

**Submission
No 56**

INQUIRY INTO RURAL WIND FARMS

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Contact Name:
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Reply to:

20 August 2009

The Director
General Purpose Standing Committee No. 5
Legislative Council
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Sir / Madam

Re: Inquiry into Rural Wind Farms

The following submission is made to the Inquiry into Rural Wind Farms being undertaken by General Purpose Standing Committee No. 5. The Upper Hunter Shire Council (UHSC) has recently been involved in the Department of Planning's development approval process for the Kyoto Energy Park (KEP) which includes the proposed erection of 42 wind turbines, 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. The submission covered a wide range of areas and was completed following site visits by the majority of councillors and senior staff of the Waubra Wind Farm near Ballarat in Victoria, and a further inspection at the Capital Wind Farm near Bungendore in NSW. The application was also considered by a number of Council Committees and the subject of an Extraordinary Council meeting.

This submission will include a range of subheadings to clarify matters that UHSC considers the Inquiry should take into consideration.

Community Participation

Any proposal for a "rural wind farm" is likely to generate significant local interest, particularly if it is the first in the area. The proponents for the KEP had been providing information to both council and the community in a number of ways, over several years, prior to the formal lodgement of the Environmental Assessment (EA) document with the Department of Planning.

A Quality Rural Lifestyle – in a caring and thriving community

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The dissemination of information to the community is vital and must be encouraged. There are obvious difficulties however in meeting community expectations in terms of how much detail is available, and when. Preparation of specialist reports can be a lengthy process, and may be subject to multiple reviews if the wind farm proposal varies during the information gathering stage due to a variety of reasons. UHSC notes that the proponent for the KEP was criticised during a public information day, held at least 12 months prior to lodging their application with the DOP for not having answers to technical questions regarding the proposal, as reports had not been completed at the time.

The Environmental Assessment for the proposal was lodged with the DOP and subject to an 'adequacy review' prior to its public exhibition. The period of such exhibition however was only for 30 days, the minimum specified in the Environmental Planning and Assessment Act, 1979. UHSC requested that this period be extended to at least 60 days, however this request was denied. Advice from DOP indicated that this had been the period for the recent Gullen Range application and deemed to be appropriate.

Although the documentation was subjected to a DOP adequacy review for a number of months, the community was expected to respond to a very extensive and detailed document (in the case of the KEP some 1400 pages) in only 30 days. It is strongly suggested that the DOP should review its policy for the period of exhibition for such applications. Surely after, in most cases, years of preparing the final application, a proponent is not going to be concerned about a 60 day exhibition period!

Social and Economic Impacts

The total expenditure of such developments will be considerable. They have the potential to generate significant employment during the construction phase, however much of the work will be undertaken outside the region or require specialists. There is potential for local employment in some aspects and in particular, local contractors may benefit providing raw materials for roads, concrete etc.

In the longer term however, there is not any significant employment generated from such proposals. The number of maintenance staff required appear to be quite minimal.

Depending on the circumstances, there may be increased level of tourism however this may not be ongoing once the "novelty" has worn off, unless the wind turbine operators actively promote this aspect and provide facilities for visitors.

Developer Contributions

This is an important aspect for local government authorities. Contributions may be levied by such means as a Voluntary Planning Agreement, Section 94 or 94A Contributions Plan or possibly within a Development Control Plan. UHSC would suggest that a standard approach should be considered in terms of determining the quantum of such contributions. A minimum level of contribution could be based on a percentage of the value of the overall development or on a rate per megawatt produced annually.

Agreements on how the contributions are expended could be determined within appropriate planning agreements. This approach has been supported in recent approvals by the DOP and is supported by Upper Hunter Shire Council. It is suggested that adoption of some guidelines for determining such contributions would provide greater certainty for both the proponents and the community. Such guidelines would lessen the need for a particular Local Government Authority to ensure that it had appropriate DCP's or Contributions Plans in place to ensure such contributions are forthcoming.

