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# LPP016 – Local Planning Policy 16 - Renewable Energy Facilities

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## 1. Policy Purpose

This policy sets out matters to be considered by the Shire of Waroona and / or Joint Development Assessment Panel in determining applications made under Schedule 2, Part 9, Clause 77 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (“Regulations”) for renewable energy facilities. This policy also establishes more broadly the Shire of Waroona’s policy position on renewable energy facility proposals within the local government area.

## 2. Policy Scope

This policy is a local planning policy pursuant to Schedule 2, Part 2 clause 3 of the *Regulations*. It applies to the assessment of all development applications for renewable energy facilities within the Shire of Waroona and is to be afforded ‘due regard’ in the decision-making process pursuant to Schedule 2, clause 67(g) of the *Regulations*.

## 3. Policy Objectives

The objectives of this policy are:

1. To facilitate the introduction of renewable energy technologies on a broad scale and address planning related matters associated with their development.
2. To establish and clarify the standards of governance that the Shire will apply to the assessment of renewable energy proposals, and the Shire’s expectations in return.
3. To provide guidance for the location and development of renewable energy facilities on land controlled under Local Planning Scheme No. 7.
4. To provide for the protection of the quality of the surrounding landscape, priority agricultural land, townsite expansion, environmental assets, and amenity (particularly visual and acoustic amenity) of nearby properties, sensitive land uses and surrounding areas in the establishment of renewable energy systems.

## 4. Limitations

This Local Planning Policy does not apply to roof top solar panel systems or other domestic renewable energy systems that are exempt in accordance with Schedule 2, clause 61 of the *Regulations*.

## 5. Interpretations

For the purpose of this policy and assessing related development applications:

**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. 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.

**Sensitive land uses** comprise of –

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.

## 6. Principles of Governance

Because of the broad, longstanding nature of renewable energy and the multitude of options and possibilities in the future, the Shire of Waroona has sought to identify a set of principles to guide decision making, from the earliest design concepts through to long-term operation and management of projects. The Shire of Waroona will apply these principles in the assessment and support of any project and recommends them to stakeholders as the pathway to successful implementation.

The principles are themed –

### Projects (the what and where)

1. Projects are situated appropriately in terms of geography, agricultural land use, biodiversity and conservation values, proximity to residential locations and growth areas, as well as social and community values and context.
2. Projects are constructed to high standards and considerate of the whole asset life-cycle
3. Projects are delivered so that flow-on benefits are maximised in our area

### Process (the how and when)

1. Stakeholders do the right thing, being open, honest, ethical and timely
2. People and the environment are respected and cared for
3. Governance is clear, agreements are transparent

### Outcome (the why and who)

1. The local economy is stronger both immediately and in the long term
2. Local Services are improved
3. The environment is better off

In summary, Council's desire is that we leave a positive long-term legacy for our communities, measured in terms of social, economic and environmental values.

## 7. Governance Standards

Standards may change over time and the expectation is that stakeholders will be aware of, and compliant with, the full range of Australian Standards applicable to their projects. However, the Shire of Waroona makes clear the importance of developers, suppliers and contractors taking note of the following:

- Council seeks to constructively facilitate the renewable energy opportunity to be positioned as a leading region in sustainable renewable energy generation, associated technologies and value-adding. We welcome genuine engagement and collaborative approaches and encourage developers and stakeholders to form enduring ties to the region.
- The Shire of Waroona's regional community highly values the region's natural capital, and agricultural sector and expects adoption and compliance with "Best Practice for Renewable Energy Developments", as well as the Western Australian Planning Commission, Position Statement on Renewable energy facilities, and will hold stakeholders to account.
- Use of local labour and supply chains is preferred and Council will assist in facilitating this through provision of information, introductions and brokerage of services. Developers are expected to establish, and ideally exceed, minimum participation and content targets.

- Council is supportive of projects and mechanisms that lead to competitively priced, 100% renewable energy to local communities, business, and industry. Proponents should create opportunities for local ownership and other arrangements for sharing the value of renewable energy generation in the local area.
- In respect of community contributions, Council will seek to enter into a Voluntary Planning Agreement or similar mutually agreed mechanism in recognition of the tangible impacts relating all developments.
- In respect of shared benefits as they relate to social licence and corporate social responsibility, Council will act as the broker or steward of beneficial agreements between project proponents and community stakeholders.
- Council will strongly encourage the establishment of project-specific, locally represented groups for negotiating directly with developers (rather than a 1-on-1 approach) and ensure they are equipped with appropriate resources.
- Council will act as the ‘clearing house’ and authoritative source of information for all matters in relation to renewable energy projects and for all stakeholders. Our objective is to engage, inform and enable our community to take part in achieving the objectives of this policy.
- Research and Development opportunities are encouraged, particularly through local institutions including schools, regional University campuses and TAFE’s.
- Council and the community will promote and celebrate positive stories and impacts from renewable energy projects, particularly where these are relevant to the enduring social, economic and environmental values of the area.

## 8. Development Applications

The following provisions apply to all applications for planning approval (development applications) for renewable energy facilities in the Shire of Waroona.

