

### **6.3. NOTICE OF MOTION - DRAFT WIND FARM LEGISLATION – COUNCIL COMMENT**

**COUNCILLOR:** Cr Terry Melchert

#### **NOTICE OF MOTION:**

I hereby give Notice of my intention to move the following Motion at the Council meeting scheduled for Wednesday 16th December 2015:-

“That Council having been given the opportunity to consider the proposed response to the draft legislation authorise the despatch of the following response:-

#### **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 further considered the draft code at the Council’s Ordinary Meeting held on 16th December 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 with the use being designated as non-preferred in such areas;*
- c. *that the Performance Outcomes give respect to the natural, scenic and scientific values of World Heritage Areas.*
- d. *Performance Outcome 8 be amended to read "PO8 Development ensures all wind turbines are setback a minimum of 3000m from all existing adjoining sensitive land use(s)."*

*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."*

#### **BACKGROUND:**

At the last Council meeting a generic response to the legislation was contemplated and a request made for Councillors to be given a chance to review the actual submission document.

At least one Councillor suggested that there perhaps should be the opportunity to build wind farms on the Great Barrier Reef world Heritage Area. There was no formal vote on this proposal and neither I, nor , in my view, a majority of Councillors supported this opinion. In fact to put the matter beyond doubt I am suggesting "Wind Farms" should be a non-preferred use in all World Heritage Areas. In this regard it should be noted that the current planning legislation does not allow uses to be "prohibited" and "non-preferred" is the strongest commentary that can be used to indicate a Planning Authority is unlikely to approve a particular proposed land use.

Having read the draft submission and taken the time to read the code and commentary from other parts of the world I am also suggesting that the separation distances/set back distances for Wind Farms from sensitive land uses, which include World Heritage areas and Dwellings should be increased from the State proposed 1500 metres to 3000 metres. This is because the biggest complaint about wind farms is that they are being built too close to dwellings and other sensitive areas and as a result have a negative effect on the liveability and amenity of such areas.

My comments should not be taken to suggest I do not support Wind Farm Development. In fact I strongly support their use as a clean, green renewable energy source, and in my view and that of many others, is that Australia has fallen well behind most other countries in having a significant component of its energy needs delivered by such systems.

**OFFICER'S COMMENT:**

The Draft Wind Farm Submission forwarded to Councillors on 4 December 2015 is the subject of a further report to Council at its Ordinary meeting of 16 December 2015.