TO: The State Planning Commission – Renewable Energy Code Consultation

FROM: Mike Amen

ADDRESS: , Truro SA

PHONE: 

EMAIL: 

Comments on Wind farm policies - Policy should be amended to:

Policy
The Rural Zone in Phase Two (Regional) and Phase Three (Urban) codes should **NOT explicitly anticipate** the development of wind farms. Population density and microclimate impacts on agricultural production dictate that few appropriate sites for wind farms remain available in the settled areas within Goyder’s Line in SA. Additional wind farms are discouraged in the Mid North District of the NYNRM due to cumulative impacts on the landscape, local microclimate and declining raptor populations. Wind farms in the Regional and Urban Zones will be assessed as Restricted and will be approved only if the proposal meets: setback; community acceptance; biodiversity; agricultural production; noise and visual amenity criteria.

Visual Amenity Assessment is to be reinstated as a valid criteria for the impacts as per the NSW wind farms visual assessment bulletin to protect the amenity of the neighbouring community.

Setbacks to rural dwellings, property lines and public roads:
Rural dwellings and Township dwellings will each be afforded the same visual amenity and noise amenity rights to avoid discrimination against rural residents living in inherently quiet noise amenity areas with natural landscape views. Reason: to protect the noise amenity, sleep and visual amenity of all South Australian residents.

A **3.5** kilometre wind turbine setback will apply for all non-involved dwellings, measured from the closest point of the turbine (blade tip) plus ten metres per additional metre of turbine height above a tower height of 150 metres.

“Topple height” setback - Turbines must be setback from property lines, public places and roads a distance not less than 150% of the total turbine height to ensure public safety and avoid “oversailing” adjacent areas.

Agency Referrals
EPA, Department of Water and Environment (DEW), Native Vegetation Council (NVC) and Regional Landscape Board agency responses are taken as “DIRECTION” instead of “regard” to ensure that wind farms are sited appropriately, and rigorous noise and biodiversity conditions are incorporated into the conditions of consent for wind farm developments. DEW and NVC to have oversight for audits of relevant pre and post construction environmental/ecological/biodiversity compliance reports and ongoing monitoring. Compliance reports and audits are to be publicly documents available on line on the DPTI website.

Planning Authority / Assessment pathway
State Commission Assessment Panel for Restricted (Regional and Urban)
Performance Assessment on Remote Areas land.
“Restricted” in: Rural Zone; areas with significant biodiversity assets (on public and private lands); High value Agricultural lands; Significant Landscape Protection Overlay; and Character Preservation Districts Overlay.

Public notification
All wind farms will require public notification. Additional notification and Third Party appeal rights will apply for all wind farm Assessments in the Regional and Urban Areas.

---


3 Hansen, K 2019. Submission #45 to the State Planning Commission Productive Economy Consultation
**Peri-Urban zoning**

The entirety of Light Regional Council should be classified as a “Peri-Urban Zone”. The current delineation reflects no change in the landscape, industry or desirability as a place to live, all of which the Peri-Urban zoning contemplates.

**Rationale for determining visual amenity setback distances**

The public has been advised via the YourSay forum that the 1.2km setback distance is “based on best practice, recent assessment data and operation projects. Many of the eastern states have created planning guidelines for renewables which have assisted us in determining what are appropriate setback distances”

This is pretty vague. Best practice according to ... who exactly? What "recent assessment data"? What "operation projects"? Regarding looking to the eastern states to assist you in determining appropriate setback distances, if we look at the specifics of other States’ policy, and examine the National Wind Farm Commissioner’s (NWFC) 2018 Annual Report we see that:

QLD has a 1.5 km setback and more restrictive noise criteria than SA does for rural areas.

NSW does not stipulate a setback, but has a 44 page bulletin detailing how Visual Impact Assessments should be carried out. See https://www.planning.nsw.gov.au/-/media/Files/DPE/Bulletins-and-Community-Updates/wind-energy-visual-assessment-bulletin-2016-12.pdf NSW also has more restrictive noise criteria than SA and in 2019 the NSW Department of Planning refused consent of Crookwell 3 wind farm on Visual Amenity grounds.

Victoria has a 1 km setback (and just look at the emerging trail of noise nuisance cases that are springing up in Victoria ie Bald Hills wind farm declared a noise nuisance by the local council and now off to Court, Cape Bridgewater wind farm , MacArthur wind farm!).

Victoria’s EPA also requires auditing of all noise reports.


WA: The NWFC 2018 Annual report stated that WA is considering the NWFC recommendation of 1.5 km. In fact, Western Australia’s Department of Planning, Lands and Heritage "May 2018 Draft Position Statement: Renewable energy facilities” recommended a 1.5 km setback based on "5.3 Noise Impacts" and that policy is at the point of being finalised. According to their Senior Planning Officer Nick Boegl yesterday, "Position Statement: Renewable Energy Facilities is scheduled to be considered for approval by the Statutory Planning Committee on 10th March 2020."


But interestingly and more RELEVANT to the reality of the SA situation are the recommendations provided in the July 2012 Report to the SA Minister for Planning, by the SA DPAC (Development Policy Advisory Committee). After considering some 245 public submissions and verbal testimony at 4 hearings around SA the Committee wrote :

"A policy which embodies a “precautionary approach” is favoured by DPAC. “For this reason, it is considered that, subject to qualification regarding accumulation and height of wind turbines and topography (discussed below), two (2) kilometres could be nominated as the distance by which a wind turbine should be setback from a dwelling to manage visual impacts.” (p.10)."
And DPAC were referring to much smaller turbines than are being proposed today. They also said:

"Recommendations:
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:
   • 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"

As these were the expert Development Planning Advisory Committee' recommendations for smaller wind turbines in 2012, the current Planning Commission, must reiterate the 2012 recommendations as an absolute minimum.

In summary, the above details strongly support the community view that the proposed 1.2 km setback is not "best practice", equitable or appropriate policy.

In revising the proposed setback the Planning Commission also must consider:

The extensive data collection and peer reviewed published work arising from University of Adelaide and Flinders University research INSIDE dwellings, funded by ARC and NHMRC Grants at wind farms in the Mid North of South Australia.

AND

The research by the Adelaide University School of Mechanical Engineering which explores the physical mechanisms creating measured and perceived increases in noise in locations FAR BEHIND wind turbines:

1. PhD thesis of Dr Nima Sedaghatizadeh - The effect of unsteady flow on wind turbine wake development and noise generation,
   and

   (https://www.researchgate.net/publication/315595915_Wind_farm_noises_Mechanisms_and_evidence_for_their_dependency_on_wind_direction)

Finally, and most importantly, because these are the people that the planning regulations are designed to protect, the Commission must give considerable weight to the life experience of residents who have had problem wind farms sited in their local environment - because it is the proximate residents who are subject to the ultimate test of whether the planning policy is working properly to protect the amenity of the community.

Current policy is failing that test and the proposed 1.2 km setback will also fail.

Setback distances between rural dwellings and proposed wind turbines must be reviewed and significantly increased.