade at its highest point, and a sensitive land use (e.g. a non-participating neighbouring lot boundary) that is not associated with the development area;
iii. With a good neighbour agreement, turbine setback can be located to a minimum of 500 metres between any wind turbine, measured from the tip of the blade at its highest point and a sensitive land use that is not associated with the development area;
iv. A setback from a public road that is equal to at least 1.5 times the height of the wind turbine, measured from the tip of the blade at its highest point;
v. A setback of at least 50m between any solar system and neighbouring property boundary.
vi. Locating renewable energy facilities in flatter landscapes, where feasible, to reduce visibility due to shortening the visual perspective of the structures.
vii. Blades on wind turbines to rotate in the same direction;

viii. Ensure that all wind turbines have uniformity in terms of colour (preference for the colour white), size, and shape (preference for 3 blades); and
iv. Implementation of landscaping within the development site to mitigate visual impact to the greatest extent possible from sensitive land uses.

Landscaping outside of the lots being developed for a renewable energy facility is not accepted as being a practical mechanism for visual mitigation as conditions of planning approval cannot require works outside of the development site.

For the purpose of this Policy, the term 'sensitive land use' is as per the definition in the WAPC Position Statement on Renewable Energy Facilities as 'comprise land uses that are residential or institutional in nature, where people live or regularly spend extended periods of time. These include dwellings, short-stay accommodation, schools, hospitals and childcare centres and generally exclude commercial or industrial premises.'

The Shire will also consider the description of types of a 'sensitive land use' as outlined in Clause 2.3 in the Environmental Protection Authority 'Guidance for the Assessment of Environmental Factors'.

Noise Impact:
A Noise Impact Assessment shall be lodged with any wind farm proposal to demonstrate that it can meet the standards under the Environmental Protection (Noise) Regulations 1997 (WA Noise Regulations). The current version of the South Australian Environmental Protection Authority 'Wind Farms Environmental Noise Guidelines (2021 or any replacement version) should also be referenced for assessment purposes. It is accepted that wind farm noise can be generally masked by wind generated noise, and the assigned levels can then be calibrated by the wind generated noise, if it does mask the noise at the sensitive premises location.

Any Noise Impact Assessment is to be completed by a suitably qualified acoustic consultant, and should address construction noise, predicted noise levels associated with a fully operational wind farm, and general commentary on low frequency noise and infrasound.

The Noise Impact Assessment may reference information from the;

- The Victoria State Government Health Department technical information report on 'Wind farms, sound and health' provides information explaining the characteristics of low frequency sound; and
- The Draft National Wind Farm Development Guidelines (2010) explaining the characteristics of low frequency noise and infrasound.

Any Noise Impact Assessment must consider the location of any sensitive land use. Following construction, wind farm proponents take a commercial risk, as there is potential for adjacent landowners to construct new dwellings on their lots.

Wind farm developments must always comply with the WA Noise Regulations.

The WA Noise Regulations protect 'rural premises' and other sensitive land uses. There is a 'highly sensitive area' defined in the WA Noise Regulations, which is an area within 15 metres from the

building associated with the sensitive use (such as a dwelling). If an adjacent landowner decides to sub-divide or build a second dwelling on their lot, the most stringent assigned noise levels would apply to any new second house.

Any application shall address the following:

i. Commitment to providing a Noise Impact Mitigation Plan for post-operational noise monitoring, to demonstrate that any constructed wind farm complies with the *Environmental Protection (Noise) Regulations 1997*, and to manage complaints regarding noise impact during the operational phase of the development.
ii. Potential methods to address compliance with the *Environmental Protection (Noise) Regulations 1997* if any future sensitive land use, particularly dwellings, are constructed in the locality. Methods may include new noise monitoring, shutting down turbines, replacement of turbines with a quieter model etc.

Other Potential Impacts:
The impact of renewable energy facilities on nearby property owners, road users, and the use of adjacent land should be addressed through detailed design.

