



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/wind turbines (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 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 set out under the Western Australian Planning Commission *Position Statement: Renewable Energy Facilities* or any updates.

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*.

3. OBJECTIVES

The objectives of this Policy are to:

- A) Specify information required to support a Development Application and set out key matters to be addressed;
- B) Protect the health, safety and amenity of the community;
- C) Minimise or avoid environmental and cultural sensitive impacts;
- D) Protect agricultural activities and protect approved development; and
- E) Minimise visual impact on town sites.

4. APPLICATION OF THIS POLICY

This Policy applies throughout the Shire of Kojonup.

No development approval is required for a domestic scale wind turbine servicing a single residence or a farming operation where infrastructure is contained on one lot and where it meets Scheme setback requirements for the zone. This is subject to the works not impacting a heritage-protected place.

Development approval is required for all other wind farm and renewable energy facility development.

5. POLICY PROVISIONS

5.1 Siting, Separation Distances and Noise Impacts

The Council expects:

- A) Wind farms and renewable energy facilities to be carefully sited, designed and appropriately operated to minimise impacts on neighbouring properties, the community and other stakeholders;
- B) Proponents to take account of statutory requirements and commercial risk, including noting that adjoining and nearby non-host landowners are able to construct a single house on each lot that they own;
- C) That suitable separation distances are provided on the host (proponent) properties. Unless there is a suitable written agreement, the separation distances for noise impacts should not extend onto non-host properties;
- D) That any wind farm/turbine is located a minimum of 1500 metres from any dwelling or sensitive land use, measured from extended horizontal blade tip, unless an agreement is entered into with the impacted non-host landowner;
- E) That any wind farm/turbine is located a minimum of 1000 metres measured from extended horizontal blade tip, from any non-host landholding boundary, unless an agreement is entered into with the impacted non-host landowner; and
- F) That in addition to addressing the above, wind turbines are sited to mitigate safety risks in the event of a blade drop or throw from a non-host landholding boundaries, from the edge of public road reserves or from other public land. The recommended setback is to be a minimum of 1.5 times the height of the turbine, inclusive of the blade length to the tip of the blade.

The Council expects wind farm proponents to:

- i) Prepare a suitable Noise Impact Assessment, to the satisfaction of the Council and relevant State Government agencies, to inform the Development Application. The Noise Impact Assessment, amongst matters, to determine potential cumulative impacts on nearby residents and sensitive land uses, construction noise and set out mitigation measures to demonstrate compliance with legislation and best practice;
- ii) Commit, at the Development Application stage (and subject to gaining necessary approvals), to later 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;
- iii) Comply with the *Environmental Protection (Noise Regulations) 1997* at all times. This includes the Noise Impact Assessment and on-going operations;
- iv) Have regard to the South Australian Environmental Protection Authority *Wind Farms Environmental Noise Guidelines* (2021 or any updated version); and
- v) Address the Western Australian Planning Commission (WAPC) *Position Statement: Renewable Energy Facilities*.

5.2 Other Environmental and Social Impacts

The Council expects proponents of wind farms and renewable energy facilities to suitably address environmental and social considerations including for environmental assets, neighbours, the community and other stakeholders. Consistent with the WAPC *Position Statement: Renewable Energy Facilities*, the Council requires a Development Application to address, avoid and minimise impacts on the environment.

An Environmental Management Plan (including environmental survey), to the satisfaction of the Council and relevant State Government agencies, is required to inform the Development Application. The Environmental Management Plan is required address *Position Statement: Renewable Energy*

Facilities, relevant legislation, site features and site context. The Environmental Management Plan is also required to set out mitigation measures.

Amongst matters, wind farms and renewable energy facility proposals should not create negative impacts through:

- A) Shadowing, flickering, reflection, or blade glint impacts beyond the boundaries of any lot subject to the Development Application;
- B) Electromagnetic interference;
- C) Interference with existing lawful uses of adjoining and/or nearby land including rural activities and tourism development;
- D) Unreasonable interference with normal agricultural or farming activities of adjoining or nearby rural properties including aerial spraying;
- E) Impacting unlicensed airstrips on farms or Shire operated airstrips. An aviation assessment, by a suitable qualified aviation consultant, may be required to demonstrate that turbines will not impact on aerial spraying activities and/or airstrip operations; and
- F) Amenity impacts on land zoned as Residential, Special Rural or similar.

The Council will take into consideration any separate environmental processes being undertaken at time of lodgement by proponents, whether it be at a State and/or Commonwealth level.

5.3 Visual and Landscape Impact

Wind farms and turbines are required to be designed to blend with the natural landscape, minimising visual impact. The Council will seek to ensure that wind farms are located so as not to have a significant impact on views from the Kojonup, Muradup and Jingalup townsites.

