

**Issue**

The NSW Government released draft planning guidelines for wind farms on 23 December 2011. The draft guidelines set out the regulatory framework for assessment and determination of wind generation proposals in NSW. The draft is currently out for consultation and feedback is being sought until 14 March 2011.

**Summary of Guidelines**

1. *Setback from residential dwellings*

The guidelines prevent Director General's Requirements being issued for projects which include turbines within 2 kilometres of a residential dwelling, unless written permission is obtained from all affected landowners or the applicant receives a Site Compatibility Certificate (see Figure 1).

2. *Community consultation*

Proponents will be required to prove they have undertaken genuine community consultation (including establishing a consultative committee) and outlined steps to address concerns before applications will be accepted. Development applications will be placed on exhibition for double the statutory requirement (60 days rather than 30).

3. *Visual amenity*

The application must include an assessment of the visual impacts including photomontages showing the project and related infrastructure from all residences, communities and public viewing points such as roads. They must also identify the zone of visual influence to no less than 10 kilometres. Consideration will be given to special landscape values including scenic vistas.

4. *Noise*

New developments must not exceed 35dB, or the existing background noise by more than 5dB – whichever is greater. This compares to a limit of 40dB in Victoria, South Australia, New Zealand and Denmark (although SA and Vic have the same rule about accounting for existing noise). The guidelines include decibel penalties to account for low frequency noise and unusual tonality. It is also proposed to give the EPA a role in regulating noise pollution.

5. *Health*

Applications may be referred to the Ministry for Health as part of the assessment process.

6. *Decommissioning*

Proposals will only be approved where the proponent retains responsibility for decommissioning the turbines, rather than passing this responsibility to the landowner. The application must include a decommissioning plan, and where this is held to be unacceptable a bond may be required.

7. *Auditing and compliance*

Proponent must submit a noise compliance report within 12 months. Neighbours can request independent noise monitoring at their house. As noted above, the EPA will be given a regulatory role.

**Figure 1. Process for Site Compatibility Certification**

1. Proponent lodges SCC application with the Department of Planning.
2. Application must cover:
  - a. predicted noise levels;
  - b. visual impacts;
  - c. impact on landscape values; and,
  - d. potential for blade glint and shadow flicker.
3. The application must be publicised and submissions sought for 21 days (there must be direct notification of residences within 2km).
4. The Department of Planning makes a recommendation to the Joint Regional Planning Panel.
5. The JRPP can seek expert advice and hold community meetings.
6. The JRPP will decide whether to issue an SCC.

### Comparison to the Victorian System

On 29 August 2011 the Victorian Government gazetted amendment VC82, which introduced prohibitions on planning approvals for:

1. Turbines within two kilometres of an existing dwelling except where the planning permit application includes evidence of written consent from the owner of the dwelling to the location of the turbine.
2. Areas of high conservation and landscape values including National and State Parks described in a schedule to the National Parks Act 1975 and Ramsar wetlands as defined under section 17 of the Environment Protection and Biodiversity Act 1999.
3. Locations that feature a high degree of amenity, environmental value, or significant tourist destinations including the Yarra Valley and Dandenong Ranges, Mornington Peninsula, Bellarine Peninsula, Macedon and McHarg Ranges, Bass Coast and the Great Ocean Road region.
4. Locations identified for future urban growth including land in the Urban Growth Zone and designated regional population corridors specified in the Regional Victoria Settlement Framework Plan in the State Planning Policy Framework.

With the exception of preserving urban growth zones (unless they are zoned as such in the council's LEP) the points above are likely to be captured by the proposed guidelines in NSW. The main difference with the NSW proposal is the addition of a gateway process for turbines within 2 kilometres of a residence.

The Victorian system also requires consideration of some matters not addressed in the NSW draft guidelines, including aircraft safety and flora and fauna assessments that we may wish to consider supporting here in NSW.

### Next steps for NSW Farmers

1. Inform members of the proposed Wind Farm Planning Guidelines and collect feedback to assist in developing a draft submission.
2. Put the draft submission to the next Executive Council meeting on 7-8 February 2012 to seek endorsement of its policy direction.
3. Continue developing resources to assist members in wind development negotiations.
4. Provide input to the development of a code of practice for the wind industry.

### Further Reading

A full copy of the Draft NSW Planning Guidelines for Wind Farms can be found here:

<http://www.planning.nsw.gov.au/Development/Onexhibition/tabid/205/ctl/View/mid/1081/ID/66/language/en-AU/Default.aspx>

Figure 2. Proposed gateway process for wind farm proposals in NSW

