29 March 2019

Mr Jason Bailey  
Project Lead Planning and Design Code  
Department of Planning, Transport and Infrastructure  
GPO Box 1815  
Adelaide SA 5001  
Via email: DPTI.PlanningEngagement@sa.gov.au

Dear Mr Bailey,

DRAFT PLANNING AND DESIGN CODE IN THE OUTBACK

Thank you for providing the opportunity to comment on the draft Planning and Design Code for outback South Australia.

The Clean Energy Council (CEC) is the peak body for the clean energy industry in Australia. We represent businesses operating in solar, wind and hydro energy, energy storage and energy efficiency. Our membership includes over 600 leading clean energy businesses in the country.

We welcome the South Australian Government’s review and reform of its planning system to make it efficient, consistent and reflective of community expectations, and commend the government on the consultative process it is following as it pursues this modernisation agenda.

This review is timely for the renewable energy sector, which has experienced significant growth and change in recent years, and has further potential in South Australia given the state’s exceptional wind and large-scale solar resources among others.

In our following submission, the CEC has suggested a number of relatively small, but important amendments to the draft Planning and Design Code for the outback, which if adopted, would better reflect the evolving shape and needs of renewable energy developments.

Thank you again for the opportunity to provide comment, and please don’t hesitate to get in touch with me atAnna Freeman@cleanenergy.org.au should you have any queries.

Yours sincerely

Anna Freeman  
Director Energy Generation
Submission form: Planning and Design Code in the outback (land not within a council area)

This submission form is being used to collect feedback from practitioners and the community on the Planning and Design Code in the outback (land not within a council area). It will help us consolidate comments under specific themes so that we can more easily identify trends and consider feedback according to the zone, overlay or general module to which it applies. Your input will ensure that the new planning and development rules for the outback meet the planning needs of rural South Australians and address planning issues relevant to land outside of council boundaries.

Please send your completed submission form to:

Jason Bailey, Project Lead Planning and Design Code
Department of Planning, Transport and Infrastructure
Level 5, 50 Flinders Street, Adelaide 5000
GPO Box 1815, Adelaide SA 5001
Email: DPTI.PlanningEngagement@sa.gov.au

Section one: About you

1. Are you a planning, design or building industry professional?
   - ☒ Yes
   - ☐ No

   If yes, please choose the professional field that best describes you from the drop-down list below:

   OTHER
   Renewable energy peak body

2. Are you lodging this submission on behalf of yourself or an organisation?
   - ☐ Self
   - ☒ Organisation

   If you are lodging a submission on behalf of an organisation, please provide the name of your organisation below:

   Clean Energy Council

3. What council (or non-council) area do you typically reside in?
   
   Our members are involved in projects across a range of regions in South Australia

4. If you wish to receive a report on the feedback received during this consultation, please provide your name and email address.
PART 2 - ZONES AND SUBZONES

Remote Areas Zone

Desired Outcomes DO1: Energy Storage Facilities should be added to the list of activities that are desired in this zone.

Procedural matters / Notification: In paragraph (a), the words ‘less than’ should be inserted before ‘2000m’, so that the notification requirement applies where the wind turbines are any distance closer than 2000m from the dwellings or zone boundaries (not just where the wind turbines are exactly 2000m away).

Table 4 – Relevant Provisions for Performance Assessed Development: Wind Farm (p68): In the list of General Development Policies that apply to wind farm developments, the draft Code lists Infrastructure and Renewable Energy Facilities [Visual Amenity] PO 2.1-2.3. Items 2.1(a), (b), (c), (e) and (f) are not applicable to wind farms as they relate to matters like screening using natural landforms, vegetation and mounding. These provisions are relevant to other forms of infrastructure and renewable energy developments so I do not suggest that they be removed from the code, but Table 4 for the Remote Areas Zone should apply only PO 2.1(d) and 2.2-2.3 to wind farm developments.

