LOCAL PLANNING POLICY – RENEWABLE ENERGY FACILITIES, ASSOCIATED TRANSMISSION AND STORAGE INFRASTRUCTURE AND FUTURE TECHNOLOGIES

Statutory context Planning and Development Act 2005
Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations)
DPLH Position Statement: Renewable Energy Facilities (March 2020)

Corporate Context Shire of Moora Local Planning Scheme No 4 (LPS 4)

History: Adopted 30 October 2024 - Initiating Policy No. 1

Background

This local planning policy has been developed within the framework of the Shire of Moora Local Planning Scheme No. 4. It is informed by the *Planning and Development Act 2005* and the *Planning and Development (Local Planning Schemes) Regulations 2015*. It aims to provide clear guidelines for the establishment and operation of renewable energy facilities, associated transmission and storage infrastructure and future technologies within the Shire of Moora while adhering to existing legislative requirements.

Wind energy is a priority component of the strategies being employed by both, the Federal and Western Australian State governments in their quest to reduce greenhouse gas emissions. Recognising the potential benefits of renewable energy facilities and associated infrastructure, the Shire of Moora acknowledges the need to achieve a balance between safeguarding the interests and well-being of the community, preserving the region's productive agricultural estate and the development of renewable energy initiatives within the Shire.

Purpose

The purpose of this policy is to provide a framework for the assessment, approval, and regulation of renewable energy facilities, transmission and storage networks and future technologies to be constructed in the Shire of Moora. The policy seeks to ensure that any proposed renewable energy infrastructure projects are developed in a manner that minimises negative impacts on the community and environment, while maximising the long-term benefits to the community and the environment.

The Shire of Moora seeks to develop long-term, effective and cooperative partnerships with developers that ensure the best possible outcomes for all parties.

Policy Basis

This Policy has been developed in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015 Deemed Provisions Schedule 2 Part 2 Division 2 – Local Planning Policies*. The policy may be cited as Local Planning Policy No. 4 – Renewable Energy Facility, Associated Transmission and Storage Infrastructure and Future Technologies.

The Policy does not bind the local government in respect of any application for a development approval however, the local government is to have due regard to the provisions of this Policy and the related objectives the Policy is designed to achieve, before making its final determination.

Objectives

The objectives of the *Renewable Energy Facilities, Associated Transmission and Storage Infrastructure and Future Technologies Planning Policy* are:

- To promote the responsible development of renewable energy facilities and associated transmission and storage infrastructure within the Shire of Moora.
- To maximise the advantages, benefits and development of future technologies in the Shire of Moora.
- To protect the health, safety, and amenities of the community and the environment.
- To provide clear guidelines for the assessment and approval of renewable energy facilities, and related infrastructure projects.
- To facilitate community consultation and engagement throughout the development process.
- To establish mechanisms that ensure community benefits commensurate with the total value of the investment and revenue generating capacity of the project are entrenched in project's overarching principles, frameworks, and operative mechanisms.
- To address and minimise potential impacts, including environmental, visual, landscape, noise and any other relevant factors.
- To set out minimum standards and requirements for the development of renewable energy generation projects and their associated influences and impacts on the community and environment.
- To preserve the region's productive agricultural estate.

Policy Provisions

General Requirements

In accordance with the Shire of Moora Local Planning Scheme No. 4 **-** "Renewable Energy Facilities, Associated Transmission and Storage Infrastructure and Future Technologies" are classified in accordance with Clause 3.2.4 as a *Use not Listed* and in accordance with Clause 3(2)(a) of the *Deemed Provisions (Schedule 2 Local Planning Regulations)*.

The Department of Planning, Lands and Heritage *Position Statement 2020* defines a "Renewable Energy Facility" as a:

Premises used to generate energy from a renewable energy source and includes any buildings or other structure used in, or relating to, the generation of energy by a renewable source. 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.

Planning Applications / Approvals

All renewable energy facilities, utility installations, transmission networks and future technology installations require Planning Approval under the relevant zone. In addition to the completed application form and relevant fee, applicants must submit a location plan, site plan, elevations,

manufacturer's specifications / name plate details and any other pertinent material or issues relevant to the proposed development. The proponent must provide an assessment, based on industry best practice, of the measures it expects will be necessary to implement and complete the decommissioning, rehabilitation and end-of-life activities for the site as set out in the development approval.

