

CCS731: DRAFT LOCAL PLANNING POLICY 3.2 RENEWABLE ENERGY FACILITIES-VERSION TWO

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| Land Description | : City of Albany |
| Proponent / Owner | : City of Albany |
| Business Entity Name | : City of Albany |
| Attachments | : Draft Local Planning Policy 3.2: Renewable Energy Facilities <ul style="list-style-type: none">• WALGA – Empowering Local Governments: Planning for Renewable Energy Facilities.• Clean Energy Council – A Guide to Benefit Sharing Options for Renewable Energy Projects• WAPC Position Statement: Renewable Energy Facilities• Draft Guideline for Community Benefits for Renewable Energy Projects for public consultation |
| Councillor Workstation | : Elected Member Survey – Results Summary |
| Report Prepared By | : Senior Planning Officer |
| Authorising Officer: | : Executive Director Infrastructure, Development and Environment |

STRATEGIC IMPLICATIONS

1. Council is required to exercise its quasi-judicial function in this matter.
2. In making its decision, Council is obliged to draw conclusion from its adopted *Albany Local Planning Strategy 2019* (the Planning Strategy) and *Strategic Community Plan – Albany 2032*.
3. This item relates to the following elements of the City of Albany Strategic Community Plan 2032:
 - **Pillar:** Planet
 - **Outcome:**
 - Shared responsibility for climate action
 - **Pillar:** Place
 - **Outcome:**
 - Responsible growth, development and urban renewal.

In Brief:

- Draft Local Planning Policy 3.2 Renewable Energy Facilities (LPP 3.2) has been prepared to guide the development of Renewable Energy Facilities in the City of Albany.
- Council is requested to endorse the draft LPP3.2 for advertising.

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| CCS731: ADDENDUM The following is a summary of the changes made to Version 2 the Draft <i>Local Planning Policy 3.2: Renewable Energy Facilities</i> . | |
| Section | Version 2 |
| Objectives | Added the word “To” to each point for consistency and improved readability |
| Policy Statement | Clarified language for better readability |
| Land Use Compatibility | Clarified language for better readability |
| Siting Design and Operation General Requirements | Clarified language for better readability |
| Siting Design and Operation Boundary Setbacks | Clarified language for better readability |
| Siting Design and Operation Protection of Roads and Other Public Infrastructure | Re-ordered for clarification and enforceability |
| Wind Energy Systems | Clarified language for consistency |
| Community Benefit | Changed the word “should” to “must” to show that this is a requirement, not an aspiration. |
| Application Requirements | Clarified language for better readability |
| Public consultation | Clarified language for better readability |
| Definitions | Removed a double up of the word Renewable energy facility. Definition is different to WAPC Position Statement Re-worded definition to align with LPS2 and WAPC Position Statement |

RECOMMENDATION

CCS731: COMMITTEE RECOMMENDATION VOTING REQUIREMENT: SIMPLE MAJORITY

THAT Council, in pursuance of Schedule 2, clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to endorse draft Local Planning Policy 3.2 – Renewable Energy Facilities for the purpose of advertising.

CCS731: COMMITTEE RECOMMENDATION

MOVED: DEPUTY MAYOR TERRY
SECONDED: COUNCILLOR TRAILL

THAT the Authorising Officer Recommendation be ADOPTED.

CARRIED 9-1

Record of Vote

Against the Motion: Councillor MacLaren

CCS731: AUTHORISING OFFICER RECOMMENDATION

THAT Council, in pursuance of Schedule 2, clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015, resolves to endorse draft Local Planning Policy 3.2 – Renewable Energy Facilities for the purpose of advertising.

