

WIND FARM PROPOSALS IN RURAL AREAS

Experience has shown that wind farm development proposals can give rise to considerable community concern.

In October 2012 the State Government completed a legislative process to facilitate wind farm development in areas with relatively low or sparse population densities, such as rural areas.

A number of Council Development Plans were amended to:

- identify renewable energy facilities as essential infrastructure that benefits the environment and community;
- acknowledge that wind farms and supporting development may need to be located in attractive landscapes to be effective; and
- recognise that the visual impact of wind farms needs to be effectively managed, not prevented altogether.

As a result of these changes, the Council's Development Plan anticipates the development of wind farms and ancillary developments within the Primary Production Zone.



Why were changes made?

Prior to October 2011, South Australia had 14 operating wind farms with a 15th wind farm under construction. More than \$2 billion had been invested into wind farms in South Australia and this represented some 54% of Australia's total wind-power generating capacity. The State had achieved its target of having 20% of its energy generated by renewable sources in 2010/2011, 3 years ahead of schedule. However, the State Government considered there was a need to make changes to the way that these proposals were assessed.

More recently, the Renewables SA website (<http://www.renewablesa.sa.gov.au/>) advises that:

(T)he South Australian Government...increase(d) the state's renewable energy production target to 33 per cent by 2020. This target was achieved in 2013-14. In 2014, a new target of 50% by 2025 was set, subject to national renewable energy policy being retained. South Australia's significant installed capacity in renewables has translated into investment to the State of \$7.1 billion to date, with some \$2.4 billion, or 41%, of this occurring in regional areas. In recognition of the economic benefits, South Australia has committed to an investment target of \$10 billion in low carbon generation by 2025.

Changes to the Council's Development Plan

Changes were introduced into several Council Development Plans through the Ministerial 'Statewide Wind Farms Development Plan Amendment' in October 2012. The changes have since been interpreted by the Environment, Resources and Development Court to "expressly seek the development of wind farms" whilst avoiding or minimising environmental and other impacts.

Wind farms and supporting development (such as substations, maintenance sheds, access roads and wind monitoring masts) are anticipated within the Primary Production Zone identified in the Council's Development Plan **except** within the *Barossa Valley Character Preservation District (including the Barossa Valley Region Policy Area 2 and Precinct 19 Marananga Seppeltsfield)*.

Notice to landowners

Where an application is lodged for a wind farm ancillary development within the Primary Production Zone, owners and occupiers of 'adjacent land' and other prescribed persons receive notification and can make representations to the relevant authority (State Planning Commission). However those persons do not have any appeal rights against the decision. This process of notification is called '**Category 2**' development.

'Adjacent Land' is a defined term and refers to land that abuts the site of the development or is within 60 metres of the site and separated from it by a road, street, footpath, railway/ thoroughfare, watercourse or open space.

Experience has shown that, given the relatively small areas of land within which wind turbines are sited, and the often wide separation distances between development sites and neighbouring properties, it is often the case that fewer people are entitled to receive formal notice of a development application for a proposed wind farm than might be expected by the community.

Where an application for a wind farm and ancillary development is lodged outside of the Primary Production Zone or is to be located within two kilometres of the periphery of country towns or more populated (urban) or sensitive areas (such as a dwelling or tourist accommodation on land not associated with the wind farm (either existing or proposed and with a current approval), tourist, community or heritage areas or an airfield/ airport), then the application becomes a '**Category 3**' development for the purposes of public notification.

Category 3 provides for notification to owners of adjacent land as well as other land in the locality that may be directly affected by the development. Notification is also published in a local newspaper. In addition, Category 3 provides appeal rights to persons that lodge a valid representation within the nominated timeframe.



Wind farm assessment process

An application to develop an electricity generating plant to be connected to the State's power system with a generating capacity of **more than 5MW** (such as a wind farm) is required by regulation to be lodged with and assessed by State Planning Commission through its State Commission Assessment Panel (SCAP) (formerly the Development Assessment Commission).

For context, a single wind turbine can be rated at a generation of between 2-3MW. Wind farm developments typically comprise numerous turbines. As a result, development applications for wind farms are **not** assessed or approved by the Council.

Aside from distances from towns or populated areas, the relevant authority will also consider whether:

- the wind turbine generators are regularly spaced, uniform in colour, the size, shape and blade rotation direction and whether the turbines are mounted on tubular towers (as opposed to lattice towers);
- landscaping is provided to screen substations, maintenance sheds and other ancillary structures;
- the turbines are setback from dwellings, tourist accommodation and frequently visited public places (such as viewing platforms) a sufficient distance to ensure that any failure does not present an unacceptable risk to safety; and
- the design aims to minimise potential impacts on nearby property owners / occupiers, road users and wildlife from:
 - (a) shadowing, flickering, reflection or glint
 - (b) excessive noise
 - (c) interference with television and radio signals and geographic positioning systems
 - (d) interference with low altitude aircraft movements associated with agriculture
 - (e) modification of vegetation, soils and habitats
 - (f) striking of birds and bats
- other relevant areas for comments include potential impacts on biodiversity and native vegetation and suitability of proposed site access. For example, if a proposal will have potential impacts upon Council assets, then the Council may determine that a Deed is needed to provide safeguards in the interests of its community.

The SCAP is also required to separately refer development for the establishment of a wind farm to the Environment Protection Authority for comment.

The SCAP is required to give the Council a reasonable opportunity to provide it **with comments** that it must consider in its assessment of the application. These are provided in a report which is limited to:

- an assessment of the proposal against the provisions of the Council's Development Plan (such as the matters highlighted above);
- any matters relevant to the issue of a Building Rules Consent;
- any matters relevant to the consideration of any land division proposed as part of the development (if any);
- the resolution of any encroachments over public places that would result from the development.

The SCAP can disregard additional content submitted by the Council as being irrelevant.

The Council's report must therefore be prepared with a highly technical and sophisticated planning approach in order for it to be given considerable weight by the SCAP in its assessment of the application. Accordingly, such a report and comments will normally be provided via the Council's Assessment Panel.

Further Information

For further information on these matters, please contact Council's Planning Staff by telephone on 8525 3200 or via light@light.sa.gov.au