Large-Scale Renewable Energy Facilities

Local Planning Policy 15

This policy was adopted by Council to set governing principles in place that align the strategic direction of the organisation with:
Focus Area: *Caring for our natural environment*
Outcome Statement E1: *Natural landscapes are protected and managed to preserve and restore their biodiversity and cultural values*

Focus Area: *Caring for our natural environment*
Outcome Statement E2: *New development is concentrated within clearly defined areas to avoid impacts on remaining farmland and ecosystems*

Focus Area: *Caring for our natural environment*
Outcome Statement E4: *The Shire and community are committed to climate action, reducing carbon emissions and achieving net zero*

Citation

This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015.* This policy may be cited as Local Planning Policy (LPP) 15 Large-Scale Renewable Energy Facilities.

Introduction

This local planning policy aims to provide clear guidelines for the establishment and operation of large-scale renewable energy facilities within the Shire of Augusta Margaret River while adhering to legislative requirements.

This local planning policy fills a current gap in state planning policy as the Department of Planning, Lands and Heritage (DPLH) are still in development of a planning code for renewable energy facilities. If the new state planning code overrides or contradicts this local planning policy, the Shire will further review the policy to ensure consistency.

Objectives

- The amenity and enjoyment of the local environment is protected and preserved.
- The broader environmental benefits of a transition to renewable energy are balanced with local impacts.
- Impacts on local infrastructure are mitigated through contributions or improvements to infrastructure associated with proposals.
- Environmental impact is minimised and biodiversity is supported, with the precautionary approach implemented for high-risk environmental issues.
- That productivity of prime agricultural land is not compromised.
- Reasonable levels of amenity are maintained through restricting the impacts of noise on sensitive land uses.
- Land that has been utilised for large scale renewable development is returned to its previous state without cost to the community, environment or purpose for which the land is zoned.
- The community shares directly in the benefit of investment in large scale proposals.

Application

This Policy has been prepared in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Deemed provisions Schedule 2 Part 2 Division 2 – Local Planning Policies.

The policy applies to any situation in which large-scale renewable energy facility development may be considered under the Planning Scheme.

This policy applies to facilities used to generate energy from a renewable energy source (such as solar, wind, hydro, geothermal, biogas, and includes battery storage), where energy produced is primarily intended for export to the electricity grid, or for significant commercial/industrial use, and the associated transmission infrastructure.

It does not include renewable energy systems where the energy produced principally supplies a domestic, rural, business or community premises and any on-selling to the grid is secondary (e.g. rooftop solar panels or domestic-scale wind turbines). These renewable systems are either exempt under the deemed provisions or may be adequately considered under the general provisions of the Planning Scheme.

The provisions and requirements of this Policy may be reduced depending upon the scale, location of the proposal and whether it is ancillary to existing development.

Policy

1. Land Use

1.1 Wind turbines shall be sited within development envelopes with a maximum 100m radius measured from the centre of the indicative turbine location, to accommodate for **micro-siting**.

1.2 Renewable energy facilities should be sited and designed to ensure they do not compromise the ongoing use of land for agriculture. Proposals must demonstrate how agricultural activities will be maintained alongside the renewable energy development and address any potential risks to biosecurity, contamination or animal welfare.

1.3 An assessment of impacts of a renewable energy facility on the agricultural use of land should be provided including impacts it may have on production, land fragmentation and agricultural viability.

1.4 Where practicable, renewable energy facilities should be located on land identified as having low agricultural capability to minimise conflict with productive farming operations.

1.5 Developments should be setback to ensure that they do not unreasonably constrain the development potential, including single houses, on non-host lots.

1.6 Subject to other setback requirements, wind turbines shall be setback to property boundaries and reserves a minimum of 1.1 times the height of the turbine.

1.7 The impacts of a particular proposal should be assessed in conjunction with existing large-scale renewables, where applicable, to determine whether the cumulative landscape and environmental impact is acceptable.

