



Shire of Kojonup

Local Planning Policy No. 10 – Wind Farms / Wind Turbines

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1. PURPOSE

This Policy sets out the Shire of Kojonup Council's position on wind farms (renewable energy facilities) and is particularly relevant to the Rural zone. It also provides general guidance for other forms of renewable energy facilities including solar farms.

It should be noted that the Local Planning Policy is a guide for the exercise of discretion. The Shire of Kojonup Council will have significant due regard to the Policy requirements in the assessment of any new development application.

The Policy requirements are in addition to the matters already set out under the Western Australian Planning Commission Position Statement on Renewable Energy.

2. RELEVANT SCHEME PROVISIONS

Under the Shire of Kojonup Town Planning Scheme No. 3 ('the Scheme'), development approval is required for any proposed wind farm categorised as a 'renewable energy facility'.

The Scheme does not include 'renewable energy facility' or 'wind farm' in the Zoning Table (Table 1) or in Schedule I Interpretations. Accordingly, these uses are 'uses not listed' and are required to be assessed as outlined in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

An application for a 'renewable energy facility' will be considered in accordance with this Policy.

3. 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 a satisfactory minimum distance from sensitive land uses.
- C. To decrease the visual impact of wind farms by implementing a minimum distance to neighbouring lot boundaries.
- D. To minimise or avoid any potential impact on the natural environment, flora and fauna.
- E. 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.
- F. To ensure that the local community is engaged in the early stages of wind farm planning, by the proponent.
- G. To protect areas of visual significance, and ensure wind turbines are appropriately and sensitively sited.

- H. To ensure that wind farms are located so as not to have a significant impact on Views from Kojonup, Muradup and Jingalup townsites.
- I. To provide a clear position on wind farms for the assessment of development applications.
- J. To protect and maintain Council's Road Infrastructure.
- K. To conserve use of local resources such as gravel, water and sand.

Under this Local Planning Policy, the following are some of the relevant planning considerations against which a wind farm development application can be assessed.

4. POLICY MEASURES

Renewable energy facilities should have regard to the following provisions when assessing applications for renewable energy facilities:

- A. Wind farms should be designed in a manner that minimises adverse impacts upon flora, fauna, environmentally sensitive areas, or landscape character and amenity.
- B. Wind Farms / Wind Turbines should be positioned so as not to significantly impact adjacent properties or the surrounding area in terms of noise, visual or traffic impacts.
- C. The height and location of wind turbine will be determined through preparation of a detailed visual impact assessment, consultation with community and key stakeholders and compliance with relevant planning documents, including the Scheme where relevant.
- D. Some locations may have Aboriginal heritage, natural or built heritage significance which may impact site suitability and will require compliance with the relevant statutes.
- E. Some locations may have biodiversity and conservation values, such as threatened ecological communities, environmentally sensitive areas and will require compliance with the relevant statutes.
- F. All applications for a wind turbine require a building license to be submitted after the issuance of a valid Development Approval.

Policy measure also apply, as relevant, to other forms of renewable energy facilities including solar farms.

The Policy does not apply to domestic scale wind turbine servicing a single residence or farming operation.

5. APPLICATION REQUIREMENTS

In addition to standard Development Application requirements, approval for a Wind Farm / Wind Turbine is required to include:

- 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 as detailed in 6. Community and Stakeholder consultation of this Policy;
- c) An Environmental Survey as detailed in section 7 Environmental Impact of this Policy;
- d) A Visual and Landscape Impact Assessment as detailed in section 8 Visual and Landscape Impact of this Policy;
- e) A Noise Impact Assessment as detailed in section 9 Noise Impact of this Policy;
- f) Assessment on impacts on 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) Bushfire Management Plan;
- k) Aviation Impact Assessment;
- l) Shadow Flicker Assessment;
- m) A Decommissioning Plan as detailed in section 12 Decommissioning Program of this Policy.

6. COMMUNITY AND STAKEHOLDER CONSULTATION

The Shire of Kojonup requests that wind farm proponents actively engage in early community and stakeholder consultation, prior to lodgement of any formal application.

Early, meaningful and innovative 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 of Kojonup's expectation is 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.

This Policy requires applications for wind farms to address consultation in a comprehensive way and include:

- 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.
- 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'.

- c) An outline of how landowners and Stakeholders issues have been considered prior to lodging any formal development application.
- d) A written agreement of non-objection by landowners where any turbines are proposed between than 500 metres and 1km to neighbouring lot boundaries.

