

Policy

Local Planning Policy 3.2 Renewable Energy Facilities

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Objectives

1. To guide the development of Renewable Energy Facilities in appropriate locations, to ensure proposals are compatible within its surrounding context and the objectives of the applicable zone in accordance with City of Albany Local Planning Scheme No. 2 (LPS2)
2. To facilitate improved access to safe and consistent energy supply from renewable sources to rural and regional communities.
3. To ensure that Renewable Energy Facilities do not adversely impact the amenity of nearby properties and/or the public realm, that priority agricultural land is retained primarily for the purposes of food production, and local biodiversity and environmental features are protected.
4. To outline land use and development provisions for proposed renewable energy facilities and provide guidance on documentation requirements to inform consideration of a development application.
5. To ensure approved renewable energy facilities are appropriately managed and mitigate adverse impacts on neighbouring properties and the locality.
6. To ensure renewable energy proposals deliver meaningful and enduring community benefits throughout the life of the project.

Scope

Inclusions

7. This policy is applicable to Renewable Energy Facilities land use proposals as defined under LPS2 and involve premises, including associated buildings, structures and equipment that are used to generate energy from a renewable source (such as biogas, wind, wave or solar) predominantly for export and consumption offsite.

Exclusions

8. This policy does not apply to operational activities or works that involve renewable power generation facilities or equipment for onsite consumption purposes only (such as solar panels or domestic wind turbines).

Policy Statement

9. Proposals for Renewable Energy Facilities are to demonstrate that:
 - The renewable energy facility will not unreasonably impact adjoining sensitive land uses or the public realm through emission such as noise, electrical interface or vibration.
 - The visual impact of the renewable energy facility will not unreasonably affect the existing or desired character of the locality.
 - The renewable energy facility will not unreasonably impact existing flora and fauna or remnant vegetation.
 - Renewable energy proposals will deliver meaningful and enduring community benefits throughout the life of the project.

Land use compatibility

10. Proposals for Renewable Energy Facilities are to demonstrate that:
 - The renewable energy facility will not result in the fragmentation of productive agricultural land.
 - The renewable energy facility will not reduce the potential or viability of agricultural activities on priority agriculture zoned land.
 - The renewable energy facility will not unreasonably interfere with existing lawful use of neighbouring land.

Siting design & operation

General requirements

11. Applications for Renewable Energy Facilities located in high amenity areas with the potential for visual, landscape or environmental impacts will be required to demonstrate that the proposal:
 - Will have a minimal adverse effect the visual amenity of the property and surrounds or that any impacts can be mitigated through siting and design;
 - Is located on the lowest part of the landscape where possible, to reduce visual impact, sited and designed to avoid ridge lines, escarpments or visually exposed areas of the site, or situated where screening vegetation or landform can be utilised, as appropriate;
 - Is designed to minimise impacts on vegetation, waterway, wetlands, soil quality and existing land uses; and
 - Is sited to ensure minimal visual and other adverse impacts on environmentally sensitive areas, landscapes or places of cultural or historic significance.
12. To address the provision above, a visual and landscape impact assessment will be required to be prepared and submitted with a proposal, generally in accordance with the *Western Australian Planning Commission - Visual Landscape Planning in Western Australia*. A visual and landscape impact assessment prepared for a proposal should address the following:
 - Reference to existing land use patterns, built form character, areas of public amenity, any identified or known community values
 - Identified landscape or views of significance and the likely impacts of a proposal including the facility's visibility from and between nearby places of cultural or historic significance, tourist facilities, beaches or other significant environmental and natural areas, major roads/tourist routes, residential areas, lookouts or significant landmarks.
 - Demonstration that the proposal has been designed to adequately respond to the constraints of the site, with any remaining unwanted, unacceptable or adverse visual or landscape impacts able to be mitigated using appropriate measures, such as minimising the extent of earthworks, avoiding clearing of vegetation, implementation of proposed screening vegetation and rehabilitation areas to be set aside for conservation.
13. In addition to the other general considerations outlined above, the City of Albany will also have due regard to:
 - Any submissions received from agencies and / or community members during the consultation period.
 - Public and aviation safety.

Boundary setbacks

14. Notwithstanding the provisions setout in LPS2, a minimum setback of 1km will generally apply to wind energy systems.
15. Boundary setbacks in excess of those specified under the City of Albany Local Planning Scheme No.2 may be required for buildings or structures associated with proposals for Renewable Energy Facilities to address matters such as:
 - Visual impact on areas of landscape or visual significance.
 - Impacts of shadow flicker, light spill, noise or vibration on adjoining properties.
 - Impacts to the operation of adjoining existing approved land uses including aviation or aerial spraying activities.

Protection of Roads and Other Public Infrastructure

16. Proponents for renewable energy facility applications will be responsible for:
- Costs of any road upgrades required for the construction or operation of the development
 - Costs associated with repairing any damage caused to roads or City infrastructure attributable to the construction or operation of the renewable energy facility, following provision and approval of a Road and City of Albany Infrastructure Condition Report.