2. Landscape and visual impact

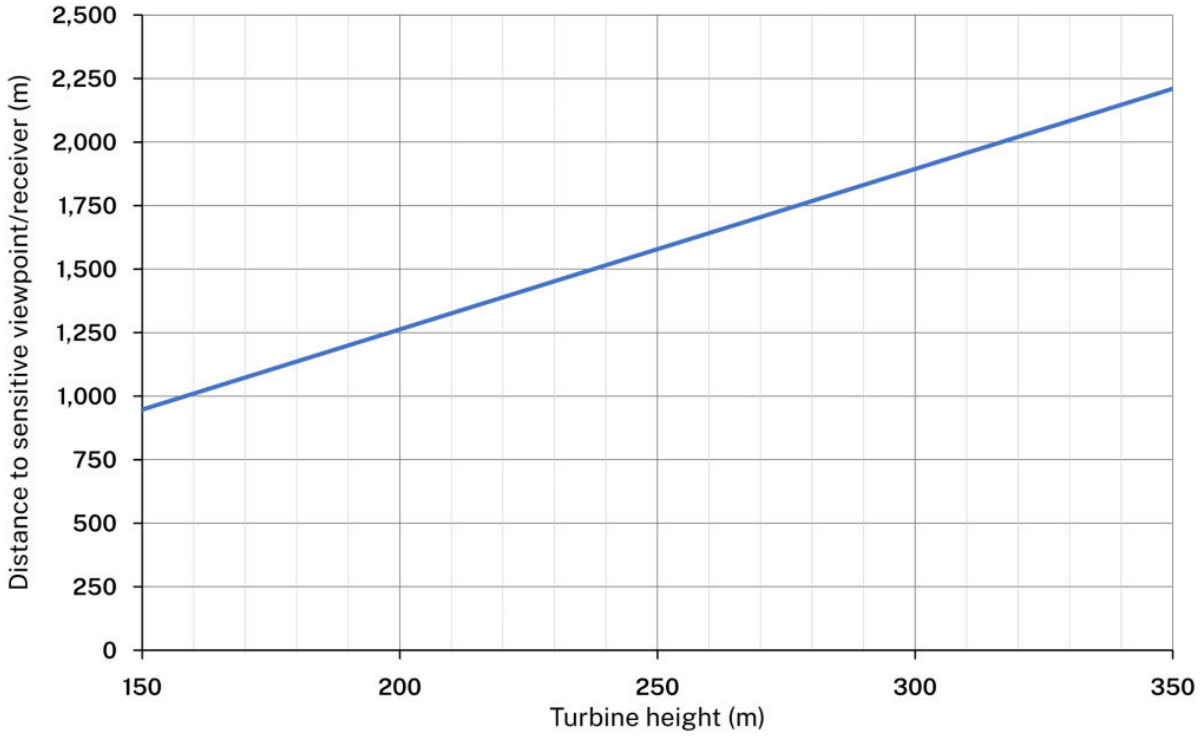
2.1 The landscape and visual impacts of a proposal shall be determined based on the WAPC 'Visual Landscape Planning in Western Australia' manual.

2.2 Where the landscape impact is very high or high, and social impacts are identified as significant through submissions on a proposal, consideration will be given the strategic need for the facility in the context of projected demand and alternative energy potential in the SWIS.

2.3 Wind turbines along the Leeuwin Naturaliste Ridge will not be supported.

2.4 Impacts to **significant views** or **significant landscapes** are to be minimised or avoided.

2.5 Unless subject to a **negotiated agreement**, large scale wind turbines shall be setback from sensitive premises in accordance with the following:



2.6 Wind turbines should have uniformity in terms or colour, size, and shape, where appropriate, and should not adversely impact upon nearby properties by reason of **shadow flicker** or blade glint.

2.7 Where practical, landscaping should be implemented within the development site, and associated properties and reserves, to mitigate the visual impact of the development from sensitive land uses, and public roads.

2.8 Dark sky principles are to be followed. Development must demonstrate that nighttime visual impacts arising from aviation and operational lighting, are avoided or minimised.

2.9 Shadow flicker shall not exceed a maximum of 30 hours per year and 30 minutes per day at any approved sensitive land use.