The foregoing assessment must be accompanied by an indicative cost estimate of the anticipated decommissioning, rehabilitation and end-of-life work programme. These details will be necessary to demonstrate compliance with the Shire of Moora Local Planning Scheme No. 4 (and its successors) and relevant legislation, including the Environmental Protection (Noise) Regulations 1997.

Applications for renewable energy facilities, utility installations, transmission and storage networks and future technologies located on, near or adjacent to properties or buildings identified on the Shire's Heritage List or Municipal Inventory of Heritage Places, will require a written justification by a suitably qualified person (e.g. a qualified Heritage Advisor) justifying or supporting the location, unless determined otherwise by the Shire's Planning Services in consultation with the State Heritage Office.

Renewable energy facilities, utility installations, transmission and storage networks and future technologies shall be designed and sited to minimise adverse impacts on the community and environment and be based on a combination of industry best practice, published industry standards, regulatory frameworks, and local government authority requirements, whichever is the more authoritative and accepted methodology.

Adequate setbacks and safety measures shall be incorporated to protect public health and safety against major break down of, or incidents at renewable energy facilities, utility installations, transmission and storage networks and future technologies sites and their associated infrastructure. The minimum recommended setback from property boundaries shall be a minimum of three (3) times the total height of the structure including, the rotor blades at the highest point or 500 metres, whichever is the greater or as otherwise set by legislation or regulation.

Transmission Line Reserves

Where a reserve or easement, such as a road reserve, is identified on a locality or site plan or map, that reserve or easement must be investigated and assessed as a priority for the purpose of potential dual use as a transmission / pylon / services / component corridor or as an access road before any plans for new works are considered and approved.

Where transmission lines traverse, and pylons are situated on adjacent land, which itself does not host a wind turbine/s or any other renewable energy system components, the developer must assess as a priority, reserves or easements for the purpose of potential dual use as a transmission / pylon / services / component corridor or as an access road before any plans for alternative works are considered and approved.

This applies regardless of whether a reserve / easement or road is, or is not, shown on a locality or site plan / map and whether the feature has been developed for a purpose or not.

It is the developer's responsibility to ensure the order and coordination of infrastructure to avoid loss of visual and situational amenity. This information should accompany the development application.

End-of-Life Decommissioning / Rehabilitation / Repurposing / Recycling

Note: While recognising the future end-of-life project decommissioning steps are 25-30 years hence, and that industry practice, knowledge and technology will continue to evolve, guidance as to the proposed end-of-life process to be applied by a developer will enable the Shire to track a developer's plan against industry best practice. The Shire may then and prepare itself for the implications, steps and costs of decommissioning which may ultimately come to rest on the Shire.

End-of-life, and or decommissioning plans must be submitted and approved as part of the development application. These plans must demonstrate the application of principles of recycling, repurposing, and rehabilitation consistent with published industry best practice or where they exist, state or commonwealth regulatory frameworks. Plans should include the following:

1. **Life Cycle Reusability Assessment:**
    - Proponents should provide a comprehensive plan demonstrating the purposeful and sustainable reuse or recycling of engineered structures and concrete footings where necessary, at the end of their useful life.
    - Proponents should include examples of demonstrable planned actions / suggestions for the disposal or repurposing of masts, blades, transmission infrastructure and cabling based on demonstrably proven science and industry best practice.
2. **Financial Responsibility for End-of-Life Measures:**
    - Proponents are required to provide an estimate of the financial costs associated with ensuring a sustainable end state decommissioning and site rehabilitation at the conclusion of the renewable energy facility's design life cycle as described above.
    - Acceptable options for financing end-of-life programmes include:
        a. Costs borne by the landowner.
        b. Establishment of a sinking fund.
        c. Creation of a protected, cash-backed asset, serving as a condition on the land with obligations passed on to successive landowners and developers / business.
        d. Irrevocable, non-transferrable bank guarantee, bond, trust fund or parent company guarantee.
    - Release of funds from the agreed facility to the original (or a subsequent) depositor may not occur until a successor operator / company / developer undertakes to deposit an equivalent sum into the agreed facility. This machinery will apply to each developer in the chain of developers throughout the life of the development.
    - Funds in the facility will be protected from claims by a trustee in bankruptcy, liquidator, or default on debts by the company.

