

Mary Morris



21 September 2018

TO: DPTI

Comments on the DRAFT STATE PLANNING POLICIES FOR SOUTH AUSTRALIA July-September 2018

My comments relate to the following extracts from the State Planning Policy 12 ENERGY pp 54-55

*“The planning system also plays a role in **reducing the impacts** of energy infrastructure, including visual amenity, noise, public safety and maintenance. Effective integration and consideration of infrastructure networks at a strategic level can assist in addressing these impacts. “*

Policies :

*1. Support the development of energy assets and infrastructure which are able to **manage their impact on surrounding land uses, and the natural and built environment.***

*5. Ensure renewable energy technologies support a stable energy market and continued supply and **do not adversely affect the amenity of regional communities.***

My comments relate specifically to the Planning regulatory framework for Wind Farm Developments in South Australia.

1. I support Policy 12.1. except that the words **“manage their impact”** should be replaced with the words **“avoid adverse impacts”**.
2. I support Policy 12.5 to ensure power stations **“do not adversely affect the amenity of regional communities”**

3. The adverse impacts on rural residents from the Waterloo, Hallett group and Lake Bonney wind farms are well known, widely publicly documented on a State and National basis and need no further explanation here.
4. In late 2011 SA Labor Planning Minister John Rau introduced his Ministerial Interim Wind farms DPA (the DPA) to assist wind farm developers to get their projects approved with a minimum of interference from neighbouring property owners.
5. In doing so he threw out many of the planning protections which prevent inappropriate development from violating residents' basic rights.
6. The DPA consultation yielded 245 submissions¹, the majority of which were from regional residents and opposed the changes. In addition, hearings took place around the State where members of the Development Plan Advisory Committee heard verbal submissions from concerned community members.
7. In July 2012, after considering all the written submissions and verbal testimony, DPAC prepared a report² for Minister summarising the Consultation outcomes. They made a large number of recommendations.
8. **Minister Rau ignored the majority of the recommendations made by his own Development Plan Advisory Committee.** See attached table summarising the DPAC recommendations and whether the recommendation was adopted.
9. **Immediate steps must be taken to revoke the Ministerial wind farms DPA and all elements of it which are contrary to the DPAC recommendations.**

Yours sincerely
Mary Morris

1

http://www.dpac.sa.gov.au/_data/assets/pdf_file/0016/113317/7105343_Statewide_Wind_Farms_DPA_DPAC_Report_to_the_Minister.PDF

² ibid

DPAC Report Recommendations Ignored by Minister Rau when consolidating Wind farms DPA October 2012 v4

DPAC report *Statewide Wind Farms DPA Summary of Consultation and Recommended Amendments Report* 24 July 2012

http://www.dpac.sa.gov.au/data/assets/pdf_file/0016/113317/7105343_Statewide_Wind_Farms_DPA_DPAC_Report_to_the_Minister.PDF