3. Noise/Amenity

3.1 Applicants are required to demonstrate that any proposed renewable energy facility and associated infrastructure can comply with the WA Environmental Protection (Noise) Regulations 1997 (Noise Regulations) at a noise sensitive premises.

3.2 In addition to 3.1, wind farms shall not exceed a daytime level of 35dB(A) at approved sensitive land uses. A maximum 40dB(A) level applies to dwellings on **host lots**.

3.3 It is to be demonstrated how noise monitoring is to be carried out during the operation of the development, with noise reports made publicly available in a transparent manner, easily accessible for community members.

3.4 Developers must assess and mitigate to the greatest extent possible, electromagnetic interference of essential services, including communications, radar, weather monitoring, television and radio.

4. Environmental impact

4.1 Renewable energy proposals must demonstrate that environmental values are protected and managed throughout the construction, operation and decommissioning phases of the development. Utilising the precautionary principle, risks shall be avoided or minimised.

4.2 Clearing of native vegetation is to be avoided. Renewable energy facilities should be sited on cleared land, including access tracks and associated construction areas and transmission infrastructure.

4.3 Where clearing of native vegetation is demonstrated to be unavoidable due to technical or feasibility considerations, clearing is required to be firstly, minimised and secondly, mitigated through an appropriate environmental **offset** with net environmental gain.

4.4 Proposals shall minimise impacts on fauna with particular focus on identifying and mitigating risks to birds and bats through appropriate siting, design and ongoing management. In that respect proposals shall maintain a sufficient setback from consolidated vegetation, habitat and water sources, and mitigate impacts on flight paths for birds and bats.

4.5 Proposals shall identify, manage and mitigate impacts on surface and groundwater with sufficient setback from areas of high ecological value including **ESA**s, ground water dependent ecosystems and waterways to avoid impacts from drawdown or alteration to the hydrological regime.

4.6 An acid sulphate soils investigation is required for soil disturbance or dewatering in areas where acid sulphate soils may be present. The results of the acid sulphate soils investigation should be considered in the design of the proposal, and disturbance of acid sulphate soils should be avoided wherever practicable.

4.7 A greenhouse gas assessment shall be provided showing embodied emissions in the construction, operation and decommissioning of the proposal.

4.8 Proposals will establish a framework for ongoing environmental monitoring, reporting and adaptive management over the life of the project.

5. Emergency Management

5.1 The proposal is to address emergency management, particularly fire risk, in consultation with the Department of Fire and Emergency Services and local bushfire brigades.

5.2 Developers are to provide a Bushfire Management Plan with reference made to *State Planning Policy 3.7 – Planning in Bushfire Prone Areas* (SPP 3.7) and the Victorian Country Fire Associations document - Design Guidelines and Model Requirements for Renewable Energy Facilities v4 (2023).

5.3 Renewable energy facility infrastructure shall be sited as to achieve an asset protection zone of BAL-29 while avoiding clearing of native vegetation.

6. Construction and Decommissioning

6.1 The proposal shall demonstrate that traffic impacts including any impacts on infrastructure will be mitigated through appropriate management measures, road upgrades and a road maintenance agreement where necessary.

6.2 Technical evaluation of road condition and upgrade requirements will be provided in accordance with WALGA technical guidance notes. Resulting upgrade and maintenance contribution requirements will mitigate any impacts on the road network from both construction, operations and decommissioning.

6.3 Proposals must show how accommodation will be provided for the construction workforce of the proposed energy facility, and outline strategies to minimise social impacts, particularly in areas experiencing high housing demand.

6.4 Developments will be subject to a restricted timeframe for approval at which point end of life considerations will require either decommissioning or further approval.

6.5 Renewable energy facilities shall be decommissioned and the site rehabilitated within 18 months of ceasing operation.

6.6 The decommissioning plan is expected to be updated to reflect best practice and changes in technology at the time of decommissioning, including details on how it will be funded and enforced. It should incorporate life cycle assessment and sustainable reuse of structures and footings.

6.7 Applicants should outline how funds will be directed into future decommissioning or refurbishment costs and evidence of a perpetual legal mechanism to secure decommissioning at end of life.

