

Supplementary  
Submission  
No 56a

## INQUIRY INTO RURAL WIND FARMS

**Organisation:** Upper Hunter Shire Council

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Tabled by Mr David  
Casson, Upper Hunter  
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16.10.09. RM.  
GP 09/340.

16 October 2009

Mr Ian Cohen (MLC)  
Chairperson  
General Purpose Standing Committee No. 5  
Legislative Council  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000

Dear Sir

**Opening statement to Inquiry into Rural Wind Farms**

On behalf of the Upper Hunter Shire Council, thank you for the opportunity to appear before the Inquiry into Rural Wind Farms today. As the Director Environmental Services at the Upper Hunter Shire Council I have been requested to represent Council at the Inquiry and will be happy to answer any questions put forward by Committee members or take such questions on Notice to provide follow up at a later date.

The UHSC made a written submission to the Inquiry into Rural Wind Farms following its recent experiences with the Department of Planning's development approval process for the Kyoto Energy Park (KEP) which includes the proposed erection of what was originally 42 wind turbines (now reduced to 34), which will be up to 105m high to the hub with 45 – 50m blades, ie with a total height of up to 155m. The turbines would be erected on prominent ridge lines located some 10km from, but in clear sight of, the town of Scone with some 5000 people.

Council lodged a detailed submission to the Department of Planning (DOP) for consideration in its assessment of the application. I have a copy of that submission for the Inquiry.

The submission covered a wide range of areas and was completed following site visits by the majority of councillors and senior staff to the Waubra Wind Farm near Ballarat in Victoria, and a further inspection at the Capital Wind Farm near Bungendore in NSW.

On a personal note, I have also seen and or visited a number of wind farms in Northern Ireland, off shore on the Eastern Norfolk Coastline in England and also a number of locations in Europe, during a 6 month working holiday last year.

The Terms of Reference include 6 primary areas. I advise the Committee that I do not propose to provide comment on all of these areas. The terms of reference include areas which have not been the

subject of discussion or debate at the UHSC and I do not believe that it is my role to make any comments on such areas.

The following comments are put forward in respect of the Terms of Reference:

- 1 *The role of utility –scale wind generation in:*
  - a) *reducing greenhouse gas emissions generated by electricity production*
  - b) *producing off peak and base load power*

I do not wish to provide detailed comments on this item.

I would mention however that the UHSC has demonstrated support for the concept of renewable energy generation by an amendment to its Scone LEP document to make such proposals permissible within a number of zones within the former Scone LGA area. This was achieved by inserting a new definition into the LEP document for "eco generating works" which means:

*a building, work or place used for the generation of energy using:*

- a) *renewable resources, such as solar, wind or tidal energy and the like, or*
- b) *resources such as methane gas produced from land-fill operations.*

The amendment applied to Rural land zoned 1(d), 1(e), 1(s) and 7 (a) Environment Protection.

Such development is also permissible within the former Merriwa and Murrurundi areas under their existing LEP documents.

- 2 *Locating rural wind farms to optimise wind resource use and minimise residential and environmental impacts*

UHSC would of course support such intentions. Council would suggest however that this will be difficult objective to achieve until State or National Guidelines are produced which confirm, if not require, such fundamental objectives to be demonstrated as being achieved in the development application process.

The NSW Government is introducing six renewable energy precincts, which includes the Upper Hunter. The Government has indicated its intent to establish precinct advisory committees and the UHSC will look forward to being represented on such committee. Council would reinforce the need to prepare and finalise appropriate guidelines in conjunction with the establishment and operation of such committees. Guidelines will provide a consistent approach to the assessment of these significant proposals and perhaps more importantly, allow a greater level of certainty from proponents who can use such guidelines when considering and designing proposals at the earliest conceptual stage.

The basis for establishing appropriate buffer areas between turbines and adjoining properties and or residential use of property, including houses on rural lots, needs to be addressed. Council's submission to the Department of Planning suggested that the buffer should be established, not necessarily based on a minimum distance, but rather so that accepted noise level criteria will not be exceeded at any "non landowner" resident. Identified exceedence should not result in mitigation

measures, rather they should result in redesign. Council also urged the Department to ensure that potential impacts on low frequency noise levels such as "wind turbine syndrome" and / or van den effect must be fully assessed.

If there is inadequate data to correctly predict or fully assess such potential effects, then a conservative empirical distance should be adopted as a safety measure.

Remote locations will quite likely reduce many of the concerns that are generally expressed in the community. The obvious difficulty with remote location however would be the connection to the Power Grid. In most circumstances, one would assume, that connection points will be in relatively close proximity to residential localities. Therefore achievement of suitable locations (from an economic viability point of view) and minimising residential and environmental impacts may be difficult to say the least.