A Visual and Landscape Impact Assessment, to the satisfaction of the Council and relevant State Government agencies, is required to inform the Development Application. The Visual and Landscape Impact Assessment is required to address *Position Statement: Renewable Energy Facilities*. The assessment to include high quality/resolution photographs including views of the existing landscape and photomontages with scaled turbines superimposed.

5.4 Traffic Impacts and Road Contributions

Wind farm and renewable energy facilities can have significant impacts on the condition and serviceability of the local road network, especially during the construction phase. Accordingly, the Council will assess wind farm and renewable energy facility developments for any road contributions, repairs or upgrades to sealed and/or unsealed roads managed by the Shire of Kojonup. This is as a result of construction and/or ongoing activities associated with the development beyond those considered normal day to day access and egress.

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

The Council may require a proponent to:

- A) Prepare a 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) Meet the costs 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 proponent to the standard identified in the pre-development 'Road and Shire Infrastructure Condition' report;
- C) Meet all costs of any road upgrading required for construction transport routes and/or the development.

Road contributions will be calculated, for sealed roads, based on the Western Australia Local Government Association's *Heavy Vehicle Cost Recovery Policy Guideline for Sealed Roads*. This 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 farm or renewable energy facility development.

Road contributions will be generally negotiated and agreed upon between the Council and the proponent prior to the consideration of the Development Application. Subject to obtaining necessary approvals, the road contributions will be paid by the proponent to the Shire of Kojonup in accordance with the terms and conditions of the agreement.

The Council will use the road contributions to fund necessary road works to maintain and improve the safety and functionality of the local road network

5.5 Community Benefit Fund

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.

5.6 Decommissioning

The Council expects that land will be returned to 'pre-development' condition, as far as practical, once any wind farm or renewable energy facility reaches the end of its life. 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 Development Application stage.

A Decommissioning Plan must be submitted and approved as part of the Development Application demonstrating principles of recycling, repurposing and rehabilitation. The Council expects the Decommissioning Plan, amongst matters, to suitably address:

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

The Council may require proponents to set aside moneys and budgeting for decommissioning costs throughout the life of the development.

The Council expects that substantial decommissioning and remediation works will commence within twelve (12) months of wind turbines or renewable energy facility no longer generating power.

6. APPLICATION REQUIREMENTS

In addition to standard Development Application requirements set out in the *Planning and Development (Local Planning Schemes) Regulations 2015*, a Development Application for wind farm or renewable energy facilities must be accompanied by the following information unless otherwise advised by the Council:

- A) Detailed specifications of the wind farm or renewable energy system to be installed, including site plans detailing setbacks, access, and elevation plans for any building structures;
- B) Noise Impact Assessment;
- C) Environmental Management Plan (informed by an Environmental Survey);
- D) Visual and Landscape Impact Assessment;
- E) Heritage Impact Assessment for any known or registered places or buildings containing Aboriginal or historic cultural heritage significance;
- F) Traffic Management Plan and a Pre-development Road and Shire Infrastructure Condition Report. As required, a Traffic Impact Assessment for traffic activities associated with development during construction, operation and decommissioning may also be required;
- G) Bushfire Management Plan for any land designated by the Fire and Emergency Services Commissioner as being bushfire prone;
- H) Aviation Impact Assessment;
- I) Construction Management Plan;
- J) Operational Management Plan;
- K) Decommissioning Plan;
- L) Community Benefit Fund; and
- M) All pre-lodgement consultation outcomes.

7. PRE-CONSULTATION AND CONSULTATION

The Council expects that proponents actively engage in early community and stakeholder consultation, prior to lodgement of a Development Application. Early, 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 identify and consider options for eliminating, reducing or otherwise managing impacts, not merely informing communities and stakeholders on the proposed development and layout.

8. ASSESSING DEVELOPMENT APPLICATIONS

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

The Council will assess Development Applications against clause 67(2), Schedule 2, Part 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

The Policy does not bind the Council in respect of any application for development approval but the Council is to have due regard to the objectives and provisions before making its determination.

9. DEFINITIONS

Unless otherwise noted, terms used in this Policy have common meanings and include those defined in the *Planning and Development Act 2005, Planning and Development (Local Planning Schemes) Regulations 2015* and the Scheme.

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.

Renewable Energy Facility - 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. 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.

Scheme - *Shire of Kojonup Town Planning Scheme No. 3* or any update.

Sensitive Land Use - for the purpose of this Policy, the term 'sensitive land use' is as per the definition in the *WAPC Position Statement: 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 child care centres and generally exclude commercial or industrial premises.'

Wind farm - means premises used to generate electricity by wind force and any associated turbine, building or other structure but does not include anemometers or turbines used primarily to supply electricity for a domestic property or for private rural use.

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.

10. RECORD OF COUNCIL POLICY APPROVAL AND STATUTORY BASIS

Statutory Legislation	The Local Planning Policy has been prepared in accordance with Schedule 2, Part 2 and Clauses 3 and 4 of the 'Deemed Provisions' of <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
Adoption (initial)	20 August 2024
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