

LPP 9.14 C-9REF14 – Renewable Energy Facilities

1.0 Citation

This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. ('The Regulations'). This Policy may be cited as *Local Planning Policy 9.14 Renewable Energy Facilities* ('LPP9.x').

The local government may prepare a local planning policy in respect of any matter related to the planning and development of the Scheme area. In making a determination under the Scheme the local government must have regard to each relevant local planning policy to the extent that the policy is consistent with the Scheme.

2.0 Introduction

This policy provides direction and guidance on the development of renewable energy facilities (such as wind and solar farms) under the *Shire of Dandaragan Local Planning Scheme No.7*. The policy provides information regarding Development Application requirements, community and stakeholder engagement, and the assessment of proposals for 'Renewable Energy Facilities'.

This policy is to be read in conjunction with the Western Australian Planning Commission's *Position Statement: Renewable Energy Facilities*.

3.0 Objectives

1. To promote the responsible development of renewable energy facilities and support renewable energy generation within the Shire.
2. To provide a clear position on the Shire's expectations regarding the development of renewable energy facilities for proponents, other stakeholders and the broader community.
3. To achieve renewable energy facility layouts which do not compromise the safety or amenity of the local community, aviation activities, or the continuation of land use activities occurring on nearby land.
4. To protect areas of visual, natural and heritage significance and ensure renewable energy facilities are appropriately and sensitively sited to mitigate any potential adverse impacts.
5. To ensure meaningful community and stakeholder engagement occurs throughout the planning and development approval processes.

4.0 Applications subject of this Policy

- 4.1 This Policy applies to all renewable energy facilities proposed upon land within the *Shire of Dandaragan Local Planning Scheme No.7* ('LPS7') area.

5.0 Submission Requirements

- 5.1. A Development Application is required for all renewable energy facilities. LPS7 does not currently contain a land use definition for 'renewable energy facility' and as such all Applications of this type will be considered a 'use not listed.'
- 5.2 A development application for a renewable energy facility, including a meteorological mast associated with a proposed wind farm, should include a completed Development Application Form signed by all landholders and the following supplemental information:
- a) Site plan clearly showing setback distances to relevant property boundaries.
 - b) Elevation plan(s);
 - c) Manufacturer's specifications including colour and finish of structures and any lighting proposed;
 - d) Decommissioning and Rehabilitation Plan;
 - e) Environmental Survey and assessment of potential environmental impacts, prepared by a suitably qualified consultant;
 - f) Visual and Landscape Impact Assessment prepared by a suitably qualified consultant, informed by the Western Australian Planning Commission's *Visual Landscape Planning in WA: A manual for evaluation, assessment, siting and design* and the Australian Council of National Trust's *Wind Farms and Landscape Values (2005)*;
 - g) An Aviation Impact Assessment prepared by a suitably qualified consultant and informed by Guideline D of the *National Airports Safeguarding Framework – Managing the Risk to Aviation Safety of Wind Turbine Installations (Wind Farms)/ Wind Monitoring Towers* and the Civil Aviation Safety Authority Advisory Circular AC139.E-05 v.1,1 – *Obstacles (including wind farms) outside the vicinity of a CASA Certified Aerodrome*;
 - h) Details of the proposed access / egress to the site including the transport route(s) that will be utilised during construction; and
 - i) Evidence of pre-lodgement consultation with relevant stakeholders.
- 5.3 In addition to the requirements in Clause 5.2, the following information may be required on a case-by-case basis:
- a) Acoustic Study including a Noise Management Plan prepared by a suitably qualified acoustic consultant. The Noise Management Plan should include a clear process for managing complaints associated with the development;
 - b) Heritage Assessment, when the proposal is in proximity to Aboriginal, historic or natural heritage sites;
 - c) A Construction Management Plan addressing:
 - i. Standards and procedures to be implemented during construction of the development and how these will mitigate

- potential impacts, such as dust and noise, on adjoining properties;
 - ii. Measures to minimise site disturbance including proposed means of managing erosion, drainage run-off, flooding, water quality, retention of remnant vegetation, top soil, and weed and disease hygiene;
 - iii. Vehicle and machinery access and movement; and
 - iv. The location of any bulk material sources (i.e. sand and gravel) proposed to be used during site construction, the quantities of such materials to be required and the method of transporting materials to the development site. Sand and gravel are only to be taken from borrow pits with an approved extractive industry licence.
- d) The location and approval status of any proposed workforce accommodation, including approved routes from such accommodation to the development site.
 - e) Shadow Flicker Assessment;
 - f) Transport Impact Statement or Transport Impact Assessment, informed by the Western Australian Planning Commission's Transport Impact Assessment Guidelines.
 - g) Traffic Management Plan to be approved by the Shire of Dandaragan in consultation with Main Roads WA (where appropriate).
 - h) Electromagnetic Interference Assessment;
 - i) Bushfire Hazard Level Assessment; and
 - j) Community Engagement Plan outlining the outcomes of the pre-lodgement community and stakeholder engagement and a strategy for future engagement activities and consultation planned to occur throughout the life of the project.

6.0 Consultation

- 6.1 Evidence of pre-lodgement consultation with relevant stakeholders should be provided as part of the Development Application submission. These stakeholders may include, but are not limited to, the following:

Community

- The local government;
- Adjoining property owners;
- Local Traditional Owner Groups and Aboriginal Corporations;
- Local aerial spraying contractors;
- Unlicensed airstrip owners (within a 5km radius of a wind turbine); and
- any relevant incorporated aeronautical associations.