3. **Protection Against Financial Instability**
   - Developers must address potential risks associated with the longevity of companies involved in the renewable energy development that is the subject of the application.
   - Mechanisms should be in place to ensure that finances for the removal of infrastructure remain secure even if the original company ceases to exist of lacks financial capacity to undertake its financial obligations.

4. **Compliance and Monitoring:**
   - Ongoing monitoring will be conducted to ensure compliance with the sustainable end-of-life measures outlined in the proposal.
   - Non-compliance may result in penalties and revocation of development approvals.

5. **Community Engagement:**
   - Proponents are required to engage with the local community to address concerns and provide transparency regarding the adoption of sustainable practices.

Developers are required to include a Site Rehabilitation Plan detailing the steps for future decommissioning of facilities. The plan should consider the impact of buried cables and turbine foundations on seeding depth and crop / pasture root potential. The plan must provide for decommissioning toa minimum of "normal deep ripping depth" to ensure adequate depth for breaking up compacted soil layers in the future.

Community and Stakeholder Consultation

Developers must actively engage in meaningful community and stakeholder consultation prior to lodgement of any formal development application and throughout the project's lifecycle. They are to ensure that residents and stakeholders are continuously informed and have genuine opportunities to provide feedback throughout the life of the project. Consultation shall include public meetings, information sessions, and other appropriate methods to engage with the community. Developers are encouraged to make use of the "*Guide to Best Practice Planning Engagement in Western Australia (2023)*', published by DPLH, when implementing Community Consultation.

Developers should inform themselves as to the relevant stakeholders with whom they should consult early in the process; these stakeholders include but are not limited to the Shire, Main Roads WA, Western Power, Civil Aviation Safety Authority (CASA), Air Services Australia, Royal Flying Doctor Service (RFDS), Department of Fire and Emergency Services (DFES), Department of Planning, Lands and Heritage (DPLH), Department of Water and Environmental Regulation (DWER), Department of Biodiversity, Conservation and Attractions (DBCA), Department of Primary Industries and Regional Development (DPIRD), Environmental Protection Authority (EPA), local aerial spraying contractors, unlicenced airstrip owners (within a 5km radius of any turbine) and any relevant incorporated local aeronautical associations. It is the proponent's responsibility to broadly canvas all potential stakeholders and individuals.

The outcome of the Community and Stakeholder Consultation should be included in the lodgement of a detailed Community and Stakeholder Engagement Plan. It should articulate the outcomes of the pre-lodgement Community and Stakeholder consultation.

Community Enhancement Fund

The development of renewable energy facilities associated transmission and storage infrastructure, and future technologies has in some communities created significant unrest and community fractures due to perceived community intrusion, a loss of amenity, disruption of civil society and unequal distribution of benefits.

A best practice model of providing community benefit resides in the New South Wales Office of Environment and Heritage that identifies the establishment of a Community Enhancement Fund lead by local government authorities. The model provides for a Shire and developer to establish by formal agreement, a Community Enhancement Fund (CEF) Agreement that receives royalties / endowments / grants / legacies / donations from the developer on behalf of the community.

The best practice approach entails the developer undertaking early engagement with the local government to create a role for the developer in the local government's long term strategic planning, such as the community strategic plan. The developer would work with the local government and local Board representing the community to identify community enhancement projects that typically would not be undertaken but for the commencement of the renewable energy project.

Developer contributions to the Fund will be based on a meaningful contribution negotiated by the Shire of Moora and the Developer. Developer contributions to the CEF may be via either:

1. Two early one-off contributions calculated on the renewable energy facility's certified / name plate megawatt capacity multiplied by $100,000 per annum over the project's expected life. The contributions would be made in two instalments, the first at final investment decision (FID) and the second on connection to the grid. These contributions are envisaged to be once-off and therefore not subject to any ongoing annual CPI or indexed adjustments.

   Or

2. A percentage of the construction investment value (CIV) over the project's operating life. For example, a suggested percentage could be calculated for contributions to the fund by dividing the initial CIV by the accepted project's operating life, then multiplying by 1.5%. Assuming a wind energy facility with the construction cost of $200 million may allocate $100,000 annually to the CEF over a thirty-year period.

Contributions to the trust fund will be non-transferrable, non-redeemable and non-tradeable; they will be applied for the exclusive purpose of providing for the betterment of the community.

