

# Local Planning Policy 23 Renewable Energy Systems



March 2021

*This Policy was adopted by Council to give guidance as to how discretion under a town planning scheme or other regulatory instrument may be exercised. It also serves to help proponents, landowners and the community understand how decisions are likely to be reached.*

## 1.0 Introduction

The purpose of this policy is to provide guidance on the appropriate location, scale and design of renewable energy systems. A renewable energy system for the purpose of this policy include solar PV arrays and wind turbine installations and describes the Council's position on requirements for planning approval under LPS1. This policy is created under the provisions of Part 2 of the Deemed Provisions of Local Planning Scheme No. 1 (LPS1).

## 2.0 Objectives

1. To facilitate the introduction of renewable energy technologies on a broad scale and address planning related matters associated with their development.
2. Provide for the protection of the quality of the streetscape, surrounding landscape, and amenity (particularly visual and acoustic amenity) of nearby properties and surrounding areas in the establishment of renewable energy systems.
3. Provide guidance for the development of renewable energy systems on land controlled under Local Planning Scheme No. 1.

## 3.0 Scope

The policy applies to all zones in the Shire as described in Table 1 and Table 2 of this policy.

### 3.1 Limitations

This Local Planning Policy does not apply to roof top solar panel systems exempt in accordance with clause 61 of the Deemed Provisions of Local Planning Scheme No.1.

## 4.0 Interpretations

*"Wind Energy System"* means equipment that converts and then stores or transfers energy from the wind into usable forms of energy. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component used in the system.

*"Solar Energy System"* means a system which converts energy from the sun into useable electrical energy, heats water or produces hot air or a similar function through the use of solar panels, excluding those systems exempt in accordance with clause 61 of the Deemed Provisions of Local Planning Scheme No.1.

“*Small renewable energy system*” means:

- (a) a system of photovoltaic arrays; or
- (b) a wind turbine that does not exceed a blade diameter of 5 metres;

used to either:

- generate power to supply the electricity needs of a single dwelling, grouped/multiple dwellings and ancillary developments with surplus power fed into the integrated power network; or
- provide supply of electricity for small scale commercial/industrial businesses and agricultural uses.

“*Large renewable energy system*” means:

- (a) a system of photovoltaic arrays; or
- (b) a system of wind turbines;

used to either:

- generate power of a community scale to directly supply the integrated power network; or
- directly supply the electricity needs associated with large scale commercial, industrial and/or agricultural uses;

“*Ground mounted system*” means any free standing solar energy system or wind energy system.

“*Total height*” means the vertical distance from natural ground level to the highest point of a wind turbine system. “R-Codes” means Residential Design Codes of Western Australia.

## 5.0 Policy Measures

The Shire shall have regard to the following provisions when assessing applications for renewable energy systems:

1. Renewable energy systems should be designed in a manner that does not result in adverse impacts upon flora and fauna, environmentally sensitive areas, or landscape character and amenity.
2. Renewable energy systems should be positioned so as not to detract from the building itself or impose on the existing streetscape, adjacent properties or the surrounding area.
3. Electrical components and wires associated with wind energy systems should not be visible from public roads or vantage points.
4. Small wind energy systems designed for private use should be neutral in colour, non-reflective and compatible with the building to which it is fixed.
5. Ground mounted renewable energy systems proposed within Residential Zones must be screened from adjacent properties by existing screening or buildings.
6. Height restrictions in the LPS1 may be varied where large wind energy systems are proposed to allow for these systems to function properly. The height and location of these systems will be determined through preparation of a detailed visual impact assessment, consultation with community and key stakeholders and compliance with relevant planning documents. Due regard will be given to LPS1, the purpose of the zone and the provision of this policy when considering any such height variation.

## 6.0 Approval Requirements

1. Renewable energy systems exempt from planning approval under Tables 1 and 2 must comply with the Policy Measures above and other requirements of this policy. Where proposed systems are inconsistent with this policy, planning approval will be required.
2. Larger systems than specified under Tables 1 and 2 below can be approved, provided development meets the Policy Measures and objectives of this policy.