Renewable energy proposals should not have negative impact through:

i. shadowing, flickering, reflection, or blade glint impacts beyond the boundaries of any lot subject to the application;
ii. unreasonable interference with normal agricultural or farming activities of nearby rural properties, such as aerial spraying. An aviation assessment by a suitable qualified aviation consultant is required to demonstrate turbines will not impact on aerial spraying activities of surrounding farms or unlicensed airstrips;
iii. interference with existing lawful continued use of neighbouring land including intensive rural activities, and tourism uses; or
iv. proximity to established residential areas, whether the land is zoned residential, rural residential or is residential by nature (smaller lots of a typical residential size containing dwellings). The amenity of urban areas and the rural character surrounding urban areas needs to be afforded a high level of protection.

The local government will also consider any wind farm application in accordance with:

i. Clause 5.3.5 (Public Aviation and Safety), 5.3.6 (Heritage) and 5.3.7 (Construction Impact) contained in the Western Australian Planning Commission's Position Statement for Renewable Energy Facilities (2020);
ii. Relevant sections of 'Guideline D' of the 'National Airports Safeguarding Framework'. The local government will have regard to Clause 25 on consultation, Clauses 26-29 on risk assessment, Clauses 33-34 on lighting, Clause 39 on wind monitoring towers, Clause 41-42 on obstacle lighting and Clause 43 on turbulence; and
iii. Any State Planning Policy or Development Control Policy published by the Western Australian Planning or any other local planning policy adopted by the local government that may be of direct relevance to any given development proposal.

Traffic Management and Protection of Roads and Other Public Infrastructure:
There is a considerable amount of public infrastructure within the Shire's local government boundary including local roads that are under the Shire's care & control.
Other roads, such as highways, fall under the care and control of Main Roads WA. Any application

should consider the safety of drivers using local roads and highways in the context of significant views of renewable energy facilities from them.

Any renewable energy facility proponent will be responsible for:

a) Preparation of a pre-development 'Road and Shire Infrastructure Condition' report that identifies and records the condition of any local roads and Shire infrastructure that will be affected by any route for heavy vehicles and delivery trucks, needed for the construction phase.
b) The cost associated with any damage caused to the roads or Shire infrastructure attributable to the construction phase of the development. Any damage shall be rectified by the operator/proponent to the standard identified in the pre-development 'Road and Shire Infrastructure Condition' report.
c) All costs of any road upgrading required for construction of transport routes and / or the development.
d) The Shire may consider undertaking road upgrading and/or repair works (where feasible) if funded by the developer.

The Shire Council may place conditions on any development approval to ensure any costs associated with road damage, widening or upgrading are met by the developer.

The Shire and/or Main Roads WA may require lodgement of a Traffic Impact Assessment report by a suitably qualified traffic engineer in support of any application.

Decommissioning Program:
As part of development applications, proponents should recognise the need for a decommissioning plan for removal of renewable energy facilities and associated infrastructure, as well as the rehabilitation of the affected land at the end of the development's operational life span (unless major refurbishment is separately approved).

Decommissioning includes (but not limited to):

- Disconnection from the electrical grid;
- Removal of renewable energy facilities and associated ancillary equipment including materials recycling where possible (Note: Underground cable and concrete turbine footings typically remain in the ground below ploughing depth unless economical to remove and recycle);
- Removal of all above ground components;
- Removal of all internal access roads, gates and fencing, unless required by the landholder;
- Site rehabilitation works; and
- Funding guarantees for all required decommission and land rehabilitation works via bond, sinking fund or bank guarantees.

The Decommissioning Plan must also identify the recycling of decommissioned material and the material that will be disposed of at a landfill. The Decommissioning Plan must also identify the landfill that will be used to dispose of decommissioned material, and this landfill must not be within the Katanning Shire or at a landfill under use by the Shire of Katanning.

There is an expectation by the local government that all land developed for renewable energy purposes will be returned to its 'pre-development' condition insofar as practicable once any facility

reaches the end of its lifecycle. If a proponent seeks to retain some infrastructure on the land (such as roads, gates, fences, turbine foundations etc.), this needs to be made clear in the development application.