Property Values

UHSC is aware of significant concern relating to any potential devaluation of properties which is directly attributable to the construction of the wind turbines and their proximity to individual properties / residences. The Kyoto Energy Park EA included a report which considers the potential impact on land values of the KEP. The authors provided an opinion that the wind farm "may initially have an effect on the amenity, lifestyle and non-agricultural development component of land values in the area. The worst case scenario is the properties in view of the wind farm will suffer a reduction in value" The report continues to state that "our experience and enquiries has shown that this reduction is more a consequence of the perception of negative effect than actual outcomes and once development of this nature are in place, after a period of time (generally 1 -2 years) the effect generally reduces to zero"

The Inquiry is urged to closely consider the genuine concerns of landowners within the "view shed" of turbines. The EA for the KEP confirmed that it is difficult to have a confirmed view regarding impact on land value based on limited studies into such effects. The recent Gullen Range Assessment report by the DOP recognised this issue and gave considerable weight to surveys and a referendum undertaken by the Upper Lachlan Shire Council which supported wind farms to draw its conclusion that "property values would not be adversely affected by the proposal, especially in light of a the general property market downturn".

Recent information indicates that the assessment undertaken for the Taralga proposal may not have been adequate with the potential for further compensation to affected land owners following an Appeal through the Land and environment Court. Anecdotal evidence that a similar appeal is being considered by landowners in the vicinity of the abovementioned Gullen Range Wind Farm has also been received.

It is essential to ensure that the DOP recognises the different circumstances and potential impacts of the wind turbines, particularly if they are located on prominent ridgelines. The height of such ridge lines and surrounding topography may make mitigation of views from properties in the view shed a difficult if not impossible task.

UHSC considers that those properties within the view shed and particularly within say 2.3 – 3km should have an opportunity to have a land valuation undertaken (at the proponents cost) prior to any wind turbine construction. If requested, a subsequent valuation should be undertaken after a period of two years of the wind turbines being operational to clearly establish whether there has been a devaluation of such properties. Such a requirement would at least provide some comfort to those potentially affected landowners and would also provide invaluable information to the Department and broader community regarding such impacts, in the future. If it subsequently demonstrated that there has been a devaluation of a property directly attributable to the construction and /or operation of such turbines then acquisition of such properties should be required.

Noise Impacts

The potential impact of noise generated by wind turbines are a significant concern expressed by the community. Obviously detailed modelling is undertaken and noise levels predicted. Options are provided by proponents for mitigation measures should unacceptable noise levels as determined be experienced at identified receptors. Factors such as the Van den Burg effect must be assessed and blade modulation effects considered.

Council is also aware of concerns in the community in respect of potential health issues that may be related to a condition referred to as "wind turbine syndrome". It is understood that such conditions are attributable to low frequency noise / vibration emanating from the turbines. Such issues should be thoroughly addressed and included in any assessment.

UHSC is of the opinion that any proposals should, in the first instance be required to be designed or modified in such a manner that the turbines are not located where they will have potential noise impacts on residential receivers. Council is concerned that nominations of specific minimum buffer distance in, for eg: a development control plans appear to carry little weight in DOP assessments. It is suggested therefore that rather than identify a buffer between the turbines and residential receivers that the initial design phase of such projects should be based on a "performance" criteria which ensures that mitigation measures will not be required in with turbines located accordingly.

The committee's attention is also drawn to the fact that in the rural areas, there are commonly very low background noise levels. The noise studies tend to adopt a minimum 35 db(A) as a planning level however such levels are often higher than those within the rural locality.

Visual Impact

Issues with Visual Impact are to a large degree subjective. There will be varying opinions regarding wind farms and whether they represent for e.g. an industrial landscape and therefore unsightly or, to the other end of the scale – being of majestic objects reflecting a significant contribution to alternate energy sources.

There would appear to be a range of views regarding any acceptable "buffer" between the turbines and any residences not associated with the wind farms. It is suggested that the particular circumstances of the location of the turbines and the topography will ultimately determine such buffers. There are a range of factors to be taken into consideration in determining such a distance though it is likely that there will always be parties who will not agree with such distances.