PART 3 - OVERLAYS

No comments

PART 4 - GENERAL MODULES

Infrastructure and Renewable Energy Facilities

PO 2.1 (f) and PO 2.2: We suggest that the requirement for screening ‘around the perimeter’ is excessive. The requirement for screening should be based on a need to address specific visual impacts, for example on sensitive receptors. Therefore, we suggest that the wording should be amended to:

“Substations, pumping stations, battery storage facilities, maintenance sheds and other ancillary structures incorporate vegetated buffers around the perimeter to reduce unreasonable adverse visual impacts when viewed from adjacent land.”
PO 5.3: It is not always practical, appropriate or efficient to group/co-locate battery storage facilities with substation infrastructure. This PO should be amended to read, “Where practicable, battery storage facilities be co-located…”

PO 8.5: The reference to using recognition systems or physical markers in the minimising of risk to aircraft operations discounts the opportunity to use other methods to manage aircraft risk (including by location away from flight paths, or arrangements with aircraft operators to turn off or re-orient turbines to provide clear passage for firefighting or aerial spraying). The PO should be simplified to allow for any appropriate measures, as per below:

“Wind turbine generators forms incorporate recognition systems or physical markers to minimise the risk to aircraft operations.”

PO 9.1: There is potential for dispute or confusion regarding what land might be considered “of high environmental, scenic or conservation value”. It would be more appropriate to refer to the Significant Landscape Protection Overlay to limit development in identified areas of high environmental, scenic or conservation value than to use PO 9.1 to attempt to achieve this outcome.

PO 9.2: Solar power facilities typically incorporate fencing along the full length of the site perimeter for security reasons. To appropriately balance the objectives of wildlife movement and security for these electricity generation plans, the CEC suggests that PO 9.2(b) be amended to read: “avoiding the use of solid fencing”.

“Solar power facilities that assist with the movement of wildlife by:
(a) incorporating wildlife corridors and habitat refuges; and
(b) avoiding the use of solid fencing extensive security or perimeter fencing.”

In addition, we suggest that a new 9.2(c) is included, reading “incorporating fencing that enables the passage of small animals without unreasonably compromising the security of the facility” (or similar).

Renewable Energy Facilities (Hydropower): By using the words ‘Renewable Energy Facilities’ in the heading, these provisions are limited in their application to facilities that use the gravitational thrust of water naturally falling from a height to generate electricity (eg, the Snowy Hydro scheme in NSW, various hydro power plants in Tasmania). There is limited opportunity for hydro power in SA. Instead, SA is likely to see pumped hydro facilities, which are energy storage facilities that use electricity that might be from renewable sources but might also be just from the electricity grid.

On that basis, it would be appropriate to change the heading ‘Renewable Energy Facilities (Hydropower)’ to ‘Hydropower and Pumped Hydro’. In the alternative, the Code could define the land use ‘Hydropower facility’ (which is currently not defined) to include both a hydropower generation facility as well as a pumped hydro energy storage facility.
PART 5 - MAPPING

No comments

PART 6 – LAND USE DEFINITIONS

It is suggested that ‘Energy Storage Facility/ies’ is included here with a definition. The use of this term is found in Infrastructure and Renewal Energy Facilities PO 2.1 and Referral Body: Environment Protection Authority.

PART 7 – ADMINISTRATIVE DEFINITIONS

No comments

PART 8 – REFERRALS TO OTHER AUTHORITIES OR AGENCIES

No comments

PART 9 — TABLE OF AMENDMENTS

No comments

Section three: Evaluation of this engagement

Please tell us if you agree or disagree with the following statements:

1. I feel well-informed about the proposed Planning and Design Code for the outback (land not within a council area).

   Strongly agree

   If not, why not? What information was missing?

   Click here to enter text.

2. The information provided on the new Planning and Design Code for the outback was clear and understandable and enabled me to take an informed view.

   Strongly agree

   If not, what was unclear and how could we have made it easier to understand?

   Click here to enter text.

3. I understand how the Planning and Design Code may affect me and/or my community.

   Somewhat agree

   If not, what further information would have been useful to better understand how you might be affected by the draft State Planning Policies?
It is unclear how the Code may be different in the regional areas. Would have preferred the full draft to be available all at once so that the differences are clear.

4. I understand how my feedback will be used in the preparation of the final Planning and Design Code for the outback (land not within a council area).

Somewhat agree

If not, tell us how we can better communicate with you about how your feedback will be used.

Click here to enter text.

5. I feel that I have had a genuine and adequate opportunity to have my say on the proposed Planning and Design Code for the outback (land not within a council area).

Strongly agree

If not, please tell us how we can improve our engagement with the community and what further opportunities you would like to have input.

Click here to enter text.

6. I would be willing to participate in future consultations related to the Planning and Design Code.

Strongly agree

If not, please tell us what would prevent you from participating in future consultations related to planning policy.

Click here to enter text.