

SHIRE OF KELLERBERRIN

LOCAL PLANNING POLICY NO 1 – WIND FARMS

1.0 PURPOSE

The Shire of Kellerberrin Local Planning Scheme No 4 does not specifically mention “wind farm” within the zoning table for rural agriculture. Council has however, determined that land usage as a wind farm may be consistent with its objectives for the agricultural zone and thereafter follow the advertising procedures of Clause 64 of the deemed provisions in considering approvals.

This Local Planning Policy provides a guide for the exercise of discretion in Councils determination of a development approval and will have due regard to the Policy requirements throughout the process.

2.0 OBJECTIVES

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

- To ensure that traditional agricultural and other food production usage is protected.
- To prescribe adequate set backs to retain the general amenity of adjoining properties.
- Reduce visual impacts through implementing minimum distances to neighbours.
- To minimise or avoid potential impacts on the natural local environment, flora and fauna.
- To achieve a wind farm design which does not compromise the safety of the local community, aviation activities, or current activities occurring on nearby or adjacent land.
- To ensure the proponent engages and consults widely with the community and local stakeholders during the planning process.
- Protect visually significant areas with appropriate and sensitive turbine siting.
- To provide a clear position on wind farms for the assessment of development application.

3.0 COMMUNITY CONSULTATION

Prior to the lodgement of a formal development application, the Shire would expect that the proponent would actively engage with the community through consultation.

Early, meaningful and extensive consultation aimed at identifying potential public concerns and offering options for eliminating, reducing or otherwise managing impacts, will be held in high regard in the assessment of a formal development application.

The Shire has an expectation that the proponent will use all available consultation tools in its community engagement and develop strong relationships with adjacent landowners and that this process should include the following;

1. Lodgement of a detailed Community Engagement Plan that outlines the outcomes of the community consultation, and a strategy for on-going consultation during the life of the development.

2. Community Engagement Plans should incorporate the fundamental principles, actions and frameworks outlined in the Clean Energy Councils “Community Engagement Guidelines for the Australian Wind Industry”.
3. A detailed report of how landowner issues have been considered prior to the lodgement of any formal development application.
4. A written agreement or non-objection from landowners where any turbines are to be located closer than 800 metres to a neighbouring lot boundary.

Proponents should also liaise with relevant key stakeholders early in the process and include the Shire, Main Roads WA, Western Power, CASA, Air Services Australia, local aerial spraying contractors, nearby unlicensed airstrip owners, and any relevant local community group.

4.0 ENVIRONMENTAL IMPACT

Consistent with the WA Planning Commission 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 and fauna.

Applications should be accompanied by an environmental survey of the proposed site by a suitably qualified environmental consultant which address's;

1. The type, location and significance of flora and fauna.
2. Any rare and endangered species.
3. Stopover sites, local bird species, roosting and nesting sites.
4. Location of bat colonies.
5. Areas of high raptor activity.
6. The cumulative impact of turbines on migration routes.
7. Proximity of remnant vegetation and if to be retained or removed.
8. Distance to conservation areas, reserves and crown land.
9. Methods to avoid bird collision through colour, flashing lights and free migration corridors.
10. A decommissioning Plan of the wind farm at the end of its lifecycle.

5.0 VISUAL AND LANDSCAPE IMPACT

A Visual and Landscape Impact Assessment is required and shall;

1. Demonstrate the changes in appearance of the landscape post construction.
2. Identify the view of the wind farm any sensitive premise, major roads and/or tourist routes, heritage places, recreational facilities and reserves.
3. Provide a view of the wind farm with a superimposed photo over the existing site showing turbine location, in high resolution colour.
4. Consider the safety of drivers using nearby highways.

Wind farms are required to be designed, sited and operated in a manner which minimises its impacts and shall meet the following requirements;

1. A setback of at least 1.5 kilometres between any wind turbine and a sensitive land use that is not associated with the development.
2. A setback of at least 800 metres between any wind turbine and a neighbouring lot boundary unless otherwise agreed in writing by the affected landowner.

3. Implementation of irregular spacing of turbines in hilly landscapes with varied vegetation, and regular spacing in open terrains where vegetation is orderly.
4. Turbine blades to rotate in the same direction.
5. Wind turbines are to be uniform in colour, size and shape.
6. Implementation of landscaping within the development to mitigate visual impact.

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 proposed development site.

For the purpose of this policy, the term “sensitive land use” relates to that contained within 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 child care centres, and generally exclude commercial or industrial premises.

6.0 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 2017. The South Australian Environmental Protection Authority Wind Farms Environmental Noise Guidelines (2009) should be referenced.

Any Noise Impact Assessment will be completed by a suitably qualified acoustic consultant and should address construction noise, predicted noise levels associated with a fully operational wind farm, and predictions of low frequency noise and infrasound.

Any Noise Impact Assessment should consider the proximity of any sensitive land use as there is potential for adjacent landowners to construct new dwellings during the life of the wind farm.

Any application shall address the following;

1. A 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 2017, and to manage complaints regarding noise impacts during the operational phase of the development.
2. Potential methods to address compliance with the Environmental Protection (Noise) Regulations 2017 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, or replacement of turbines with quieter models.

7.0 OTHER POTENTIAL IMPACTS

The impact of wind farms on nearby property owners, road users, and the use of adjacent land should be addressed through detailed design and therefore should not have negative impacts through;

1. Shadowing, flickering, reflection, or blade glint impacts.
2. Interference with normal agricultural or farming activities of nearby rural properties.
3. An aviation assessment will demonstrate that turbines will not impact aerial spraying.

4. Interference with continued use of nearby property whether zoned residential, rural residential or tourism uses, to the extent that urban areas and rural character should be afforded a high level of protection.

The Shire will also consider any wind farm application in accordance with the WAPC published “Position Statement – Renewable Energy Facilities – March 2020”, in the context of this Local Planning Policy taking precedence of that Position Statement.

8.0 TRAFFIC MANAGEMENT, ROADS AND PUBLIC INFRASTRUCTURE

Local roads are under the care and control of the Shire, and which includes significant other infrastructure, while major roads and highways are the responsibility of Main Roads WA.

Any wind farm proponent will be responsible for;

1. Preparation of a pre-development report on the condition of all local roads and infrastructure which may be affected by both the construction and operational phases of the development of the wind farm.
2. The cost of reparation to damaged roads, widening requirements, or upgrading, shall be met by the proponent to, at least, to the standard identified in the pre-development report.

The Shire and/or Main Roads WA may require the proponent to prepare a Traffic Impact Assessment Report through a qualified traffic engineer in support of any application.

9.0 DECOMMISSIONING PROGRAM

As part of the development application process, proponents should recognise the need for a decommissioning plan for the removal of all wind turbines and rehabilitation of the affected land to its pre-development condition.

10.0 RECORD OF COUNCIL POLICY APPROVAL PROCES

1. 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 (LPS) Regulations 2015.
2. This Local Planning Policy was adopted by Council on the _____ 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 (LPS) Regulations 2015.
3. 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 (LPS) Regulations 2015.
4. This Local Planning Policy will be review following 12 months in operation.