The trust fund will be administered by a Board comprising representatives of the Shire, the developer, Moora Chamber of Commerce and Industry, an independent expert in finance/banking/law and community representatives.

This section in respect of the Community Enhancement Fund is to be read in conjunction with Appendix 2.

Environmental Impact

A comprehensive environmental impact assessment by a suitably qualified environmental consultant (independent of the developer), including flora and fauna studies, shall be conducted, the results of which should be submitted as part of the development application. Consideration of environmental impacts during both the construction and operational stages of the development is to be considered and form part of the development application.

Developers must implement measures to mitigate and manage potential environmental impacts, including habitat protection and rehabilitation, including but not limited to;

- Important Bird Areas (IBAs) in Walebing, Moora town and South of Moora in respect of the endangered Carnaby Cockatoo.
- Fauna sites containing protected spider orchids.
- Stopover, rest sites, roosting and nesting sites, for local birds of conservation significance.
- Locations of birds of significance conservation colonies.
- Areas of high raptor breeding and activity.
- Livestock disturbance.
- The cumulative impact of wind turbines on bird migration routes; and.
- Any factors relevant to the consideration and assessment of other the potential impacts that require individual consideration or assessment.

Developers are to submit a biosecurity management plan to ensure all excavation equipment / drilling-rigs, and the machinery are thoroughly cleaned and free from any soil / plant or other organic material prior to leaving paddocks, and especially when moving from property to property.

Visual and Landscape Impact

Renewable energy facilities shall be designed to the greatest extent possible, to integrate sympathetically into the natural and rural landscape setting to minimise visual disruption and loss of amenity. A visual and Landscape Impact Assessment is required to address the following:

- landscape significance and sensitivity to change, site earthworks, topography, the extent, and type of vegetation, clearing and rehabilitation areas, land use patterns, built form character, public amenity, and community values;
- impact on views including the visibility of the facility using view shed 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; and
- measures proposed to minimise unwanted, unacceptable, or adverse visual impacts.

It is recommended that the developer include reference to the *WAPC Visual Landscape Planning Manual,* and the *Windfarm and Landscape Values* (2005) published by the Western Australian Wind Energy Association and Australian Council of National Trust.

Noise Impact

Renewable energy facilities shall be designed such that they operate at minimal noise emission levels.

A noise impact assessment, including infrasound and ground vibration, to be completed by an acoustic consultant, shall be prepared demonstrating compliance with the Environmental Protection (Noise) Regulations 1997 for both construction and operational phases. The noise impact assessment is to have due regard to future land uses.

Regardless of noise impact assessment, which may determine turbines should be located further away from the noise sensitive premises, any wind farm/turbine is to be located a minimum of two kilometres or 10 times the height of the structure at its highest point, inclusive of the blade, whichever is the greater, from any dwelling or sensitive land use area/s, unless a written agreement is entered into with the impacted land owners prior to construction of the structure a notification to that effect is recorded on the title of that lot or location.

The Environmental Noise Branch section of the Department of Water and Environmental Regulation recommend an alternative noise criterion of 40dBLA10, whichever is the greater or the applicable LA10 assigned noise level, to be achieved at those residences associated with the project (accommodation for renewable energy staff, or caretaker residence).

To accurately assess noise levels from wind turbines, measurements shall be taken from the extremity or tip of the blade of the wind turbine in its horizontal position, which is closest to the noise-sensitive premise being measured against or for. It is acknowledged that the head of the turbine rotates with wind direction, and consequently, the blades themselves, depending on their length, may extend up to one hundred metres closer to the noise-impacted premise that the structure. This approach ensures that noise measurements capture the most relevant and representative data regarding potential impacts on nearby premises.

Noise impact measurements, conducted over a minimum period as defined by relevant standards, must consider atmospheric and climatic conditions that promote noise transmission, particularly during times typically experienced at the location. This includes early morning periods, low wind conditions, and early morning fog, all of which can amplify noise transmission. Additionally, seasonal, or prevailing winds that may enhance noise transmission towards the relevant premise must also be considered during the assessment.

Bushfire

Developers are to provide a Bushfire Management Plan for areas that fall within the Bushfire Prone Area. Reference should be made to *State Planning Policy 3.7 – Planning in Bushfire Prone Areas* (SPP 3.7). It is recommended that the developer review the Victorian Country Fire Association's document - *Design Guidelines and Model Requirements for Renewable Energy Facilities v4 (2023)*, as this document provides a best practice approach to considering bushfire risk and fire safety measures in the design, construction, and operation of renewable energy facilities (including windfarms).