BACKGROUND

4. The Western Australian Planning Commission (WAPC) State Planning Strategy 2050 promotes the implementation of renewable energy initiatives.
5. Renewable energy facilities in WA are principally wind turbine and solar array systems. Other systems can include geothermal, biogas, ocean power and hydro-electric power for on-grid and off-grid locations.
6. Renewable energy facilities can enhance local economies, connecting into the existing network. The growth in the number, size, and complexity of renewable energy facilities is expected to continue as energy generation and other traditional industries decarbonise their facilities and operations.
7. The contribution that renewable energy facilities make to the reduction in carbon emissions is also an important consideration for the growth of the industry, as well as the socio-economic benefits to the State.
8. The Western Australian Planning Commission's *Position Statement: Renewable Energy Facilities* provides guidance for proponents, local governments, relevant agencies and stakeholders on the relevant matters to be considered in the preparation and consideration of proposals for renewable energy facilities.
9. Growing awareness by communities of the potential impacts (either positive or negative) from renewable energy facilities, requires state and local government planning frameworks provide suitable policy and guidance on the appropriate location, siting, design and management measures for proposals to ensure balanced outcomes that benefit the locality can be achieved.
10. To support fair and consistent community benefit-sharing practices for large-scale renewable energy projects across Western Australia, the State Government—through the Department of Energy, Mines, Industry Regulation and Safety—has released a Draft Guideline for Community Benefits for Renewable Energy Projects for public consultation.
11. This initiative complements existing resources, such as the Clean Energy Council's Guide to Benefit Sharing Options for Renewable Energy Projects.
12. Officers prepared a survey to seek feedback on key considerations for renewable energy facilities and inform the preparation of the draft LPP3.2.
13. Five responses were received with feedback incorporated into the draft policy provisions. Survey responses are available in the Councillor Workstation.

DISCUSSION

14. Development proposals for renewable energy facilities are permitted in certain zones in accordance with Table 3 of LPS2.
15. Officers have prepared draft LPP3.2 to guide the assessment of proposals for renewable energy facilities where permitted in accordance with the applicable zoning and land use provisions outlined under LPS2.
16. The scope of draft LPP3.2 applies to larger scale renewable energy facilities land use proposals (as defined under LPS2) including premises, 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.
17. The scope of draft LPP3.2 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), as these are already addressed via other development provisions across the state and local planning frameworks.

18. To ensure renewable energy facility proposals are compatible with surrounding land uses, draft LPP3.2 requires proposals to demonstrate:
- The renewable energy facility will not result in the fragmentation of productive agricultural land through subdivision.
 - 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.

19. Other key matters addressed under draft LPP3.2 include:

Mitigation measures to manage amenity impacts:

20. Proponents required to demonstrate that the development will have minimal, or otherwise acceptable visual impact on the property or surrounding locality, particularly in high amenity areas, including the preparation of a visual impact assessment when required.
21. Establishing a baseline setback of 1km for wind energy systems with associated guidance on circumstances where greater setbacks may be required to address adverse impacts likely to impact the enjoyment of the surrounding land.
22. The draft policy suggests height restrictions contained within LPS2 may be varied for wind energy systems to allow for these systems to function properly, with appropriate heights to be informed by a Visual Impact Assessment and consultation with adjoining property owners and the community.

Consultation and stakeholder engagement:

23. Proponents are encouraged to undertake their own consultation with the community and key stakeholders, prior to submission of a formal proposal. A summary of the pre-lodgement consultation to be included with the development application.
24. Notwithstanding the permissibility of the land use within the designated zoning, or pre-lodgement consultation activities, where in the officer's opinion there is potential impact by a proposal on the environment and/or amenity of adjoining properties or the locality, draft LPP3.2 provides discretion to undertake advertising to further inform the local government's consideration of the proposal.

Traffic Management and Protection of Roads:

25. Proponents for renewable energy facility applications will be responsible for 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.
26. Proponents will also be responsible for the cost of any road upgrades required for the construction or operation of the development.

Other matters to be given due regard by the local government include:

27. Public and aviation safety considerations and
28. Whether the proposal provides a community or social benefit, in accordance with the Clean Energy Council's Guide to Benefit Sharing Options for Renewable Energy Projects, or any relevant State-specific guidance such as the Draft Guideline for Community Benefits for Renewable Energy Projects currently open for public consultation.