State and Commonwealth Government

- Main Roads WA;
- Western Power;
- Civil Aviation Safety Authority (CASA);

- Air Services Australia;
- Department of Defence;
- Royal Flying Doctor Service (RFDS);
- Department of Fire and Emergency Services (DFES);
- Department of Planning, Lands and Heritage (DPLH);
- Department of Water and Environmental Regulation (DWER);
- Department of Biodiversity, Conservation and Attractions (DBCA);
- Department of Primary Industries and Regional Development (DPIRD);
- Bureau of Meteorology; and
- Environmental Protection Authority (EPA).

- 6.2 Where a Community Engagement Plan is deemed to be required (generally for larger, long-term proposals that are likely to have a substantial impact upon the local community), this plan should be informed by best-practice community engagement principles, including the Clean Energy Council's *Community Engagement Guidelines for the Wind Industry* (2018).
- 6.3 The local government may seek to enter into an agreement with the developer to contribute to a community benefit fund. The community benefit fund will be managed by the local government and utilised to undertake projects and provide services that benefit the broader community.
- 6.4 Public Advertising for a renewable energy facility Development Application will be undertaken in accordance with the requirements for advertising a 'complex application' under Clause 64(3) of Schedule 2 – Deemed Provisions of the Regulations, augmented by the requirements under this policy, to ensure maximum public feedback may be obtained. Public Advertising will include:
- (a) A Public Notice of the proposed development and relevant plans and accompanying material will be published on the local government website and displayed at the local government offices.
 - (b) Written notice of the proposed development will be given to the owners of every property that is within 500m of the proposed development; and to any other owners or occupiers of properties in the vicinity of the proposed development who, in the opinion of the local government, are likely to be affected by the granting of development approval;
 - (c) The proponent will, at their cost, erect a sign or signs in a conspicuous place on the land the subject of the application giving notice of the proposed development in the form set out in Clause 86(3) of the Regulations. The proponent will submit photographic evidence to the local government that the sign has been erected at the commencement of the public advertising period.
 - (d) Referral of the proposal to any statutory, public or planning authority which the local government considers the proposed development may affect.

- 6.5 The local government will predominantly notify owners of potentially affected land and, where appropriate and feasible, will also notify occupiers of the land.

7.0 Development Requirements

- 7.1 Wind turbines are to be setback a minimum of 1.5km from any sensitive land use. Any proposals seeking to vary this requirement are to be accompanied by an Acoustic Study including a Noise Management Plan, prepared by a suitably qualified acoustic consultant.
- 7.2 Wind turbines are to be setback from property boundaries a minimum of 3 times the total height of the structure including the propellor blades at the highest point, or 500 metres, whichever is greater.
- 7.3 Clearing of native vegetation is to be minimised. Renewable energy facilities should be sited on cleared farming land, preferably near the existing power grid.
- 7.4 Wind turbines should be located in flatter landscapes, where feasible, to reduce visibility due to shortening the visual perspective of the structure.
- 7.5 Wind turbines should have uniformity in terms of colour, size, and shape.
- 7.6 Wind turbines should not adversely impact upon nearby properties by reason of shadowing, flickering, reflection, or blade glint.
- 7.7 Where practical, landscaping should be implemented within the development site to mitigate the visual impact of the development from sensitive land uses and public roads.

8.0 Definitions

“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 (i.e. a solar farm or wind farm). 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 (i.e. rooftop solar panels or a domestic-scale wind turbine).

“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, but are not limited to dwellings, short stay accommodation, hospitals, educational establishments, childcare centres, corrective institutions and places of worship.

A Community Benefit Scheme (CBS) is defined as *“a collaborative, long-term and strategic partnership driven by a shared commitment to strengthen economic, environmental and social outcomes across the Dandaragan Shire and its communities, enabling a sustainable future.”*

INTRODUCTION

The uptake of large-scale renewable energy provides significant benefits for the state, including reduced reliance on fossil fuels, reduced emissions and a secure and affordable power supply. It also has a range of direct and indirect benefits for host communities, including temporary construction jobs, ongoing operational jobs and lease payments to landholders and neighbours. But our regional communities feel the most pressure and change from the renewable energy transition.

Benefit sharing is a general term used to describe different approaches and mechanisms that aim to distribute the financial and other benefits of a project between the applicant and the host community through mutually agreed opportunities. In the context of large-scale renewable energy projects, arrangements with landholders, councils and local communities (including local Indigenous communities) provide opportunities for community members to directly share in the benefits of projects and for the applicant to enhance their social licence to build and operate their project.

The CBS policy provides guidance and sets out principles to make sure benefit sharing is transparent and focussed on communities to deliver positive, tangible and long-term socio-economic benefits.

COMMUNITY BENEFIT

Community benefit excludes that which is required to mitigate adverse impacts of development including (but not limited to) host and adjoining landowner payments required to obtain consent or prescribed by legislation. The financial value of community benefit will vary from project to project, however, the minimum community benefit threshold for the Council will be guided by the following:

- \$ per megawatt per annum for solar energy development for the life of the development (including future modified or recommissioned projects),
- \$ per megawatt per annum for wind energy development for the life of the development (including future modified or recommissioned projects), and / or
- \$ per megawatt of capacity for energy storage developments.

**Note: While contribution amounts are yet to be determined, these will be guided by industry standards.*

Should guidance of Community Benefit contributions be provided by relevant legislation or guidelines at Federal, State Government or the Renewable Energy Industry, the Shire will be guided by these as appropriate.

The intention is that funds will be allocated to progress projects and strategic objectives as identified in the Shire's Council Plan. Through this policy, we expect the CBS to accelerate the delivery of priority infrastructure and deliver benefits to host communities.

Responsible Business Unit			Development Services
Public Consultation			xx-xx-202x
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