Safe Work Zone

Developers must provide the local government with a copy of any safe work method statement relating to the operation of the proposed turbines for when they are operational. This information will assist in evaluating and determining any setback from boundaries and any adverse potential impact on adjoining landowners and neighbours, who always retain entitlement to the full enjoyment and improvement of their property, unless a written agreement with that landowner states otherwise.

Tourism

Developers are to consider the impact of tourism traffic and the risk of traffic congestion or vehicle accidents by providing a suitable viewing platform or pull off bays with appropriate interpretation and signage and to consult with the Shire of Moora and / or Main Roads WA on suitable and agreed location(s).

Other Potential Impacts

Developers must assess and address any other potential impacts or risks, such as electromagnetic interference or shadow flicker.

All identified potential impacts shall be mitigated to the greatest extent possible by the developer to protect the interests of the community.

Developers are required to take into consideration the Moora Aerodrome and the Aerodrome Master Plan's future planning, when developing wind farm/turbines within close proximity to the area, so as not to impact the operation and activities of aerodrome users including any aeronautical, gliding, and flying associations operating within the Shire. Consultation with relevant government authorities and airport operators will be required.

Developers of wind turbine proposals should refer to *the National Aviation Safeguarding Framework (NASF) Guideline D: Managing the Risk to Aviation Safety of Wind Turbine Installations (Wind Farms) / Wind Monitoring Towers* to determine any potential aviation safety risks and mitigation measures. Any potential aviation safety risks identified require consultation with the Civil Aviation Safety Authority (CASA), Air Services Australia and/or the Commonwealth Department of Defence.

The NSAF guideline identifies consultation with unlicensed aerodrome owners and CASA/Air Services. CASA has released an advisory circular AC 139.E-05v1.1 Obstacles (including renewable energy's) outside the vicinity of a CASA certified aerodrome.

All renewable energy and turbine developments must adhere to and comply with the regulations, specifications, and requirements outlined by the Civil Aviation Safety Authority (CASA), as though the Moora Aerodrome were registered. This ensures that the development does not impede the potential future upgrade of the Moora Aerodrome from its current unregistered CASA uncertified status to that of a Registered CASA certified Airport. Consultation with relevant government authorities and airport operators will be required.

Renewable energy proposals should not have negative impact through interference with normal agricultural or farming activities of nearby rural properties, such as aerial spraying. An aviation

assessment by a suitable qualified aviation consultant may be required to demonstrate turbines will not impact on aerial spraying activities of surrounding farms or unlicenced airstrips.

Developers are required to provide a surface water management plan, incorporating appropriate design methods to manage water erosion from intense summer or winter rainfall events.

This local planning policy on Renewable energy /Turbines is designed to guide future development while ensuring the preservation of the Shire of Moora's unique character and the well-being of its residents. Developers and relevant authorities are encouraged to adhere to these guidelines for the responsible and sustainable development of wind energy projects within the Shire.

Road Contributions for Renewable Energy Facilities and Associated Infrastructure

The Shire of Moora recognises that the development of wind energy facilities may have significant impacts on the condition and serviceability of the local road network, especially during the construction phase. The Shire of Moora requires proponents of wind energy facilities to be assessed for any road contributions for repairs or upgrades to sealed and/or unsealed roads managed by the Shire of Moora because of construction, or ongoing activities associated with the development beyond those considered normal day to day access and egress.

To adequately address and meet the impact of heavy transport road use, the developer will be required to enter into a road user agreement with the Shire of Moora for the duration of the project to provide for the costs of repair and maintaining roads, bridges, curbs, channelling, culverts, guideposts, signage and any other unanticipated impacts on the Shire's Road network. This agreement must accompany the developer's development application.

Reference should be made to the WAPC *Transport Assessment Guidelines*. The Traffic Assessment should consider:

- Operation and Maintenance Agreements to Access State Road Network – Main Roads Western Australia.
- Route Assessments for the transport of dangerous goods on road network.
- A traffic management plan in conjunction with an application for a permit that requires vehicle and machinery access and movement for Restricted Access Vehicles shall be submitted for approval to the satisfaction of Heavy Vehicle Services – Main Roads Western Australia. (e.g. Transport of large wind turbine blades and towers).