Development application documentation requirements:

29. Minimum documentation requirements for development applications are outlined in the draft policy, to provide consistent guidance and certainty to proponents regarding key issues to be addressed and information provided as part of a development application.
30. Proponents to consider preparation of a whole-of-life management plan as part of the development application to capture construction, ongoing operation / management and decommissioning stages and ensure land is rehabilitated to its pre-development condition following the facilities end of life.
31. It is recommended that Council endorses draft LPP3.2 for advertising.

GOVERNMENT & PUBLIC CONSULTATION

32. Should Council resolve to support draft LPP3.2 for advertising, a notice of the proposed policy will be placed in a newspaper circulating in the LPS2 area and published on the City of Albany website. The notice is required to outline the following:
 - a) Where the draft local planning policy can be inspected.
 - b) The subject and nature of the draft local planning policy; and
 - c) In what form and during what period (21 days from the day the notice is published) submissions may be made.
33. Following closure of the submission period, the local government is to:
 - a) Review the draft local planning policy considering any submissions made; and
 - b) Resolve to adopt the draft local planning policy with or without modification, or not to proceed with the local planning policy.

STATUTORY IMPLICATIONS

34. Voting requirement for this item is **Simple Majority**.
35. Consideration of draft new LPPs requires resolution of Council for endorsement to advertise and final adoption following advertising, with or without modifications, in accordance with the Planning Regulations.
36. Should Council resolve to adopt draft LP3.2, with or without modification, a notice must be published as per cl.87 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

POLICY IMPLICATIONS

37. There are no policy implications relating to endorsing the proposed LPP3.2 for advertising.

RISK IDENTIFICATION & MITIGATION

38. The risk identification and categorisation relies on the City's Enterprise Risk and Opportunity Management Framework.

| Risk | Likelihood | Consequence | Risk Analysis | Mitigation |
|--|------------|-------------|---------------|--|
| Operational Not progressing with a policy to address this matter—such as LPP3.2—may result in a lack of clear guidance for the assessment of renewable energy facilities, increasing the risk of inconsistent decision-making or undesirable outcomes. | Possible | Minor | Low | Policy provisions are consistent with the considerations set out under the WAPC Position Statement and guided by similar policies created by other regional local governments. |
| Opportunity: To ensure a sufficient assessment framework for renewable energy facilities proposals within the City of Albany. | | | | |

FINANCIAL IMPLICATIONS

39. There are no financial implications beyond what will be used for advertising.

LEGAL IMPLICATIONS

40. There are no legal implications relating to endorsing the proposed draft LPP3.2 for advertising.

ENVIRONMENTAL CONSIDERATIONS

41. There are no environmental implications relating to endorsing the proposed draft LPP3.2 for advertising.

ALTERNATE OPTIONS

42. Council has the following alternate options in relation to this item, which are:
- To resolve to proceed with advertising the policy without modification;
 - To resolve to proceed with advertising the policy subject to modification; and
 - To resolve not to proceed with advertising the policy.

CONCLUSION

43. Staff recommend Council resolve to endorse the draft *LPP 3.2 Renewable Energy Facilities* for advertising.

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| Consulted References | : | <ol style="list-style-type: none"> 1. City of Albany Local Planning Scheme No. 2 2. Planning and Development (Local Planning Schemes) Regulations 2015 3. WAPC Position Statement: Renewable Energy Facilities. 4. Western Australian Local Government Association – Empowering Local Governments: Planning for Renewable Energy Facilities. 5. Clean Energy Council – A Guide to Benefit Sharing Options for Renewable Energy Projects 6. Department of Energy, Mines, Industry Regulation and Safety—has released a Draft Guideline for Community Benefits for Renewable Energy Projects for public consultation |
| File Number (Name of Ward) | : | All |
| Previous Reference | : | N/A |