Factors to be taken into consideration would include:

- Impacts of noise at all frequencies
- Determination of unacceptable impacts due to location and scale of turbines
- Whether adequate and effective screening can be undertaken to mitigate impacts

Community Health Study

As evidenced in the above comments, there is still considerable concern regarding potential health impacts arising from the operation of wind farms. UHSC would suggest that consideration should be given to a requirement for an appropriate community health study to be undertaken to assist in determining whether such concerns are warranted or not. Ideally a suitable survey could be undertaken within an area which is about to have a wind farm established so that before and after health parameters can be surveyed and monitored. A study in an area where an existing wind farm is operating could also be undertaken to determine whether there are any exceedence of possible "wind farm related" symptoms.

Such survey / study would provide valuable information for future assessment of applications to enable all relevant matters are considered.

Transportation and Traffic

The transportation of very long and / or heavy structures associated with the construction of the wind turbines has potential to have significant impacts on local transport routes. This will vary with different locations and circumstances. Obviously adequate road assessment reports need to be completed before such transportation commences and the developer subsequently required to pay for any damage and reinstatement of roads as well as any upgrading that may be deemed necessary.

It is important however to give due consideration to the potential impacts of traffic associated with the construction stage of the wind farms. Factors such as distance to sources of raw materials for road construction, concrete and other construction materials. The number of vehicle movements is likely to be significant and needs to be correctly estimated and impacts identified.

Transmission Line and Connection to the Grid

The EA presented to the UHSC provided several options for transmission line location and connection to the Energy Grid. There are a range of potential impacts that may be attributed to the transmission line location and close consultation is necessary between all parties. It is suggested also that the relevant power authorities need to give due consideration to options that may be presented by the local government authority which are based on limiting impact on their local community.

Viewing area

The location of wind turbines, and accessibility by the public will impact on the degree of interest created through the construction stage. Such potential interest should however be recognised and facilities provided by the proponent during construction to ensure that a safe viewing area is provided for the community if circumstances allow.

Limits of Approval / Decommissioning and non continuous use

UHSC has noted in other approvals issued by the Department that conditions specifying requirements for limiting the term of the approval, decommissioning of the site at the limit of the approval and / or based on non continuous use of the turbines have been applied. Council endorses this approach and considers it most appropriate for such proposal.

Consultative Committee

Community Consultative committees do not appear to have been associated with wind turbine proposals. It is suggested however that the formation of such committees, particularly during the construction stage and in the first few years of operation would provide an effective conduit for the community to relay its concerns about aspects of the wind farm construction and operation. It is also provides a good opportunity for the operators to provide regular feedback to the community via such a committee regarding relevant operational matters and environmental and other monitoring that is being undertaken. It may well be that such committees do not need to operate or at least meet less frequently after an agreed period of time, however it is suggested that they would provide an effective and important role in the initial stages.

State Wide Strategic Approach

The NSW Government has moved towards the creation of "wind precincts" to identify those localities where the physical and meteorological conditions are likely to be appropriate for wind farm developments. UHSC would strongly advocate to the Inquiry that it is essential that the NSW Government develop a state wide strategic approach to such developments and establish common guidelines which will be consistently applied. Such an approach will provide greater levels of certainty to all parties involved with such proposals.

In addition to the above, UHSC would suggest that rather than concentrate on wind precincts, consideration be given to determining appropriate guidelines for "Renewable Energy Projects" which, similar to the recent Kyoto Energy Park may encourage a range of sources for renewable energy such as solar, hydro and the like together with wind farms.

CONCLUSION

The Upper Hunter Shire Council has had recent experience in the processes involved for a development application including over 40 wind turbines which will potentially be the highest installed in Australia. The process confirmed that there are many issues to be considered with major concerns including potential negative impacts on health and property values being expressed by both council and the community. Consideration of viewing such projects in a more holistic manner is suggested so that multiple sources of renewable energy may be incorporated into such proposals, if possible and viable.

The establishment of the Rural Wind Farm Inquiry is timely given the focus on renewable energy production and UHSC looks forward to close consideration of this submission and to the recommendations of the committee, in conjunction with the Kyoto energy Park project assessment.

Yours faithfully



Daryl Dutton
GENERAL MANAGER