

Policy Name:	LOCAL PLANNING POLICY: WIND TURBINES
Objective:	To provide a framework for the assessment of proposed Wind Turbines in the Shire of Esperance.
Key Words:	Wind Turbines
Statutory Compliance:	Local Planning Scheme No. 24

Policy Aims:

To allow for the construction of Wind Turbines where ancillary to existing development throughout the Shire whilst ensuring the local character and amenity is not compromised.

Policy Provisions:

Definition

A wind turbine is defined as:

“any equipment 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”.

A domestic wind turbine is defined as:

“any wind energy system that is used to generate electricity for domestic energy consumption”.

Application Information

➤ *New Applications*

The following information is required to be submitted to enable an assessment of ancillary wind turbines proposals:

- Completed ‘Application for Development Approval’ form;
- Payment of application fee in accordance with Council’s Fees & Charges Schedule;
- Two (2) copies of the following:
 - Site plan (to scale) showing the predominant use of the land, including all structures in relation to the lot boundaries and location of the proposed wind turbine(s) and any other infrastructure to support the turbines;
 - Elevations of the proposed wind turbines, showing the appearance of the turbines, the height of the turbine hub from natural ground level and the length of the blades.
- Details of the wind turbine, i.e. potential noise output (published sound power level for the turbine and any other generators), presence of secondary generators, etc.

All applications for Wind Turbines require a building license to be submitted after the issuance of a valid Development Approval.

Other Requirements

- *Compliance with Environment Protection (Noise) Regulations 1997*

*Any applicant for a wind turbine must ensure that the installation, maintenance and operation of the turbine effectively minimises any impacts, particularly visual and/or noise generation and does not exceed the prescribed limits in the **Environmental Protection (Noise) Regulations 1997** or any other relevant legislation. If in the opinion of Council, the system or its use is causing nuisance or annoying to neighbours or owner/occupiers of the land in the vicinity of the approval uses, Council may under its planning scheme controls require the turbine to be modified or remove the nuisance or annoyance.*

Policy Application Area

Wind Turbines are not a land use, and are seen as being ancillary to the predominant land use and as such they are allowed in all zones.

Requirement for Development Approval

Proposals for a domestic wind turbine in association with a dwelling in the Residential zone are considered external fixtures which are exempt from development approval if in compliance with the Scheme, R-Codes and adopted Local Planning Policy under the Deemed Provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015*)

Development Requirements

The following development requirements apply to Wind Turbines:

- The wind turbine and any infrastructure required to support the turbine or allow for its operation must not adversely affect the amenity of the locality by reason of emission of noise;
- The wind turbine and any infrastructure required to support the turbine or allow for its operation must not adversely affect the visual amenity of the locality;
- If proposing to connect the system to the Horizon Power grid, a copy of the agreement between the proponent and the Agency that the system complies with their requirements shall be provided to the Shire with the application for planning approval.
- All Wind Turbines are to be constructed of non-reflective materials, and fitted with some form of automatic breaking, manual breaking and speed protection;
- All units must be locked to allow for maintenance, and to allow the unit to cease operations during noise sensitive periods;
- All units must be maintained to avoid adverse impacts on adjoining properties.
- In Residential zones, Domestic Wind Turbines must:
 - Not be located in the primary street setback;
 - Be setback from the side and rear boundaries by a distance equal to the height of the turbine hub from natural ground level;
 - Be no greater than 6m in height at the hub from natural ground level;
 - Comply with *Environmental Protection (Noise) Regulations 1997*. (Note: In the event of Council receiving neighbourhood noise complaints, the applicant will be responsible for providing evidence from a suitably qualified acoustic consultant to prove the system's compliance with *Environmental Protection (Noise) Regulations 1997*).
- In Rural Residential and Rural Smallholdings zones, must:
 - Not be located in the primary street setback;
 - Not be less than 10 metres from any side or rear setback;
 - Not be located outside of an approved building envelope;
 - Comply with *Environmental Protection (Noise) Regulations 1997*. (Note: In the event of Council receiving neighbourhood noise complaints, the applicant will be responsible for providing evidence from a suitably qualified acoustic

consultant to prove the system's compliance with Environmental Protection (Noise) Regulations 1997).

- In Industrial and Rural zones, must:
 - Not be located in the primary or secondary street setback;
 - Be setback in accordance with the Scheme but not less than 3 metres from side and rear boundaries.
- In the Rural Townsite zone, requirements will be as per the residential zone.
- Any Wind Turbine exceeding the stipulated height will require the approval of Council.

Varying Development Requirements:

Variations to the Development Requirements will require Council approval.