

## 5.06. DRAFT WIND FARM STATE CODE - COUNCIL SUBMISSION

**GENERAL MANAGER:** Paul Hoye, General Manager Operations  
**DEPARTMENT:** Development and Environment

### RECOMMENDATION

**That Council forward the submission as detailed in Attachment 1 of this report to the Department of Infrastructure, Local Government and Planning regarding the draft Wind Farm State Code.**

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### EXECUTIVE SUMMARY

A report on an amended draft wind farm code and guideline was presented to Council at the Ordinary Meeting held on 26 November 2015.

In response to the report Council resolved:

- "A. That Council makes a submission to the Department of Infrastructure, Local Government and Planning regarding the draft wind farm state code, raising the issues as outlined in the officer's report.*
- B. That a copy of the Council's submission to the Department of Infrastructure, Local Government and Planning regarding the draft wind farm state code is forwarded to the Local Government Association of Queensland (for inclusion in any joint Council submission to be prepared by the LGAQ.)*
- C. That the submission be provided to Councilors before it is forwarded to the LGAQ."*

The above resolution is a direction from Council to make a submission but does not specify the detailed content. The draft submission was forwarded to Councilors on 4 December 2015. In view of the diversity of comments received from Councilors, in the officers' opinion it is appropriate to now formally provide the submission proposed to be lodged and to seek Council's formal endorsement of the document. The proposed submission to the Department of Local Government Infrastructure and Planning is contained in the attachment to this report.

Please note that the Department of Local Government Infrastructure and Planning has advised Council that it will properly consider the submission if received prior to the close of business on 17 December 2015. The Council resolution of 26 November 2015 did not specify a timeframe for lodgement.

### COMMENT:

Further to the above Council is advised that the Draft Wind Farm State Code is a State Government Planning document. Whilst there are areas of shared responsibility in the Great Barrier Reef Marine Park (GBRMP) it is essentially an Australian Government responsibility to manage the Park via the *Great Barrier Reef Marine Park Act 1975 ("the Act")*. 99% of the Great Barrier Reef World Heritage Area is within the multiple-use Great Barrier Reef Marine Park. The remaining section falls under Queensland Government jurisdiction – this amounts to 3,600 km<sup>2</sup> and includes most islands, ports and other internal state waters.

The main object of the Act is to provide for the long term protection and conservation of the environment, biodiversity and heritage values of the Great Barrier Reef Region. Any development within the GBRMP would be subject to Federal Government processes and need to align with Federal Government policies and position statements in relation to the GBRMP.

Whilst the draft State Code makes reference to Landscape Values and Scenic Amenity it is recommended that Council request in its submission to the State for particular reference to the unique and special values of the Wet tropics and Great Barrier Reef World Heritage areas be included. To address this point the submission draft includes the following request *"that the Performance Outcomes give respect to the natural, scenic and scientific values of World Heritage Areas"*.

The draft submission also includes the statement that *"Council also notes that that there may be some difference between the appropriateness and opportunities for wind farms in the World Heritage Great Barrier Reef in comparison with the World Heritage Wet Tropics of Queensland"* as was reflected by the discussion at the Council meeting on 24 November, 2015. It should be noted that whilst the public at large have a general view that wind turbines are extremely large bladed constructions future development and innovation may result in much smaller and very different constructions for the conversion of wind energy to electricity.

It is the opinion of the General Manager Operations that staff and Councillors do not have the scientific knowledge, expertise or information to make specific representations in relation to set back distances and other specific matters relating to wind farms or wind turbines, and therefore the submission should address policy issues only. Further, any application would be considered by the Department on its particular merits and specifications.

**ATTACHMENTS:**

ATTACHMENT 1 - Draft Wind Farm State Code Submission to DILGP.

**YOUR REF:** Wind Farm Submission

**OUR REF:** D#761433

4 December 2015

Department of Infrastructure,  
Local Government and Planning  
[windfarms@dilgp.qld.gov.au](mailto:windfarms@dilgp.qld.gov.au)

Dear Sir / Madam

**RE DRAFT WIND FARM STATE CODE  
DOUGLAS SHIRE COUNCIL SUBMISSION**

Council refers to Department's release of the amended draft wind farm state code and guideline.

It is acknowledged that the amended draft code has been prepared to reflect community feedback to the initial draft that was released in April 2014. The amendments included clarifying performance outcomes and incorporated best practice acoustic management within the Queensland development assessment framework. It is noted that the guideline was amended to reflect these changes and provide clarity around the minimum supporting actions required to demonstrate compliance with the relevant provisions. It is also noted that The State Assessment and Referral Agency (SARA), will be responsible for all development applications for wind farms where the state has a jurisdiction under Queensland's overarching planning legislation—the *Sustainable Planning Act 2009* (SPA). The draft code states that it does not apply to premises containing 1 wind turbine of a height less than 30 meters and with an overall generation capacity of less than 500 kilowatts. These proposals will be assessed by the local government authority.

Council thanks the Department for the opportunity to comment. Council considered the draft code at the Council's Ordinary Meeting held on 24 November 2015 where Council resolved to provide the following submission.

*The draft code sets performance outcomes for matters including Local Amenity, Flora and Fauna and Visual Amenity. Considerations of Local Amenity and Visual Amenity have regard to local values and regional values. Flora and Fauna values are not specifically qualified. The code also lists a definition of a "sensitive land use." Under the draft code applications for wind farms are impact assessable development. Should an application be made within the Shire area the application will be subject to public notification, will be assessed by SARA and Council would need to lodge an objection where the development was found to be inconsistent with the Planning Scheme. The World Heritage Areas within the Shire, being the Wet Tropics and the Great Barrier Reef, reflect iconic areas that are significant to the nation and beyond. Given this level of significance it is recommended that the Council seek these areas to be sufficiently recognised and protected in both the draft code and guideline. In particular, it is recommended that Council seek:*

- a. the inclusion of a subcategory in the definition of a "sensitive land use" being a "World Heritage Area";*
- b. the avoidance of the development of any wind farm in a World Heritage Area; and*
- c. that the Performance Outcomes give respect to the natural, scenic and scientific values of World Heritage Areas.*

*Council also notes that that there may be some difference between the appropriateness and opportunities for wind farms in the World Heritage Great Barrier Reef in comparison with the World Heritage Wet Tropics of Queensland.*

*As the draft code and guideline omit consideration of smaller facilities, being a premises containing 1 wind turbine of a height less than 30 meters and with an overall generation capacity of less than 500 kilowatts, this level of development must be included in Council's new draft planning scheme.*

*Council further comments that the World Heritage Areas within the Shire make significant contributions to the liveability, sustainability and prosperity of the Shire and its community. The lack of sufficient recognition of these Areas in the draft code and guideline may result in detrimental outcomes for the Shire and its community.*

**Other**

Should you require further assistance on this matter please contact Linda Cardew by telephone on (07) 4099 9482 or by email on [linda.cardew@douglas.qld.gov.au](mailto:linda.cardew@douglas.qld.gov.au) .

Yours faithfully

**Linda Cardew**  
Chief Executive Officer