

## 5.02. DRAFT WIND FARM STATE CODE

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

### RECOMMENDATION

- 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.)**
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### EXECUTIVE SUMMARY

The Department of Infrastructure, Local Government and Planning has released an amended draft wind farm code and guideline. The Department has invited submissions to be lodged by Friday 11 December 2015. Concern is raised about the lack of recognition of the Shire's World Heritage Areas that reflect iconic, scenic, scientific and natural values that are of importance to the local community, the State and nation. It is recommended that Council makes a submission to the Department seeking:

- 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.

### BACKGROUND

The Department of Infrastructure, Local Government and Planning released an initial draft code and guidelines on wind farms for public consultation from 22 April 2014 to 12 May 2014 and more than 100 submissions were received. Due to workloads at the time, resulting from de-amalgamation, Council officers did not report on this issue and Council did not make a submission.

In response to submissions the Department amended the draft code to reflect community feedback. The amendments included clarifying performance outcomes and incorporated best practice acoustic management within the Queensland development assessment framework. The guideline was amended to reflect these changes and provide clarity around the minimum supporting actions required to demonstrate compliance with the relevant provisions.

The State intends that the draft code and guideline will provide a more consistent statewide approach to assessing and regulating the development of new or expanding wind farms in Queensland.

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.

The purpose of the draft wind farm state code is to:

- regulate the development of a new wind farm, or the expansion of an existing wind farm, in an appropriate location; and
- ensure potential adverse impacts on the community, environment and strategic airports and aviation facilities of interest to the state, are avoided or mitigated during the construction and operation of a wind farm;

The draft guideline will assist applicants in preparing development proposals for new or expanded wind farms. It contains supporting information and guidance to assist a proponent in responding to performance outcomes and acceptable outcomes of the code.

The preparation of the draft code and guideline has been based on national and international best practice, expert technical advice, and recent and emerging research. The State's primary focus is the health and safety of the community, while carefully considering the wind farm developments against the three core objectives of liveability, sustainability and prosperity.

A copy of the draft wind farm code, the planning guideline and a Fact Sheet are available on the Department's website at the following link:

<http://www.dilgp.qld.gov.au/planning/land-use-planning/draft-wind-farm-state-code.html> .

The current, second round of consultation runs for eight weeks and the Department has invited submissions to be lodged by Friday 11 December 2015.

## COMMENT

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.

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.

### **FINANCIAL/RESOURCE IMPLICATIONS**

The consideration of small wind farm facilities that are not affected by the draft State Code, can be incorporated into council's draft scheme with minimal resourcing. The ability to adequately respond to an application, where the application is inconsistent with Council's Planning Scheme, is likely to require substantial resourcing.

### **RISK MANAGEMENT IMPLICATIONS**

Council has the ability to provide comment regarding the draft code and guideline. 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.

### **SUSTAINABILITY IMPLICATIONS**

**Economic:** The recognition respect for the World Heritage Ares is integral to the desired economic outcomes for the Shire and its community.

**Environmental:** The recognition respect for the World Heritage Ares is integral to the desired environmental outcomes for the Shire and its community.

### **COUNCIL'S ROLE**

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following areas outline where Council has a clear responsibility to act:

**Regulator** Meeting the responsibilities associated with regulating activities through legislation or local law.

### **CONSULTATION**

**Internal:** Council's planning officers have discussed the draft code and guideline.