### 8.1 Information to be Provided

To supplement the applicable information identified under Schedule 2, clause 63 of the Regulations, development applications for renewable energy facilities shall include the following information:

- a) Detailed specifications of the renewable energy system to be installed;
- b) Environmental Impact Assessment – including consideration of flora, fauna, wetlands, waterways, Aboriginal heritage and bushfire (if within a bushfire prone area);
- c) A lighting plan and assessment of light spill on sensitive land uses;
- d) Visual impact assessment;
- e) Acoustic assessment (in the case of wind farms);
- f) Location in relation to the districts Ramsar listed and other significant wetlands. In particular where birds are featured, requiring a minimum 20km buffer zone in the case of wind farms; and
- g) Whole-of-life management plan including construction, ongoing operation / management and decommissioning strategy.

The Shire may require additional technical reports / information on a case by case basis and may elect to waive one or more of the above requirements if not deemed to be applicable to a specific proposal.

## 8.2 Public Consultation

Public consultation will be undertaken in accordance with the requirements of the Regulations and any applicable procedural policies of the Shire. Generally, consultation will include notification of surrounding landowners within a 1km radius of the perimeter of the application site, as well as a sign on site, and a notification on the Shire's website. The decision maker will have due regard to any submissions received during the notification period as part of the consideration of the application.

## 8.3 Location of Renewable Energy Facilities

Renewable Energy Facilities are a prohibited use in all zones with the exception of *Rural 11 – General Farming* zone, where they are an 'A' use, meaning the decision maker must exercise its discretion in determining whether the use is appropriate, having first undertaken public consultation in accordance with the *Regulations*, Local Planning Scheme No.7, and section 8.2 of this policy.

Within the *Rural 11 – General Farming* zone, renewable energy proposals are to be located such that:

- a) High value agricultural land is protected for agricultural production as a priority;
- b) Lower value agricultural land is used only when it is cleared and / or of low environmental value;
- c) The potential expansion of the Waroona townsite and other urban settlements within the Shire is not compromised;
- d) Environmental impacts are adequately managed and long-term conservation principles are maintained;
- e) Visual and landscape impacts are minimised, having regard to:
  - landscape significance and sensitivity to change, site earthworks, topography, extent of cut and fill, the extent and type of vegetation, clearing and rehabilitation areas;
  - land use patterns, built form character, public amenity and community values;
  - goal to protect, conserve and enhance coastal values;
  - likely impact on views including the visibility of the facility using viewshed analysis and simulations of views from significant viewing locations including residential areas, major scenic drives and lookouts;
  - layout of the facility including the number, height, scale, spacing, colour, surface reflectivity and design of components, including any ancillary buildings, signage, access roads, and incidental facilities;
  - measures proposed to minimise unwanted, unacceptable or adverse visual impacts.
- f) Impacts by way of noise, odour, light spill, glare, shadow or shadow flicker on sensitive uses can be avoided or adequately mitigated.
- g) Public and aviation safety is maintained; and
- h) Recognised Aboriginal and European heritage values are protected or enhanced.

## 8.4 Other matters to consider

In addition to the locational considerations outlined in section 8.3, the decision maker shall also have due regard to:

- a) Any submissions received from agencies and / or community members during the consultation period;

- b) Whether underground connections are provided to all power transmission lines, and if not, the amenity impacts of overhead transmission;
- c) Whether the use of harmful materials such as cadmium, nitrogen trifluoride or other toxins is proposed, and if so, whether there are safer alternatives;
- d) Whether the renewable energy proposal provides any community or social benefit to the Shire of Waroona community as a whole.

## 9. Legislative and Strategic Context

The *Planning and Development Act 2005* and the associated subsidiary legislation provide the broad framework within which this policy operates.

Applicants will need to clearly demonstrate that their proposed renewable energy facilities meet the objectives and requirements of this policy.

Applications must also meet any other requirement of the Shire's planning framework that may be applicable for a particular site under any relevant Local Planning Strategy, Scheme, Structure Plan, Local Planning Policy or Local Development Plan.

In addition to:

- State Planning Policy 2.0 Environment and natural resources policy
- State Planning Policy 2.1 Peel Harvey coastal plain catchment
- State Planning Policy 2.5 Rural planning
- State Planning Policy 2.6 State coastal planning
- State Planning Policy 3.0 Urban growth and settlement

## 10. Review

This policy is to be reviewed biennially.

## 11. Associated Documents

Other documents that have an association to this policy and that may be useful reference material are:

- Shire of Waroona Local Planning Strategy 2009
- Shire of Waroona Local Planning Scheme No.7 1996
- Western Australian Planning Commission, Position Statement: Renewable energy facilities March 2020

<b>Division</b>	Local Planning Policy				
<b>Policy Number</b>	LPP016				
<b>Contact Officer</b>	Chief Executive Officer				
<b>Related Legislation</b>	Planning and Development Act 2005 Local Government Act 1995 Local Government (Administration) Regulations 1996				
<b>Related Shire Documents</b>	Shire of Waroona Local Planning Strategy 2009 Shire of Waroona Local Planning Scheme No.7 1996				
<b>Risk Rating</b>	Low	<b>Review Frequency</b>	Biennially	<b>Next Review</b>	June 2024
<b>Date Adopted</b>	28/06/2022				OCM 22 06 65

Amendments		
Date	Details of Amendment	Reference
Previous Policies		