Wind Energy Systems

17. Consideration may be given to varying the height restrictions contained within LPS2 ~~may be varied~~ for wind energy systems to allow for these systems to function properly.
18. The acceptable maximum height and location of these systems will be determined through preparation of a detailed visual impact assessment as detailed in the provision above and through consultation with key stakeholders and the community.
19. Applications for wind energy systems should ensure all turbines are uniform in terms of colour, size, and shape.
- If the renewable energy facility is a wind energy system, shadowing, flickering, reflection, or blade glint impacts shall be confined within the boundaries of any lot subject to the application.

Community Benefit

20. Renewable energy proposals must demonstrate how they will deliver meaningful and enduring community benefits throughout the life of the project. This must include the use of appropriate benefit sharing mechanisms that are tailored to the local context and developed in genuine consultation with the affected community. Proponents must have regard to the Clean Energy Council's Guide to Benefit Sharing Options for Renewable Energy Projects, or any relevant State-specific guidance in effect at the time of preparing the application.

Application Requirements

21. Development applications for renewable energy facilities should generally include the following information:
- Cover letter providing detailed specifications of the renewable energy facility including an outline of operations and measures to mitigate any potential adverse impacts of the facility.
 - Detailed plans of the renewable energy system, including site plans, access, floor plans and elevations of any buildings/structures.
 - Environmental Impact Assessment prepared by a suitably qualified environmental consultant, including consideration of:
 - The type, location and significance of surrounding flora and fauna.
 - Stopover sites, local bird species, roosting or nesting sites for birds of conservation significance (wind energy system only)
 - Potential impact on migration routes (wind energy system only).
 - Methods to avoid bird collision (wind energy system only)
 - Existing remnant vegetation to be retained or that is proposed to be removed.
 - Distances to areas of habitat, remnant vegetation and areas of natural environment on a context plan, including conservation areas, reserves or crown land.
 - A lighting plan and assessment of light spill / flicker.
 - Visual impact assessment.
 - Acoustic assessment prepared by a suitably qualified professional demonstrating compliance with the *Environmental Protection (Noise) Regulations 1997 (WA Noise Regulations)*.

- Statement addressing impact to Aboriginal and/or other relevant heritage.
- Report addressing impacts on primary production and the potential/carrying capacity of the land on which the renewable energy facility is situated (if located in the priority agricultural zone).
- Statement addressing impact on nearby agricultural or farming activities, including biosecurity risks.
- An aviation assessment by a suitably-qualified aviation consultant to demonstrate wind turbines will not unduly impact aerial spraying activities of surrounding farms or unlicensed airstrips (if relevant).
- Detailed summary of pre-lodgement community and stakeholder engagement including an outline of how landowner and stakeholder issues have been considered and addressed.
- A Road and City of Albany Infrastructure Condition Report that identifies and records the condition of any local roads or City infrastructure that will be affected by any route for heavy vehicles and delivery vehicles required for the construction phase.
- Whole-of-life management plan including construction, ongoing operation / management and decommissioning strategy.
 - The decommissioning strategy should address the removal of the renewable energy facility and rehabilitation of the affected land at the end of the development's life cycle. As part of the decommissioning program, it is expected that the land will be rehabilitated to pre-development conditions. 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.
- Proposed Community Benefit Sharing Mechanisms.

General Advice:

- *A bushfire management plan may also be required to accompany the application. Please speak to City of Albany staff or a bushfire consultant to discuss bushfire requirements applicable to the application.*
- *The City of Albany 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.*

Public consultation

22. The City of Albany recommends that proponents for renewable energy facilities actively engage in early community and stakeholder consultation, prior to lodgement of any formal application. Pre-lodgement consultation should be aimed at identifying and considering options for eliminating, reducing or otherwise managing impacts, and not merely informing communities and stakeholders of the proposed layout.
23. Proponents should liaise with a wide range of relevant key stakeholders early in the process, including nearby landowners (minimum 1.5km radius recommended), the City of Albany, 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.
24. In addition to the above, public consultation will also be undertaken at the discretion of the City of Albany, following the lodgement of the development application. The extent of the consultation will be based on the intensity of the development and likely impacts of the proposal on the amenity of the public and/or adjoining landowners. This may include direct notification to surrounding landowners, a sign on site, and/or notification on the City's website.

Legislative and Strategic Context

25. This policy operates within the following framework of legislation.
 - Planning and Development Act 2005
 - Planning and Development (Local Planning Schemes) Regulations 2015
 - City of Albany Local Planning Scheme No.2.

Review Position and Date

26. This policy was adopted on [Insert Date]. This policy should be reviewed every two years, or earlier if required.

Associated Documents

27. Related strategies, procedures, references, guidelines or other documents that have a bearing on this policy and that may be useful reference material for users of this policy, follow:
- WAPC Position Statement: Renewable Energy Facilities
 - Western Australian Local Government Association – Empowering Local Governments: Planning for Renewable Energy Facilities.
 - Clean Energy Council – A Guide to Benefit Sharing Options for Renewable Energy Projects.
28. State Planning Policy 2.5 – Rural Planning.

Definitions

Renewable energy facility means premises used to generate energy from a renewable energy source predominantly for use offsite and includes any building or other structure used in, or in connection with, the generation of energy by a renewable resource, where energy is being produced (i.e. solar farms as opposed to solar panels).

Wind Energy System means equipment that converts and then stores or transfers energy from the wind into usable forms of energy. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component used in the system.

Sensitive land uses 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.