LOCAL PLANNING POLICY NO.2 – WIND FARMS

1. POLICY PURPOSE

The purpose of this Local Planning Policy No,2 – Wind Farms (Policy), prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, is to provide a framework for the assessment, approval, and regulation of wind farms and turbines.

This Policy seeks to ensure that any proposed wind energy projects are developed in a manner which minimises negative impacts and maximises the benefits to the community and the environment.

2. BACKGROUND

Under the Shire of Broomehill Town Planning Scheme No. 1 and Shire of Tambellup Town Planning Scheme No.2 (Schemes) planning approval is required for any proposed wind farm or renewable energy facility; therefore, this Policy has been developed as a guide for applicants and sets out the Council's position on wind farms.

The Council will have due regard to the Policy requirements in the assessment for any new planning application and discretion may be exercised.

3. RELEVANT SCHEME PROVISIONS

A wind farm or renewable energy facility is not defined in the Shire of Broomehill Town Planning Scheme No.1 or The Shire of Tambellup Town Planning Scheme No.2, nor is it listed in Table 1: Zoning Table.

A wind farm or renewable energy facility therefore must be processed as a "Use not Listed" whereby the determining authority has two options as outlined in Clause 3.2.5 of the Shire of Broomehill Town Planning Scheme No. 1:

a) Determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted; or
b) determine by an absolute majority that the proposed use may be consistent with the objectives and purposes of the zone and thereafter follow the advertising procedures of clause 7.2 in considering an application for planning consent.

Under the Shire of Tambellup Town Planning Scheme No.2, three options are available as outlined in clause 3.3.2:

a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
b) determine that the use may be consistent with the objectives of the particular zone and therefore follow the advertising procedures of clause 8.3 in considering an application for planning approval; or
c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

4. POLICY STATEMENT

This Policy applies to all land within the Shire of Broomehill-Tambellup and in particular, land zoned "Rural" under the Schemes.

5. POLICY OBJECTIVES

a) To protect continued traditional agricultural, other food production activities, and tourism uses.
b) To reduce the amenity impact of wind farms by ensuring satisfactory distances and buffers to sensitive land uses, lot boundaries and future development of adjacent lots.
c) To decrease the visual impact of wind farms by implementing a minimum distance to neighbouring lot boundaries or buffers within the development lots, whichever distance is greater.
d) To ensure that turbines are located so as not to cause land use conflict or detrimentally impact on future development of existing adjacent lots with sensitive premises.
e) To minimise or avoid any potential impact on the natural environment, flora and fauna.
f) 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.
g) To ensure that the local community is engaged in the early stages of wind farm planning, by the proponent, before lodgement of any formal development application.
h) To protect areas of visual significance and ensure wind turbines are appropriately and sensitively sited.
i) To ensure that wind farms are located so as not to have any detrimental impact on any townsite, residential, rural residential or rural zones.
j) To provide a clear position on wind farms to assess development applications.
k) To protect and maintain road infrastructure.

Under this Policy, the following are the relevant planning considerations against which wind farm development applications will be assessed.

6. APPLICATION REQUIREMENTS

In addition to the requirements prescribed in Schedule 2 of the *Planning and Development Regulations 2015* and the Shire's Development Application Checklist, all development applications for wind farms must comprise:

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 with the community and stakeholders as detailed in section 7 of this Policy;
c) An Environmental Survey as detailed in section 8 of this Policy;
d) A Visual and Landscape Impact Assessment as detailed in section 9 of this Policy;
e) A Noise Impact Assessment as detailed in section 10 of this Policy;
f) Assessment of impacts of cultural heritage;
g) A Construction Management Plan;
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) A Bushfire Management Plan;
k) An Aviation Impact Assessment;
l) A Shadow Flicker Assessment; and
m) A Decommissioning Plan as detailed in section 14 of this Policy.

7. COMMUNITY AND STAKEHOLDER CONSULTATION

Wind farm proponents must actively engage in early community and stakeholder consultation, prior to lodgement of any formal application. This includes early consultation with the Shire of Broomehill-Tambellup.

Early and meaningful 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 expects 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, before any formal lodgement of an application.

This Policy requires applications for wind farms to address consultation comprehensively and including:

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 and provide them with regular written updates before lodgement;
b) Community and Stakeholder Engagement Plans should incorporate the fundamental principles, actions and frameworks outlined in the Clean Energy Council 'Community Engagement Guidelines for the Australian Wind Industry'; and
c) An outline of how landowners' and stakeholders' issues have been considered before lodging any formal development application.