Proponents should liaise with a wide range of relevant key stakeholders early in the process, including the Shire, Main Roads WA, Western Power, CASA, Air Services Australia, local spraying contractors, nearby unlicensed airstrip owners, and any relevant local community groups.

Other stakeholders may also be relevant depending on the potential project impacts

7. ENVIRONMENTAL IMPACT

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

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

- i. The type, location and significance of flora and fauna;
- ii. Any rare or endangered species;
- iii. Stopover sites, local bird species, roosting or nesting sites for birds of conservation significance;
- iv. Location of bat colonies;
- v. Areas of high raptor activity;
- vi. The cumulative impact of turbines on migration routes;
- vii. Existing remnant vegetation to be retained or that is proposed to be removed (on a plan);
- viii. Distances to areas of habitat, remnant vegetation and areas of natural environment on a context plan, including conservation areas, reserves or crown land;
- ix. Maximising distances to bird conservation areas, breeding grounds of sensitive species and areas of remnant bushland that is likely high value bird habitat or habitat for birds of conservation significance;
- x. Methods to avoid bird collision such as increasing the visibility of rotor blades (where feasible*), automated flashing lights, and keeping bird migration corridors free; and Decommissioning of the wind farm at the end of its life.

** Note: Increasing visibility of blades needs to be balanced with the need to also examine visual impact.**

The Shire of Kojonup 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 9.0.

8. VISUAL AND LANDSCAPE IMPACT

A Visual and Landscape Impact Assessment is required and shall;

- i. Describe the appearance of changes in the landscape caused by the proposed wind farm;
- ii. Identify the view of the wind farm from key sensitive land uses, views from key locations of major roads/tourist routes (including rest areas), heritage places; any tourist facilities and recreational reserves;
- iii. Ensure photos in the report include a view of the existing landscape and a photomontage with the turbines superimposed;
- iv. Include all images in colour with a high quality/ resolution;
- v. Include a clear plan that shows the location of where each photo was taken, the direction it was taken, and numbering of each photo location;
- vi. Be in accordance with the WAPC; Visual Landscape Planning in Western Australia' manual and the 'Wind Farms and Landscape Values (2005) produced by the Australian Wind Energy Association and Australian Council of National Trust.

Wind farms are required to be designed, sited and operated to minimise their visual impacts and shall meet the following requirements:

- i. Turbine locations, measured at the tip of the blades, a setback of at least 1.5 Kilometres from a highly sensitive premise (e.g. dwelling) is required.
- ii. Without a good neighbour agreement in place, a minimum setback is required of at least 1 kilometre from any wind turbine, measured at the tip of the blades, and a sensitive land use that is not associated with the development area;
- iii. With an executed good neighbour agreement, turbine setback can be located to a minimum of 500 metres between any wind turbine and a non-participating neighbouring lot boundary (sensitive land use);
- 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; Ensure that all wind turbines have uniformity in terms of colour, size, and shape; and
- 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 'comprise 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 childcare centres and generally exclude commercial or industrial premises.'

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

9. 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 any replacement version)' 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, and general commentary on low frequency noise and infrasound.

The Noise Impact Assessment may reference information from the;

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

Any Noise Impact Assessment will take into account the location of any sensitive land use. Following construction, wind farm proponents take a commercial risk, as there is potential for adjacent landowners to construct new dwellings on their lots.

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

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 the sensitive use (such as a dwelling). If an adjacent landowner decides to sub-divide 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:

- i. Commitment to providing a Noise Impact Mitigation Plan for post-operational noise monitoring, to demonstrate that any constructed wind farm complies with the *Environmental Protection (Noise) Regulations 1997*, and to manage complaints regarding noise impact during the operational phase of the development.
- ii. Potential methods to address compliance with the *Environmental Protection (Noise) Regulations 1997* in the event that any future sensitive land use, particularly dwellings, are constructed in the locality. Methods may include new noise monitoring, shutting down turbines, replacement of turbines with a quieter model etc.

10. 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:

- i. shadowing, flickering, reflection, or blade glint impacts beyond the boundaries of any lot subject to the application;
- ii. 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;
- iii. interference with existing lawful continued use of neighbouring land including intensive rural activities, and tourism uses; or
- iv. 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 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 in accordance with 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 published a Position Statement: Renewable Energy Facilities – March 2020.

The Proponent should use automatic and radar technology for Aircraft safety.