DPAC Recommendation to Minister Rau	Recommendation Adopted ?
<p>Targeting policy that is supportive of wind farms (Page 6)</p> <p><i>Recommendations</i></p> <ol style="list-style-type: none"> 1. That further investigations be undertaken to identify: <ul style="list-style-type: none"> • land that is capable of accommodating wind turbines that are sufficiently separated from dwellings (considering policy regarding separation of wind turbines from dwellings); • areas accommodating important environmental features outside zones aimed at conservation outcomes; and • areas of high agricultural value. 2. That the draft Development Plan Amendment be amended such that it does not apply policy that is supportive of wind farms to: <ul style="list-style-type: none"> • zones and areas that are not capable of accommodating wind turbines that are sufficiently separated from dwellings (considering policy regarding separation of wind turbines from dwellings); • zones principally aimed at conservation outcomes; • areas accommodating important environmental features outside zones aimed at conservation outcomes; • zones that seek preservation of scenic value of certain areas; and • areas of high agricultural value. 3. That the draft Development Plan Amendment be altered to achieve compatibility with the Barossa Valley and McLaren vale Protection Districts Development Plan Amendment placed on interim operation and released for consultation on 5 April 2012. 	<p>Not adopted</p> <p>Not adopted</p> <p>Not adopted</p> <p>No</p> <p>No</p> <p>No</p> <p>No</p> <p>No</p> <p>Yes</p>
<p>Noise and Vibration Produced by Wind Farms and the Impacts of this on Human Health (Page 9)</p> <p><i>Recommendations</i></p> <ol style="list-style-type: none"> 1. That policy regarding management of the impacts of wind turbines on dwellings be altered to seek that wind turbines be separated at least two (2) kilometres from dwellings. 2. That the outcome of the literature review regarding noise and vibration produced by wind turbines and the effects of this on human health currently being conducted by the National Health and Medical Research Council be considered when available and, if supported by this, that the <i>Wind Farm Environmental Noise Guidelines</i> and relevant planning policy be reviewed. 3. That the outcome of <i>Quinn v Regional Council of Goyder & Anor</i>, be considered when available and that the <i>Wind Farm Environmental Noise Guidelines</i> and relevant planning policy be reviewed and amended accordingly. 	<p>Not adopted</p> <p>Not carried out</p> <p>Not carried out</p>
<p>Visual Impact (Page 12)</p> <p><i>Recommendations</i></p> <ol style="list-style-type: none"> 1. That proposed policy regarding the separation of wind turbines from dwellings be broadened to seek separation from sensitive land uses generally. 2. The proposed policy regarding separation of wind turbines from dwellings be qualified to contemplate greater setbacks where: <ul style="list-style-type: none"> • the height of a wind turbine exceeds a certain threshold; • wind turbines have accumulated and stand to surround a dwelling; and • a wind turbine is to be constructed upon a level that is significantly higher than that which a proximate dwelling occupies 3. That further investigations in respect to how the spacing and colour of wind turbines can contribute to mitigation of visual impacts be undertaken and be the subject of altered or new planning policy 	<p>Not adopted</p> <p>Not adopted</p> <p>Not adopted</p> <p>Not adopted</p> <p>Not adopted</p>

<p>Public Notification, Comment and Appeal rights (page 14)</p> <p><i>Recommendations</i></p> <ol style="list-style-type: none"> 1. That wind farms default to being a Category 3 kind of development in zones that are principally aimed at conservation outcomes and preservation of valuable scenic landscapes and features. 2. That a wind turbine that is within 2 kilometres of a dwelling or a zone for future urban development be designated a Category 3 kind of development. 	<p>Not adopted</p> <p>Yes</p>
<p>Separation Distances - Growth of Townships/Allotment Development Potential (page 15)</p> <p><i>Recommendations</i></p> <p>That proposed policy regarding management of visual impacts of wind turbines on dwellings also apply to land designated for township expansion.</p>	<p>Yes, see https://www.lga.sa.gov.au/webdata/resources/files/2012.32%20-%20Windfarm%20Development%20Guidelines%20-%20Final%20Report.pdf pp16-17</p>
<p>Impacts of Wind farms on Aerial Activities (page 19)</p> <p><i>Recommendations</i></p> <ol style="list-style-type: none"> 1. That proposed policy that seeks that renewable energy facilities (including wind farms and ancillary development) not impact on the safety of water or air transport be augmented to address the impacts that wind turbines could have on low-altitude aerial movements associated with agriculture. 2. That a non-statutory guide that details the circumstances under which notification of a wind turbine should be provided to certain bodies (such as the Civil Aviation Safety Authority) be made available. 3. That Schedule 5 of the Development Regulations 2008 be amended to require that an aviation risk assessment form part of a development application proposing a wind farm. 	<p>Yes, but general</p> <p>?</p> <p>Not adopted</p>
<p>Impacts of Wind Farms on Bushfire risk (Page 19)</p> <p><i>Recommendations</i></p> <p>That a guide that provides advice regarding management of bushfire risks associated with wind turbines be made available.</p>	<p>?</p>
<p>Environmental Impacts of Wind Farms (page 22)</p> <p><i>Recommendations</i></p> <p>That consideration be given to the preparation of a guide that could be provided to local government to assist it assess matters that are associated with wind farms and which are not capable of being addressed by Development Plan policy.</p>	<p>?</p>
<p>Decommissioning of Wind Farms and Rehabilitation of Wind Farm sites (page 23)</p> <p><i>Recommendations</i></p> <p>That processes and mechanisms aimed at ensuring decommissioning of wind farms and rehabilitation of wind farm sites be investigated and, if found to be appropriate, implemented.</p>	<p>?</p>
<p>Impacts of Wind Farms on Property Values (page 24)</p> <p><i>Recommendations</i></p> <p>No recommendations are made in relation to this issue.</p>	<p>No recommendations</p>
<p>Failure of Wind Turbines (page 25)</p> <p><i>Recommendations</i></p> <p>That the draft Development Plan Amendment include policy that seeks that wind turbines be separated from dwellings and public areas a distance which will ensure that wind turbine failure does not present an unacceptable risk to safety.</p>	<p>Yes, but general only, not prescribed or defined</p>
<p>Efficiency of Wind Farms (page 25)</p> <p>These issues are considered outside the scope of the draft DPA and the Development Policy Advisory Committee.</p> <p><i>Recommendations</i></p> <p>No recommendations are made in relation to this issue.</p>	<p>No recommendations</p>

