26 August 2019

Simon Neldner
Team Leader – Crown and Major Developments
Planning and Land Use Services
Department of Planning, Transport and Infrastructure
GPO Box 1815
ADELAIDE SA 5001

Dear Simon


The Office of the National Wind Farm Commissioner welcomes the opportunity to provide feedback on the South Australia Government’s Discussion Paper on Proposed Changes to Renewable Energy Policy in the Planning and Design Code.

Our Office considers that development of a clear framework is a vital step in the review and revision of South Australia’s renewable energy policies. In developing the Planning and Design Code, you may wish to consider the following points that are based on the Commissioner’s experiences and learnings:

- In relation to the setback distances proposed in the paper for non-associated dwellings and township zones, Recommendations 5.2.8 and 5.2.10 (page 45) of the Commissioner’s 2018 Report states the following in relation to setback distances:
  - a minimum distance of 1.5 km between a turbine and a residence, although a 2 km setback distance may be more appropriate where turbines have a tip height of 200m or greater;
  - a minimum distance of 200m between a turbine and a neighbour’s boundary (as measured at ground level from the centre of the tower or 150m from the extended horizontal blade tip, whichever is the greater);
  - a minimum distance of 200m between a turbine and a fence line or public road carriageway;
  - a minimum distance of 1 km between a residence and major transformer or generation infrastructure, such as a terminal substation;
  - a minimum distance of 100m between a residence and powerlines of 66kV or greater; and
  - a minimum distance of 5 km between a turbine and a township zone, to preserve amenity and provide some flexibility for planning growth of the township.
The above setback distances relating to boundaries, public roads and project infrastructure could also be applied to other renewable projects such as solar farms.

Prospecting for new development sites could be subject to an ‘approval to prospect’ licence. This could be granted on a range of criteria, including the suitability of the proposed site as well as the credentials of the developer and key personnel – see Recommendation 1.2.9 (page 29) and Recommendation 8.2.3 (page 53) of the Commissioner’s 2018 Annual Report.

Recommendations 8.2.1-8.2.7 (pages 52-53) of the Commissioner’s 2018 Annual Report provides observations and recommendations in relation to site selection, including optimising site locations and managing cumulative impacts.

On page 11 of the State Planning Commission discussion paper, we suggest including information that clarifies the responsible authorities for monitoring and compliance (or an initial agency contact point for public complaints or allegations of non-compliance). Recommendations 5.2.1-5.2.6 (pages 44-45) of the Commissioner’s 2018 Annual Report focus on the role of compliance authorities.


On page 8 of the discussion paper, it may be useful to include some additional information on proponent and landowner responsibilities and how these may be addressed in landowner agreements. A number of these considerations are outlined in Recommendation 1.2.4 (pages 26-29) of the Commissioner’s 2018 Annual Report.

In circumstances where there is uncertainty or risk about a proponent’s capacity to decommission a project, there may be the need for consideration of a security such as a bond or a bank guarantee.

In developing the new Planning and Design Code, we suggest including guidance on parties that should be consulted during the development of a project, such as a list of agency contacts (e.g. local State or Federal Member of Parliament, emergency management authorities, Office of the National Wind Farm Commissioner etc).

I would be pleased to discuss these matters with you in further detail.

If you have any questions about this submission or would like any further information, you may contact us via email at nwfc@environment.gov.au or on our toll free number – 1800 656 395.

Sincerely

Andrew Dyer
National Wind Farm Commissioner