Proponents should liaise with all relevant stakeholders early in the process including, but not limited to the Shire, Main Roads WA, Western Power, Civil Aviation Safety Authority, Air Services Australia, Royal Flying Doctor Service, Department of Fire and Emergency Services, Department of Planning, Lands and Heritage, Department of Water and Environmental Regulation, Department of Biodiversity, Conservation and Attractions, Department of Primary Industries and Regional Development, Environmental Protection Authority, local aerial spraying contractors, unlicenced airstrip owners (within a 5km radius of a turbine), any relevant incorporated local aeronautical associations., and any relevant local community groups.

8. ENVIRONMENTAL IMPACT

Consistent with the Western Australian Planning Commission (WAPC) Position Statement on Renewable Energy Facilities, this Policy requires applicants to address, avoid and minimise impacts of any wind farm on the natural landscape, and environment, including flora and fauna.

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

a) The type, location and significance of flora and fauna;
b) Any rare or endangered species;
c) Stopover sites, local bird species, roosting or nesting sites for birds of conservation significance;

d) Location of bat colonies;
e) Areas of high raptor activity;
f) The cumulative impact of turbines on migration routes;
g) Existing remnant vegetation to be retained or that is proposed to be removed (on a plan);
h) Distances to areas of habitat, remnant vegetation and areas of natural environment on a context plan, including conservation areas, reserves or crown land;
i) Maximising distances to bird conservation areas, breeding grounds of sensitive species and areas of remnant bushland that are likely high-value bird habitats or habitats for birds of conservation significance; and
j) Methods to avoid bird collision such as increasing the visibility of rotor blades (where feasible), flashing lights, and keeping bird migration corridors free.

The Shire will take into consideration any separate environmental processes being undertaken at 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 10 and 11.

9. VISUAL AND LANDSCAPE IMPACT

A Visual and Landscape Impact Assessment is required and shall:

a) Describe the appearance of changes in the landscape caused by the proposed wind farm;
b) Identify the view of the wind farm from key sensitive land uses, views from key locations of major roads and tourist routes (including rest areas), heritage places, tourist facilities, recreational reserves and areas utilised by the general public such as camping areas and walking trials;
c) Ensure photos in the report include a view of the existing landscape and a clear photomontage with the turbines superimposed. Photomontages should include height dimensions to clearly show scale;
d) Include all images in colour with a high-quality resolution;
e) Include a clear plan that shows the location of where each photo was taken, the direction it was taken, and the numbering of each photo location;
f) In addition to addressing this Policy, Visual and Landscape Impact Assessment should be undertaken in accordance with the WAPC 'Visual Landscape Planning in Western Australia' manual and the 'Wind Farms and Landscape Values' (2005) published by the Australian Wind Energy Association and Australian Council of National Trust.
g) Wind farms are required to be designed, sited and operated to minimise their visual impacts and off-site impacts and shall meet the following requirements:
    i. A setback of 2 kilometres between any wind turbine, measured from the tip of the blade, when at its nearest point from an existing dwelling on a neighbouring lot, that is not associated with the development.
    ii. A setback of 1 kilometre between any wind turbine, measured from the tip of the blade, when at its nearest point from a neighbouring lot boundary, that is not associated with the development.
    iii. A lesser setback may be considered by the Council if agreed to in writing by the affected property owner(s) at the time of lodgement of a development application.
    iv. Locating turbines in flatter landscapes, where feasible, to reduce visibility due to shortening the visual perspective of the structures.
    v. Blades on wind turbines to rotate in the same direction and ensure that all wind turbines have uniformity in terms of colour, size, and shape.
    vi. 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 wind farm 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 '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 child care centres and generally exclude commercial or industrial premises.'

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

10. 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 its replacement) 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, including infrasound and ground vibration, and is required to be completed by an acoustic consultant.

The Noise Impact Assessment may reference information from the:

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

Any Noise Impact Assessment must consider the location of any existing sensitive land use. Applicants should address in detail how turbines are located to minimise future land use conflict and noise impact on future sensitive land uses as per Section 11 of this Policy.

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 sensitive use (such as a dwelling). If an adjacent landowner decides to subdivide 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:

a) Commitment to providing a Noise Impact Mitigation Plan for post-operational noise monitoring, to demonstrate that any constructed wind farm complies with the WA Noise Regulations, and to manage complaints regarding noise impact during the operational phase of the development.
b) Ability to contain all 'noise buffers' within the development lot boundaries for long-term ongoing compliance with the WA Noise Regulations to accommodate future development of adjacent lots with sensitive land uses/highly sensitive areas, particularly any form of dwellings. This is to ensure any wind farm location is compatible with existing land uses and future development as outlined in Section 11 below.
c) The term 'noise buffers' in this Policy means any predicted noise contour lines/emissions that are higher than those acceptable for a "highly sensitive area".