The Developer will be responsible for:

- Preparation of a pre-development ''Road and Shire infrastructure condition'' report, which identifies and records the conditions of any local roads and the Shire Infrastructure that will be affected by any route for heavy vehicles and delivery trucks needed for the construction phase;
- The costs associated with any damage caused to the roads or Shire infrastructure attributed to the construction phase of the development. Any damage shall be rectified by the developer to the standard identified in the pre-lodgement ''Road and Shire Infrastructure Condition'' report.

- All costs of any upgrading required for construction transport routes and/or the development.

The road contributions will be calculated based on the Western Australia Local Government Association's (WALGA) *Heavy Vehicle Cost Recovery Policy Guideline for Sealed Roads*, which provides a fair and transparent method for determining the additional maintenance and reconstruction costs attributable to the increased heavy vehicle traffic generated by the wind energy facility development. Any contributions need to be consistent with the principles that underpin the State Planning Policy 3.6 – Infrastructure Contributions.

The road contributions will be negotiated and agreed upon between the Shire of Moora and the developer prior to the approval of the development application. The road contributions will be paid by the developer to the Shire of Moora in accordance with the terms and conditions of the agreement. The Shire of Moora will use the road contributions to fund the necessary road works to maintain and improve the safety and functionality of the local road network.

No works can occur within a State Road Reserve without Main Roads approval.

– End of Policy

Appendix 1: GLOSSARY

Acoustic Consultant — A person who meets *each* of the following criteria:

- holds a recognised tertiary academic qualification that can be applied to the field of acoustics and the measurement and management of environmental noise.
- Has a minimum of three years practical experience working in the field of acoustics and the measurement and management of environmental noise.
- holds membership at the level or grade of Member or Fellow of the Australian Acoustical Society or membership of the Association of Australasian Acoustical Consultants, or international equivalent.

Licence (or Access) agreements

A 'license' agreement, also known as an 'access' agreement, allows the developer rights to access a landholder's property for the purposes of surveys and assessments, typically for a specified duration of time. Activities may include the need to access the land to capture wind or solar resources data, undertake environmental and cultural surveys – as well as investigations, such as geotechnical, to determine the suitability of the site and feasibility of a project.

Option agreements — An 'option' agreement provides the developer with rights to lease or secure some or all of a landholder's property for the purposes of construction and operation of the project. Such an agreement should be in place for a specified period and may have the ability to extend the duration of the agreement beyond the original period.

Lease and Easement agreements

The lease agreement (or 'host' agreement) is a complex commercial lease that commits the landholder for an exceptionally long time and places significant obligations and responsibilities on the landholder.

Lease and Easement agreements – preconstruction

There can be a long period between a developer lodging a permit application for a project and commencement of construction. Typically, a developer must obtain the necessary permit approvals and then go on to arrange and confirm project finance, known as 'financial close' or 'financial investment decision.'

Lease and Easement agreements – construction activities

Construction activities can be particularly disruptive to the landholder for a period that may last several years. It is important that the landholder has a clear understanding of the extent of any potential impacts to the property during this phase and has discussed how these impacts may be managed or mitigated.

Lease and Easement agreements – operational activities

With lifespans of 25years to 50 years agreements in respect of the operational phase of renewable energy projects must recognise the complex ongoing nature of day-to-day operations of the developer and landowners. The most important aspect of this will be the unfettered 24-hour-7-day access to the property required by each

party. This should be acknowledged in an operational agreement.

Lease and Easement agreements – decommissioning

At the end of the operating life of a project, the expectation is that the wind or solar farm or transmission line will be decommissioned and all turbines, solar arrays, transmission lines and other infrastructure will be removed from the property, with the property returned to its original condition as agreed in the agreement.

It is current practice to expect that the developer will fund or reimburse the reasonable professional services costs incurred by the landholder in negotiating the various agreements.