If the concrete foundations of a renewable energy facility or any associated infrastructure are proposed to be retained, then a condition may be imposed on any development approval granted requiring a suitable notification to be placed on the Certificate of Title(s) of the land to alert prospective purchasers of any retained infrastructure and its location.

Developers need to consider setting aside money and budgeting for decommissioning costs throughout the life of the development. The local government expects substantial decommissioning and remediation works will commence within twelve (12) months of wind turbines no longer generating electricity permanently. Breach of this requirement may result in control of the decommissioning fund or security given to the landowner or an administrator as agreed by the parties to complete the decommissioning and land rehabilitation works.

Information regarding the proposed decommissioning program and likely timeframes must be provided in the application.

The local government may require the proponent of any renewable energy facility development to enter into a deed of agreement with the local government to ensure full compliance with an approved Decommissioning and Rehabilitation Plan.

Definitions:
Unless otherwise noted, terms used in this Policy have common meanings and include those defined in the *Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations 2015* and the Shire of Katanning Local Planning Scheme No. 5.

Amenity:
All those factors which combine to form the character of an area and include the present and likely future amenity. Amenity includes the livability, comfort or quality of a place which makes it pleasant and agreeable to be in for individuals and the community. Amenity is essential in public, communal and private domains and includes the enjoyment of sunlight, views, privacy and quiet. It also includes protection from pollution (i.e. noise, dust, odour, light).

Construction Workforce:
Workers that may be required to be brought into a locality for undertaking the construction phase of a project or during maintenance shut-downs, outside of what would otherwise be considered the operational phase of the project.

Decommissioning:
Means wind turbines, site office/s and any other ancillary buildings and infrastructure is removed from the site. Roads and foundation pads are covered and revegetated, allowing land to be returned to its former use.

Deemed Provisions:
Means the provisions set out in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015.*

Development:
The development or use of any land, including:

a) any demolition, erection, construction, alteration of or addition to any building or structure on the land;
b) the carrying out on the land of any excavation or other works;
c) in the case of a place to which a protection order made under the Heritage Act 2018 Part 4 Division 1 applies, any act or thing that:
    i) is likely to change the character of that place or the external appearance of any building; or
    ii) would constitute an irreversible alteration of the fabric of any building.

Development Application:
An application under a local planning scheme, or under an interim development order, for approval of development.

Dwelling:
A building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family.

Local Government:
Shire of Katanning.

Scheme:
Shire of Katanning Local Planning Scheme No. 5.

'Renewable Energy Facility':
Means: premises used to generate energy from a renewable energy source and includes any building or other structure used in, or relating to, the generation of energy by a renewable resource. It does not include renewable energy electricity generation where the energy produced principally supplies a domestic and/or business premises and any on selling to the grid is secondary.

Sensitive Land use:
Means land uses that are residential or institutional in nature, where people live or regularly spend extended periods of time. These include dwellings, short-stay accommodation, schools, hospitals and childcare centres and generally exclude commercial or industrial premises.

Short-Term Accommodation:
Temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12-month period.

Total Height:
Means the vertical distance from natural ground level to the highest point of a wind turbine system.

Wind Farm:
Means premises used to generate electricity by wind force and any associated turbine, building or other structure but does not include anemometers or turbines used primarily to supply electricity for a domestic property or for private rural use.

Wind Turbine:
Means any equipment, ancillary to existing land development, that is used to convert and then store and/or transfer energy from the wind into usable electrical energy. The term includes any

equipment used in the activity such as base, blades, generator, pole, tower, transformer, vane, wire, inverter, batteries etc.

Workers:
Employees, contractors and sub-contractors engaged with a worksite or project.

Workforce Accommodation:
Premises, which may include modular or relocatable buildings, used:

a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and
b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.

Legislation: Planning and Development (Local Planning Schemes) Regulations 2015

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