<p>Administrative and Resource Burden on Local Government (page 26)</p> <p><i>Recommendations</i></p> <p>Investigate the burden associated with assessment of development applications proposing wind farms on local government and if found to be appropriate, the mechanisms that could be employed to assist local government manage this burden.</p>	<p># LGA guide developed</p> <p>Wind Farm Development Guidelines for Developers and Local Government Planners¹</p>
<p>Legal Definition of Wind Farms (page 27)</p> <p><i>Recommendations</i></p> <p>Introduce a definition for commercial scale wind farm to Schedule 1 of the Development Regulations 2008.</p>	<p>Has not been introduced in Schedule 1 Schedule 8 - "Referrals and Concurrences" definition remains unchanged...does not reflect Commercial scale</p> <p><i>"wind farm means an undertaking where 1 or more wind turbine generators (whether or not located on the same site) are used to generate electricity that is then supplied to another person for use at another place."</i></p>
<p>Staging of Wind Farms (page 27)</p> <p><i>Recommendations</i></p> <p>No recommendations are made in relation to this issue.</p>	<p>No recommendations</p>
<p>Other Forms of Renewable Energy (page 28)</p> <p><i>Recommendations</i></p> <p>No recommendations are made in relation to this issue.</p>	<p>No recommendations</p>
<p>Interim Operation (page 28)</p> <p><i>Recommendations</i></p> <p>That caution be exercised in relation to the use of interim operation in connection with future Development Plan Amendments and that, by and large, interim operation be used in respect of Development Plan Amendments that propose restrictions on development.</p>	<p>?</p>
<p>Dissatisfaction with Consultation (page 29)</p> <p><i>Recommendations</i></p> <p>That the timing of consultation on future draft Ministerial Development Plan Amendments, where possible be integrated with times that are convenient to parties likely to be affected.</p> <p>That care be taken in relation to the selection of locations for Public Meetings in relation to a draft Ministerial Development Plan Amendment.</p>	<p>?</p> <p>?</p>
<p>Inconsistency with South Australian Planning Policy Library Guiding Principles (p29)</p> <p><i>Recommendations</i></p> <p>Alter the draft Development Plan Amendment such that it does not duplicate policy in a Development Plan.</p>	<p>?</p>
<p>Potential Conflict Between Wind Farms and Resource Operations (page 30)</p> <p><i>Recommendation</i></p> <p>Investigate new regulatory mechanisms aimed at avoidance of conflict between wind farms and existing and future mineral, petrochemical and geothermal resource operations.</p>	<p>?</p>

¹ <https://www.lga.sa.gov.au/webdata/resources/files/2012.32%20-%20Windfarm%20Development%20Guidelines%20-%20Final%20Report.pdf>