Renewable Energy Facility	The Shire of Moora Local Planning Scheme No 4. provides for the assessment and determination of a Renewable Energy Facility proposal in accordance with clause 3.2.4 as a Use not Listed, Clause 3(2)(a) of the Deemed Provisions (Schedule 2 Local Planning Regulations) and the Department of Planning, Lands and Heritage *Position Statement 2020* defined as "*Premises used to generate energy from a renewable energy source and includes any buildings or other structure used in, or relating to, the generation of energy by a renewable source. 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 Use	Means land uses that are residential or institutional or business in nature where people live or regularly spend extended periods of time. These include, but are not limited to residential dwellings, short stay accommodation, hospitals, educational establishments, childcare centres, corrective institutions, and places of worship.
Shadow Flicker	A result of the sun's position as it travels across the sky relative to the rotation of the wind turbine's blades as they rotate. This occurs under certain combinations of geographical position and time of day. The seasonal duration of this effect may be calculated from the machine's certified specifications and geometry and the site's latitude and longitude. Shadow Flicker may be modelled in advance, and design and placement can mitigate the problem. This characteristic is more likely to be an issue for turbines located to the east or west of a dwelling.

Appendix 2. COMMUNITY ENHANCEMENT FUND

Experience derived from eastern Australian States, particularly New South Wales, and overseas jurisdictions such as Scandinavia, Scotland and Canada, has confirmed the enhanced quality of investment and project outcome when communities are engaged in major projects that create disruption, dislocation and loss of community amenity regardless of how real or perceived these impacts may be.

A best practice model of providing community benefit resides in the New South Wales Office of Environment and Heritage publication entitled "S*trategic options for delivering ownership and benefit models for wind farms in New South Wales".* The report identifies the establishment of a Community Enhancement Fund (CEF) lead by local government authorities. The model provides for a Shire and developer to establish by formal agreement, a Community Enhancement Fund Agreement that receives royalties / endowments / grants / legacies / donations from the developer on behalf of the community.

The best practice approach entails the developer undertaking early engagement with the local government to create a role for the developer in the local government's long term strategic planning process, such as its Community Strategic Plan. The developer would work with the local government and local Board representing the community to identify community enhancement projects that typically would not be undertaken but for the commencement of the renewable energy project.

Further, consideration may be given to investing part of the CEF into initiatives aimed at creating models of highly efficient energy use within the community that highlight the developer's innovation and long-term commitment to reducing carbon emissions, thereby creating a multiplier of the project's positive impact. Projects that demonstrate outcomes from the community and stakeholder consultation, together with how the engagement and benefits that flow to local business have been highly regarded.

In consideration of contributing to the CEF as outlined, the Shire of Moora may enter into an agreement with the proponent. This agreement would provide;

- clarity and surety to the proponent for strategic developments and financial purposes for the life of the project;
- protects the landowner from unintended or unforeseen consequences and potentially eroding the sustainability of the agricultural entity;
- the local government refrains from applying differential rating of the wind farm, its turbines or associated infrastructure based on gross rental value under section 6.28 of the *Local Government Act 1995*.

Consequently, the revenues from the CEF will be allocated to the initiatives proposed for the betterment of the community.

The agreement will also ensure that a current the landowner is not unfairly affected by subsequent additional rating measures.

Further, the agreement acknowledges that renewable energy facilities will have ongoing adverse impacts on civic infrastructure throughout the project's lifespan. These impacts will result in unavoidable increased costs for the local government. The costs include expenses related to road and bridge construction, repairs, and the sourcing materials such as gravel and sand as well as increasing regulatory compliance and monitoring associated with perceived or real noise and environmental impacts, not normally associated with traditional rural or general agricultural

pursuits.

Further, the agreement will acknowledge the permanent depletion of Shire's natural resources such as gravel and sand, that are critical to the Shire's ability to maintain a safe, amenable and liveable environment that sustains a cohesive and progressive community long-term.

The design of the Community Enhancement Fund, particularly contribution method one whereby two early one-off contributions calculated on the renewable energy facility's certified / name plate megawatt capacity multiplied by $100,000 per annum over the project's expected life are made provides the Shire with a practical and usable sum that can deliver tangible and visible evidence of a developer's commitment to the region. For example, it could result in the construction of a community facility such as a combined emergency services centre or change rooms at the sport and recreation centre.

To provide certainty and the flow of tangible legacy benefits, contributions to the trust fund will be non-transferrable, non-redeemable and non-tradeable; they will be applied for the exclusive purpose of providing for the betterment of the community.

The trust fund will be administered by a Board comprising representatives of the Shire, the developer, Moora Chamber of Commerce and Industry, an independent expert in finance/banking/law and community representatives.

These mechanisms will give developers confidence their contributions are secure and will affect lasting recognisable and quantifiable change.