Where there is a conflict between this Local Planning Policy and the WAPC Position Statement, this Policy shall prevail. Relevant sections of 'Guideline D' of the 'National Airports Safeguarding Framework'. Council will have particular regard to 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.

11. ADDITIONAL 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.

12. TRAFFIC MANAGEMENT AND THE PROTECTION OF ROADS AND OTHER PUBLIC INFRASTRUCTURE

Local roads are under the care and control of the Shire. There is a considerable amount of public infrastructure within the Shire's local government boundary.

Other roads, such as Highways, fall under the care and control of Main Roads WA. Any application should consider the safety of drivers using Highways in context of significant views of wind farms from main Highways.

Any wind farm proponent will be responsible for:

- a) Preparation of pre-development 'Road and Shire infrastructure Condition' report that identifies and records the condition of any local roads and Shire infrastructure that will be affected by any route for heavy vehicles and delivery trucks, needed for the construction phase.
- b) The cost associated with any damage caused to the roads or Shire infrastructure attributable to the construction phase of the development. Any damage shall be rectified by the operator/proponent to the standard identified in the pre-development 'Road and Shire Infrastructure Condition' report.
- c) All costs of any road upgrading required for construction transport routes and / or the development.
- d) The Shire may consider undertaking road upgrading and/or repair works (where feasible) if funded by the developer.

The Shire Council may place conditions on any development approval to ensure any costs associated with roads damage, widening or upgrading are met by the developer.

The Shire and / or Main Roads WA may require lodgement of a Traffic Impact Assessment report by a suitably qualified traffic engineer in support of any application.

13. DECOMMISSIONING PROGRAM

As part of development applications, proponents should recognise the need for a decommissioning plan for removal of all wind turbines and rehabilitation of the affected land at the end of the developments life (unless major refurbishment is separately approved).

There is an expectation that land in the rural zone will be returned to 'pre-development' condition as much as practical once any renewable energy facility reaches the end of its lifecycle. If a proponent seeks to retain some infrastructure on the land (such as roads or turbine foundations), then that 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 to require a Notification to be placed on the Certificate of Title(s) to alert prospective purchasers of any retained infrastructure and its location.

It is suggested developers should be setting aside moneys and budgeting for decommissioning costs throughout the life of the development.

General information on decommissioning should be provided at application lodgement stage.

Substantial decommissioning and remediation works are to commence within twelve (12) months of wind turbines no longer generating permanently, breach of this requirement will result in control of the decommissioning fund or security given to the landowner or to an administrator as agreed between the parties to complete the decommissioning.

Risks associated with fire must be addressed in the project Environmental Impact Statement and in Environmental Management Plans produced as a requirement of planning approval.

Shadow flicker - The moving blades of wind turbines cast moving shadows that when viewed through a stationary constrained opening such as a window appears as a flicker. This is commonly referred to as shadow flicker and when the sun is low in the sky the effect of shadow flicker increases. It is generally accepted that shadow flicker applies to areas within 1km.

Decommissioning

Matters to address include:

- Disconnection electrical grid.
- Turbines/PV and all ancillary equipment removed and materials recycled where possible.
- All above ground components removed and site rehabilitated to former condition.
- Underground cabling and concrete turbine footings typically remain in the ground (below) ploughing depth) unless economical to remove and recycle.
- Access roads, gates and fencing may be removed and land rehabilitated, unless required by the landholder.
- Funding guarantee – via a bond, sinking fund or bank guarantee.

As a part of the community consultation and good neighbour agreements the proponent should consider a meaningful Community Renewable Investment Scheme (CRIS) benefiting local communities and non-stakeholders within 30 kilometres of the project.

'Total height'	means the vertical distance from natural ground level to the highest point of a wind turbine system.
'Wind Turbine'	Any equipment, ancillary to existing land development, that is used to convert and then store and/or transfer energy from the wind into usable electrical energy. The term includes any equipment used in the activity such as base, blades, generator, pole, tower, transformer, vane, wire, inverter, batteries etc.
'Decommissioning'	Wind turbines, site office and any other ancillary infrastructure is removed from the site. Roads and foundation pads are covered and revegetated, allowing land to be returned to its former use.

14. RECORD OF COUNCIL POLICY APPROVAL AND STATUTORY BASIS

Legislation	Description
Statutory Legislation	The Local Planning Policy has been prepared in accordance with Clause 3(1) Schedule 2, Part 2 of the "Deemed Provisions' of Planning and Development (Local Planning Schemes) Regulations 2015.
Adoption (initial)	
Adoption (final)	
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