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Infrastructure Planning and Policy
Department of Planning, Lands and Heritage
Locked Bag 2506
PERTH WA 6001

Via email: renewableenergyplanning@dplh.wa.gov.au

Dear Sir/Madam

RE: SUBMISSION ON DRAFT RENEWABLE ENERGY PLANNING CODE, GUIDELINES AND ASSOCIATED REGULATORY CHANGES

The Shire of Broomehill Tambellup welcomes the opportunity to provide feedback on the draft Renewable Energy Planning Code and accompanying Guidelines, together with the related proposed amendments to the planning regulations.

The Shire supports the state government's commitment to achieving net zero emissions by 2050 and recognises the need for a clear and consistent planning framework to facilitate renewable energy infrastructure across Western Australia. We acknowledge the complexity of balancing state energy objectives with local amenity, land use compatibility, and community confidence.

Our submission is informed by direct experience managing wind farm development and ongoing post approval impacts in a small regional local government, including persistent noise complaints, limited access to specialist expertise, and constrained enforcement capacity.

1. Local planning policy status and decision-making transparency under the state pathway

The Shire has an adopted local planning policy for wind farms that responds to local conditions and community experience, including consultation expectations, setbacks, noise management and protection of non-host landowners.



The proposed local planning policy regulation changes indicate local planning policies may supplement the Code, including modifying or supplementing outcomes where necessary, subject to the Western Australian Planning Commission (WAPC) approval, and that local governments must not approve policies that are inconsistent with an approved planning code or where WAPC approval is required and not granted.

In practice, where proposals are determined by the WAPC under Part 11B as mandatory significant development, there is a risk that locally adopted provisions may not be fully reflected in determination reports unless expressly addressed in assessment reports and reflected in approval conditions.

Recommendation 1

The final framework should clearly state how local planning policies are to be considered by the WAPC, including a requirement that decision reports explicitly respond to substantive local policy provisions and local government submissions on amenity, roads, emergency management, consultation outcomes, and land use compatibility.

Recommendation 2

The framework should include a clear and efficient process for WAPC approval of local policy supplements, with published assessment criteria and timeframes, so regional local governments can maintain locally relevant provisions without creating delay or uncertainty.

The Shire also notes that the proposed amendments introduce mandatory assessment for significant renewable energy developments determined by the WAPC under Part 11B, with eligibility based on development type and a value threshold of \$20 million or more. This centralised pathway increases the importance of ensuring meaningful weight is given to local planning policies, local road impacts, emergency management considerations, and the operational capacity constraints of small regional local governments.

Recommendation 3

Where development is determined under Part 11B as mandatory significant development, require formal written responses within WAPC determination reports addressing each substantive issue raised by the relevant local government.

The Shire acknowledges that community benefit sharing arrangements and private landowner agreements sit outside the planning system and are not relied upon by decision makers when determining applications. This reinforces the importance of strong, enforceable consultation and impact management requirements within the planning framework itself.

2. Noise impacts and compliance management over the life of a project

Wind farm noise is the most persistent issue experienced by the Shire following approval. The Code includes strong requirements for a Noise Impact Assessment, including cumulative noise, mapping of existing and approved noise-sensitive land uses within three kilometres, and provision of the modelled noise impact area for publication.

The Code includes provisions that expect specified noise-related plans and reports, including the Noise Monitoring Plan and Noise Monitoring Report, to be publicly available on the operator's website for the life of the wind farm, and that the Operational Management Plan be publicly available for as long as the wind farm is operational.

In practice, the challenge is not only modelling at the approval stage. The challenge is complaints handling, independent verification, compliance escalation, and clarity on which agency is responsible once a project is operational.

Recommendation 4

Require an Operational Noise and Complaints Management Plan as a standard condition of approval for all wind farms. It should include clear service levels, investigation methodology, response timeframes, escalation pathways, and a commitment to publish complaint statistics and outcomes at regular intervals.

Recommendation 5

Require independent, post-construction compliance testing that is separate from the preparation of predictive modelling, with results provided to the local government and published. The Code currently notes that the Noise Monitoring Report verifies inputs rather than measuring at sensitive receivers. The Shire recommends expanding the post-construction regime to include complaint-responsive verification at relevant receivers where warranted.

Recommendation 6

Establish a state-supported panel of specialist acoustic capability accessible to regional local governments for complaint investigation and technical review, with an agreed cost recovery model from proponents or operators.

Recommendation 7

Clarify the interface between planning conditions, operator obligations under the *Environmental Protection (Noise) Regulations 1997*, and the role of the Department of Water and Environmental Regulation (DWER) in complaint investigation so communities understand who is accountable, what evidence is required, and what enforcement pathways are available.

3. Protecting non-host landowners and future development rights

The Code performance outcomes seek to avoid unreasonable noise impacts on existing or approved noise-sensitive land uses on host and non-host lots, and to avoid unreasonable impacts on areas identified for future urban or rural residential development.

The Shire's local planning policy takes a clear position that proponents should contain noise buffers within development lot boundaries so that surrounding landowners are not constrained in their ability to develop dwellings or other sensitive uses over time.

Recommendation 8

Strengthen the Code to prevent de-facto encumbrances on non-host land. Where the modelled noise impact area extends onto non-host land, the project requires either project redesign to avoid the impact area on non-host land, or written agreements with affected landowners at the time of application, supported by clear disclosure regarding implications for future development potential.