11. LAND USE COMPATIBILITY AND NOISE BUFFERS

Applicants are required to demonstrate that any proposed wind farm and turbine locations can comply with the WA Noise Regulations to provide assurances that current noise legislative requirements can be met.

It is recognised that most proponents examine potential noise impact relative to existing sensitive land uses and dwellings (including their most 'highly sensitive area').

Applicants take a commercial risk where noise buffers and the most stringent permissible noise levels for sensitive premises are not fully located within the development lot boundaries, as there is an ongoing requirement to continue to comply with the WA Noise Regulations, even after construction.

If an adjacent landowner constructs a dwelling on their property after a wind farm is constructed, it is the wind farm operator that has to take action to ensure that any new dwelling or sensitive premises is not impacted on by noise levels exceeding what is permissible for a 'highly sensitive area' under the WA Noise Regulations.

Wind farm developments have to comply with the WA Noise Regulations at all times.

Any wind farm proposal that relies on adjacent lots outside of the development lots for noise buffers, may not be compatible with surrounding existing lots, existing land uses, and future developments.

They essentially create a risk of:

- Impacting adversely on an adjacent landowners' right to construct a dwelling, ancillary dwelling, second dwelling, workers' accommodation, or other type of sensitive land use on their existing lot;
- Impacting on development potential for the location of future dwellings or sensitive land uses on adjacent lots that will be affected by noise; and
- Having an expectation that the wind farm, rather than adjacent landowners' development rights, need to be protected. This assumption by any developer would not be supported by the Shire.

Demonstrating compatibility of any new land use within an established locality is essential for any development application and is considered particularly important for a wind farm as it is difficult to retrospectively address noise impacts after turbines are constructed, given the size, form, scale, and cost of turbines.

This Policy seeks to ensure ongoing land use compatibility consistent with the principles of clause 5.12 of the WA Planning Commission's State Planning Policy 2.5 by:

a) Ensuring that lots proposed to be developed with wind farms are suited to the purpose, can avoid land use conflict, and manage impacts;
b) Avoidance of impacts on existing surrounding lots and their ability to accommodate future sensitive land uses;
c) Recognise that new sensitive land uses are not appropriate in any noise buffer required. The wind farm developer should therefore locate all turbines in locations where they will not be incompatible with future sensitive land uses on adjacent and nearby lots; and
d) Containment of any potential adverse environmental impact, including noise buffers, shadow flicker (or other emission), within the development lot boundaries. This is consistent with the general preference outlined in the Environmental Protection Authority Guidance on Separation Distances between Industrial and Sensitive Land Uses.

Applicants will need to demonstrate that any wind farm will not limit any future rural land use or sensitive land use on existing lots that do not form part of the development application.

Where a wind farm development is proposed that could be contemplated in the zone and has been assessed under Section 11 of this Policy as having unacceptable off-site impacts that cannot be further mitigated or managed, the proposal will be refused.

12. OTHER POTENTIAL IMPACTS

The impact of wind farms on nearby property owners, road users, and the use of adjacent land should be addressed through the detailed design.

Wind farm proposals should not have negative impact through:

a) Shadow flickering, reflection, or blade glint impacts beyond the boundaries of any lot subject to the application;
b) 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;
c) Interference with existing lawful continued use of neighbouring land including intensive rural activities, and tourism uses; or
d) 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 and semi-urban areas and the rural character surrounding urban areas needs to be afforded a high level of protection.

The Shire will also consider any wind farm application under 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 Position Statement: Renewable Energy Facilities' (March 2020). Where there is a conflict between this Policy and the Western Australian Planning Commission Position Statement, this Policy shall prevail.

Council will also consider relevant sections of Guideline D of the 'National Airports Safeguarding Framework' including 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.

13. TRAFFIC MANAGEMENT AND PROTECTION OF ROADS AND INFRASTRUCTURE

The Shire recognises that the development of wind energy facilities may have significant impacts on the condition and serviceability of the local road network, during the construction phase.

The Shire requires proponents of wind energy facilities to be assessed for any road contributions for repairs or upgrades to sealed and/or unsealed roads managed by the Shire because of construction or ongoing activities associated with the development beyond those considered normal day to day access and egress.