An option may therefore be to provide greater assistance to such proposals by the relevant State or Federal Government with additional financial or other assistance with such costs.

Location of wind farms in more remote locations, will undoubtedly create less concern within the community. The feasibility for such locations, unless for very large proposals such as the recently approved stage 1 of the Silverton Wind Farm of some 282 turbines and a further 316 proposed in stage 2 would be a significant issue.

### *3 The impact of rural wind farms on property values*

The impact of rural wind farms on property values was an important issue included in the UHSC submission for the KEP. The local community had raised such issues and Council considered that it was issue that needed to be satisfactorily assessed by the Department of Planning.

The Environmental Assessment for the KEP indicated that a review of sales of residential properties in Victoria within 2km of a wind farm indicated that "temporary reduction in values surrounding non agricultural development could occur over 1-2 years. This effect would be most likely as a result of perception of negative effect rather than actual outcome".

Council considers that all proposals should be considered on their individual merit and circumstances. The EA for the KEP referred to the Land and Environment Case Taralga Landscape Guardians Inc V Minister for Planning and RES Southern Cross Pty Ltd (2007) where Preston CJ ruled against the principle of creating a right for compensation for an otherwise compliant proposal, based on lowering the amenity of another property (although not so great as to warrant refusal on planning grounds when tested against the criteria of s 79C of the EP&A Act, 1979).

The EA claimed this set a precedent as to how the Court may rule in such matters. UHSC would suggest that this remains a grey area and will remain so until further research, valuations of before and after wind farm developments are done in a range of locations and circumstances. There are genuine concerns within the community and further information is required in this area to help allay such concerns.

4 *Mechanisms for encouraging local ownership and control of wind technology*

I have no comment to make in this regard. The subject has not been a matter of discussion or debate within Council.

5 *The potential role of energy generated by rural wind farms in relation to the Australian Governments proposed Renewable Energy Target*

The Australian Governments Renewable Energy Target Scheme sets a significant target for the sourcing 20% of our energy supply from renewable sources. Rural wind farms must have the potential to play a major role in achieving such targets. The proposal within the current Kyoto Energy Park is to provide not only wind turbines but also a significant solar photo voltaic facility and a smaller mini hydro plant, therefore providing a collection of renewable energy alternative supplies.

It is understood that this is the first such energy park proposal in Australia and it would seem in terms of providing a significant source of alternate, renewable energy presents a good concept, providing it can be demonstrated, that it is in an appropriate location.

Large wind farms such the scale of the Silvertown project, located in relatively remote locations would appear to have significant merit if the scale of the proposal is able to offset any economic disadvantages attributable to the location, or State or Federal Government is willing to offset such additional costs

6 *Any other relevant matter*

UHSC would like to raise two other concerns at this point, however as mentioned, will also provide the Inquiry with a copy of its submission in respect of the Kyoto Energy Park.

Council is concerned with the ongoing costs that it will incur due to the monitoring of conditions that will or may be applied should an approval be issued to the KEP. I am sure this would be echoed by any local government authority. The development application has been lodged with and determined by the Department of Planning. All fees associated with such determination have been lodged with the DoP. Should an approval be issued, all costs associated with the monitoring of conditions of consent will be met by the particular LGA. Therefore in addition to any costs associated with in effect, undertaking an assessment of the application to enable an appropriate submission to the DoP, (noting that DA fees have been paid to the DoP) the local government authority will also be required to meet the ongoing costs of monitoring and reporting for the particular proposal for the term of the approval. UHSC would suggest that consideration should be given to some sort of annual fee / payment to the relevant LGA which would cover the costs of such monitoring and reporting.

Secondly is the position that developers / proponents should accept at the earliest stage that LGA's will have a Development Control Plan or Section 94A Contribution Plan in place which will require an appropriate contribution to the local community and infrastructure that will benefit the broader

community. At present there appears to be a couple of methods of applying appropriate contributions – via a specific Development Control Plan which may indicate a contribution per wind turbine proposed (as in the recent Gullen Range approval application) or in a Section 94A Contribution Plan which may indicate a 1% contribution of development costs.

Recent approvals appear to be somewhat varied in their application of such conditions. Again, this emphasises the need for standardised guidelines which clarify and enforce the obligation for appropriate contributions within the relevant LGA.

Thank you for the opportunity to make a presentation today – I am happy to answer to any questions or take on notice questions to which I will subsequently provide an answer to the best of my ability.