The Shire notes that assessment of single-house development potential on non-host lots is inherently constrained. Proponents do not have access to adjoining land to undertake detailed site investigations, nor can they reliably determine the most suitable future dwelling envelopes across varied agricultural holdings. Any assessment is, therefore, necessarily high-level and represents only a snapshot in time. Reliance on current landowner intentions does not provide long-term planning certainty and may unintentionally create incentives for strategic objections or defensive claims about future development.

Recommendation 9

Clarify that the assessment of single-house development potential must adopt a conservative, long-term planning approach that protects reasonable future development rights and does not rely solely on the landowner's stated intentions at the time of application.

4. Setbacks, visual and landscape outcomes, and local tailoring

The Shire's local planning policy includes explicit setback expectations, being two kilometres from an existing dwelling on a neighbouring lot and one kilometre from a neighbouring lot boundary, unless reduced by written agreement. The policy also requires turbines to be sited and designed to minimise visual impacts and includes clear requirements for a Visual and Landscape Impact Assessment, including photomontages and consideration of key views from roads, tourist routes, heritage places, and recreational areas.

Recommendation 10

Confirm within the final framework that local planning policies may set stronger setbacks and landscape protections where supported by local objectives and evidence, and that these provisions will be given meaningful weight in WAPC determinations, subject to an efficient approval pathway.

The Shire also notes that landscaping is unlikely to materially mitigate visual impacts in broadacre rural settings. Vegetation screening is generally limited to land within the proponent's control and does not reduce turbine prominence across open agricultural landscapes. Visual impact management should therefore prioritise turbine siting, clustering, scale consistency, and protection of key public views rather than reliance on post development planting measures that may provide limited long-term effectiveness.

Recommendation 11

Clarify that any micro-siting within approved turbine envelopes must not reduce separation to sensitive receptors below assessed modelling assumptions and must be confirmed as compliant with approved noise, safety and visual impact assessments before operation.

5. Aviation impacts and mitigation uncertainty

The Code includes provisions requiring consultation with relevant aviation authorities and assessment of potential impacts on aerodromes and aviation safety systems.

However, the Code does not clearly articulate how aviation impacts are to be mitigated where identified, nor how mitigation measures are to be secured through enforceable conditions of approval.

In regional Western Australia, aerodromes and aerial agricultural operations are critical infrastructure supporting emergency services, freight and agricultural productivity. Where wind farm development results in required changes to instrument flight procedures, approach paths or aviation infrastructure, it is essential that mitigation measures are clearly defined, enforceable and attributable.

Recommendation 12

Clarify within the Code or Guidelines how aviation impacts are to be mitigated where identified, including:

- Clear articulation of acceptable mitigation measures
- A requirement that mitigation be secured through enforceable conditions of approval
- Confirmation that responsibility for implementing and funding mitigation measures rests with the proponent

6. Decommissioning, rehabilitation, and financial security that is certain and enforceable

The Code includes clear decommissioning objectives and performance outcomes, including that wind farms are decommissioned and rehabilitated within 18 months of ceasing operation, removal of above-ground infrastructure unless retention is agreed, removal of below-ground infrastructure to the extent necessary for future land uses, and rehabilitation of disturbed land to an acceptable condition for future land uses in consultation with the host landowner.

The Code recognises that decommissioning obligations run with the land and, in circumstances such as operator insolvency, responsibility may ultimately transfer to the landowner.

This is a strong foundation, but it needs to be operationalised through consistent, enforceable requirements.

Recommendation 13

Require a financial security mechanism as a standard condition of approval to fund decommissioning and rehabilitation, with clear minimum expectations, indexing, review intervals, and triggers.

Recommendation 14

Require that the decommissioning and rehabilitation planning explicitly address safety and emergency management, natural hazard management, including fire, waste management, and site contamination.

7. Roads, transport impacts, and asset protection for regional networks

Regional road networks are sensitive to heavy vehicle movements during construction and decommissioning. The Code's decommissioning traffic management expectations include route identification, oversize and overmass vehicle movements, dilapidation surveys and repair arrangements, and engagement with Main Roads WA and local governments.

Recommendation 15

Strengthen the framework by requiring binding transport and road protection conditions, including pre and post condition assessments, agreed maintenance and repair responsibilities, haulage route approvals, and clear cost recovery for road damage attributable to project traffic during construction, operation, repowering, and decommissioning.

8. Mandatory Significant Development pathway and resourcing implications

While centralised assessment may improve consistency, local governments will continue to manage operational impacts and community expectations.

Recommendation 16

If decision-making is centralised, then support should be centralised. Establish a resourcing model that enables local governments to participate meaningfully in assessments, including access to technical review capability and community engagement support, with an agreed cost recovery approach.

The Shire's comments are intended to support the effective implementation of the Code by strengthening its practical operation, rather than its policy intent.

Conclusion

The Shire supports the objectives of the Renewable Energy Planning Code and the state's renewable energy transition. To succeed in regional Western Australia, the framework must deliver practical outcomes on noise compliance and enforcement, meaningful local policy integration, protection of non-host landowners, clear setback and visual standards, enforceable decommissioning and financial security arrangements, and protection of regional infrastructure.

The Shire would welcome continued engagement as the Code, Guidelines and associated regulatory changes are refined.

Yours sincerely



Karen Callaghan
CHIEF EXECUTIVE OFFICER