Reference should be made to the WAPC Transport Assessment Guidelines. The Traffic Assessment should consider:

- Operation and Maintenance Agreements to Access State Road Network – Main Roads Western Australia;
- Route Assessments for the transport of dangerous goods on road networks; and
- A Traffic Management Plan in conjunction with an application for a permit that requires vehicle and machinery access and movement for Restricted Access Vehicles shall be submitted for approval to the satisfaction of Heavy Vehicle Services – Main Roads WA (e.g. Transport of large wind turbine blades and towers).

The developer will be responsible for:

- Preparation of a pre-development Road and Shire Infrastructure Condition Report, that identifies and records the conditions of any local roads and the Shire infrastructure that will be affected by any route for heavy vehicles and delivery trucks needed for the construction phase;
- The costs associated with any damage caused to the roads or Shire infrastructure attributed to the construction phase of the development. Any damage shall be rectified by the developer to the standard identified in the pre-lodgement Road and Shire Infrastructure Condition report; and
- All costs of any upgrading required for construction transport routes and/or the development.

The road contributions will be calculated based on the Western Australia Local Government Association's Heavy Vehicle Cost Recovery Policy Guideline for Sealed Roads, which provides a fair and transparent method for determining the additional maintenance and reconstruction costs attributable to the increased heavy vehicle traffic generated by the wind energy facility development. Any contributions need to be consistent with the principles that underpin the State Planning Policy 3.6 – Infrastructure Contributions.

The road contributions will be negotiated and agreed upon between the Shire and the developer before the approval of the development application. The road contributions will be paid by the developer to the Shire under the terms and conditions of the agreement.

14. BUSHFIRE MANAGEMENT

Bushfire Developers are to provide a Bushfire Management Plan for areas that fall within the Bushfire Prone Area. Reference should be made to State Planning Policy 3.7 – Planning in Bushfire Prone Areas. It is also recommended that the developer review the Victorian Country Fire Associations document - Design Guidelines and Model Requirements for Renewable Energy Facilities v4 (2023), as this document provides a best practice approach to considering bushfire risk and fire safety measures in the design, construction, and operation of renewable energy facilities (including windfarms).

15. DECOMMISSIONING PROGRAM

As part of development applications, applicants should lodge preliminary information on decommissioning and recognise the need for a more detailed decommissioning plan for the removal of all wind turbines and rehabilitation of the affected land at the end of the development's life (unless major refurbishment is separately approved).

Decommissioning should be considered in the design phase of projects and as part of the development application process so that structures may be easily disassembled at the end of their life, and to ensure that the funds are available to decommission them. If projects do not perform as predicted, this may have a financial impact on its decommissioning plan. Applicants should outline how funds will be directed into future decommissioning or refurbishment costs.

General information at the development application stage should detail a process and steps for decommissioning or refurbishment of the wind farm and staging/timing for planning for decommissioning/refurbishment over the life of the development.

There is an expectation that land developed with a wind farm will be returned to a pre-development condition once the renewable energy facility reaches the end of its lifecycle. If a applicant seeks to retain some infrastructure on the land (such as roads or turbine foundations), then it needs to be made clear at the initial development application lodgement stage.

If the concrete foundations of turbines or underground infrastructure are proposed to be retained and covered with soil, then a condition may be recommended which requires a notification to be placed on the Certificate of Title(s) to alert prospective purchasers of any retained infrastructure and its location.

Substantial decommissioning and remediation works are expected to commence within 12 months of wind turbines no longer generating permanently unless an alternative reasonable timeframe is outlined in the development application.

16. RECORD OF COUNCIL POLICY APPROVAL AND STATUTORY BASIS

Legislation	Description
Statutory Legislation	This Local Planning Policy has been prepared in accordance with Clause 3(1) Schedule 2, Part 2 of the 'Deemed Provisions' of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
Adoption (Initial)	This Local Planning Policy was adopted by the Council on 19 September 2024 for the purpose of conducting advertising to comply with Clause 4(1) Schedule 2, Part 2 of the 'Deemed Provisions' of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
Adoption (Final)	This Local Planning Policy was adopted by Council on the _____ for final approval in accordance with Clause 4(3)(b) Schedule 3, Part 2 of the 'Deemed Provisions' of the *Planning and Development (Local Planning Schemes) Regulations 2015.*
Version Control	Version 1.0 Draft LPP Wind Farms September 2024. Version 2.0 Final LPP Wind Farms November 2024.
Scheduled Internal Review Date	12 months after operation.