**Table 1: Wind energy systems – Design and locational criteria**

Exemptions	Small Renewable Energy Systems	Large Renewable Energy Systems
<b>Permitted zones</b>	All Zones	<ul style="list-style-type: none"> <li>• General Agriculture Zone</li> <li>• Priority Agriculture Zone</li> <li>• Southern Ocean Foreshore Protection Zone</li> </ul>
<b>Planning Approval</b>	<p>Systems are exempt from planning approval where the purpose is to supply the electricity needs of a private dwelling.</p> <p>Notwithstanding the above, planning approval is required for all systems exceeding a two-meter blade diameter.</p>	Required for all proposals.
Development Standards	Small Renewable Energy Systems	Large Renewable Energy Systems
<b>Blade Diameter</b>	5 metre max. diameter	Unrestricted.
<b>Number of Systems</b>	<p>Residential Zone: One system per dwelling.</p> <p>Other Zones: One system per lot. More than one system may be permitted where it can be demonstrated that there will be no adverse visual or amenity impacts.</p>	Unrestricted.
<b>Total Height</b>	<p><i>Pole mounted:</i> As per height restrictions in the LPS1</p> <p><i>Roof mounted:</i> Discretionary, providing it does not result in adverse visual impacts and is consistent with LPS1.</p>	Determined on a case by case basis.
<b>Noise</b>	Compliance with the Environmental Protection (Noise) Regulations 1997.	Compliance with an approved noise impact study and Environmental Protection (Noise) Regulations 1997.

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<b>Boundary Setbacks</b>	<p>Residential Zone:</p> <ul style="list-style-type: none"> <li>Systems must be setback from a boundary a distance that would apply under Table 2a of the Residential Design Codes.</li> <li>Systems are not to be located between the front of the building and the street alignment.</li> </ul> <p>Other Zones:</p> <ul style="list-style-type: none"> <li>Systems are not to be located between the front of the building and the street alignment unless the system is screened by existing vegetation and/or other buildings or structures.</li> </ul>	To be consistent with boundary setbacks set out in LPS1 applicable to each zone.
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**Table 2: Solar energy systems – Design and locational criteria**

Exemptions	Small Renewable Energy Systems	Large Renewable Energy Systems
<b>Permitted zones</b>	All Zones	Considered on a case by case basis in accordance with the objectives of LPS1.
<b>Planning Approval</b>	<ul style="list-style-type: none"> <li>Systems are exempt from planning approval where the purpose is to supply the electricity needs of a private dwelling.</li> <li>Notwithstanding the above, planning approval is required for ground mounted systems exceeding 50m<sup>2</sup>.</li> <li>Roof mounted solar energy systems, not otherwise exempt in accordance with clause 61 of the Deemed Provisions of Local Planning Scheme No.1 are exempt from planning approval, unless approval is required under specific zones in LPS1.</li> </ul>	Required for all proposals.

Development Standards	Small Renewable Energy Systems	Large Renewable Energy Systems
<b>Size</b>	<ul style="list-style-type: none"> <li>• Roof mounted: Unrestricted</li> <li>• Ground mounted: Proposed systems are to be consistent with the definition of a small renewable energy system. Additionally, these systems must be located within building envelopes (where applicable) and consistent with permitted site coverage and other criteria set out in the R-Codes and LPS1.</li> </ul>	Unrestricted.
<b>Number of Systems</b>	One system per lot, not including a system exempt in accordance with clause 61 of the Deemed Provisions of Local Planning Scheme No.1.	Unrestricted.
<b>Boundary Setbacks</b>	<p>Ground mounted systems:</p> <ul style="list-style-type: none"> <li>• Systems located in areas of land subject to the R-Codes must be setback from a boundary a distance that would apply under Table 2a of the Residential Design Codes.</li> <li>• Systems are not to be located between the front of the building and the street alignment.</li> </ul>	<p>Ground mounted systems:</p> <p>To be consistent with boundary setbacks set out in LPS1 for each zone.</p>

## 7.0 Information to be submitted

- The applicant should seek advice from the Shire's planning department to determine appropriate information to be submitted with an application for planning approval in a particular circumstance. The following information should be submitted with an application for planning approval.
  - Where a wind energy system is proposed, a statement should be submitted by the installer, demonstrating compliance with the Environmental Protection (Noise) Regulations 1997.
  - Detailed specifications of the renewable energy system to be installed.
  - A streetscape perspective view.
  - The likely effects, if any, on the surrounding area including noise spills, light spill, shadow flicker or glare.
  - Compliance with the Shire's planning approval and checklist form.

2. The following information may also be required to be submitted where planning approval is sought for large renewable energy systems:
- (a) A traffic management assessment, particularly where wind farms are proposed.
  - (b) Preparation of specific environmental assessments, particularly where the proposal may result in impacts upon flora and fauna.
  - (c) Fire management plan.
  - (d) Visual management assessment.
  - (e) A noise impact assessment.

Document and version control table		
<b>Strategic outcome</b>	Clearly defined areas for growth renewal and protection	
<b>Responsible Directorate</b>	Sustainable Development and Infrastructure	
<b>Authority of original issue</b>	Council	
<b>Date of original issue</b>	26 September 2012	
<b>Contact officer</b>	Planning Services	
<b>Date of next review</b>	1-3 years form last review	
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Version	Date issued	Brief description
1.0	23 May 2012	Initial Issue for advertising
1.1	26 September 2012	Adopted by Council
1.2	10 March 2021	Amended Policy adopted by Council