6.8 Decommissioning will ensure that infrastructure will be removed at the end of the project life, and the site rehabilitated to its pre-development condition or an agreed alternative suitable under the relevant zoning.

7. Community Engagement

7.1 It is expected proponents have carried out extensive and meaningful engagement with community and other stakeholders prior to the submission of a development application. Evidence of this should be provided with the application, including how the proposal may have been changed in response to community concerns. Community Engagement should be informed by the Western Australian Local Government Associations (WALGAs)

Community Engagement Guidelines, and where relevant, the Clean Energy Council Guidelines for the Australian Wind Industry (2018).

7.2 Where a proposal is subject to a negotiated agreement a schedule of those agreements, matters excluded by each agreement and the negotiated term of the agreement shall be provided to the decision maker to assist in the determination of impacts.

8. Community Benefit Funds

8.1 All large-scale renewable energy facility projects will contribute to a Community Enhancements (Benefits) Fund (CEF) to ensure the local community directly benefits from large scale renewable developments.

8.2 The developer is to enter into an agreement with the Shire for a community benefit fund. This is to be a separate and enforceable agreement from the development approval. The agreement should include benefits that are related to the issues or impacts of the proposal and should reflect the values of the communities impacted. The proponent should fully disclose the nature of the proposed agreement and commitment to contribution to community benefit in association with any development application.

Relevant legislation

Planning and Development Act (2005)

Planning and Development (Local Planning Schemes) Regulations 2015

Related documents

To be read alongside

- WA position statement: renewable energy facilities and any subsequent state planning policy or code.
- Community Engagement guidelines
- Powering WA Benefit sharing guidelines

Definitions

'Associated premises' means a dwelling or other sensitive premises which either occurs on the same property as a proposal or where the owner of a surrounding property has reached agreement with the proponent about the impacts of development and management of impacts, including acceptance of any discrepancy with criteria in this policy.

'Community Enhancements (Benefits) Fund (CEF)' A fund to which the proponent contributes financially, for the benefit of the local community. Contributions are typically made annually over the life of the project and are used to support community projects, services, and infrastructure in accordance with this Policy. The CEF may also be referred to as a Community Benefit Fund in other documents.

'Environmentally sensitive area (ESA)' means an area so defined under the Environmental Protection (Clearing of Native Vegetation) Regulations 2004, a wetland, or area of vegetation containing Protected Environmental Communities, Threatened Environmental Communities or declared rare flora or fauna.

'Host lot' means the lot on which the development is proposed or located and includes all land within the development application or approval area**.**

‘Micrositing’ means the movement of wind turbines by small distances within the wind turbine envelope during the detailed design or construction stages of a development.

‘Offset’ means compensating for any unavoidable, residual impacts through activities including restoration or rehabilitation of similar local ecosystems or financial contributions to a fund for biodiversity enhancement.

‘Large scale renewable energy facility’ means premises, buildings or structures used to generate energy from a renewable energy source, where energy is being produced primarily for export for the wider grid or for significant commercial/industrial use. It does not include renewable energy electricity generation where the electricity produced principally supplies and is incidental to an associated domestic, business or community related premises.

‘Negotiated agreement’ means a formal agreement between a proponent and the owner of land to manage the impacts of development and any discrepancy with criteria in this policy.

‘Sensitive Land Use’ includes dwellings and other forms of permanent or short stay accommodation, medical and educational establishments.

‘Significant landscape’ means a landscape area or feature that holds special importance or value, may be formally recognised in international, national or state legislation or policy and which warrants consideration in planning and development decisions. May include World Heritage areas, national and state parks and the coastal margin, together with Visual Management Area A and corridors identified in accordance with Appendix 2 of the Shire’s Local Planning Strategy.

‘Significant view’ means a public view that holds special importance or value for its visual qualities or economic or cultural significance, may be formally recognised in international, national or state legislation or policy which warrants consideration in planning and development decisions. May include views from iconic scenic or tourist routes, destinations, trails and lookouts.

‘Small-scale renewable energy facility’ means solar, wind, battery or other renewable energy generation not defined as a large-scale facility.

‘SWIS’ means the Southwest Interconnected System (SWIS) - Western Australia's main electricity grid.

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