



# **The Social and Economic Impact of Rural Wind Farms**

## **Moyne Shire Submission – in particular in relation to the Interface Between Commonwealth, State and Local Government Planning Laws as they pertain to wind farms.**

### **Introduction**

The attached map shows the energy projects in Moyne Shire.

The most significant piece of infrastructure that relates to Wind Energy Facilities (WEFS) is the 500kv line to Portland which crosses Moyne Shire from east to west.

The significance of this power line in relation to WEFS in the region appears to have driven most applications to date.

The capacity to distribute the power to the market is one of the key criteria in terms of location and overall feasibility. The 500kv line does not have the capacity to be loaded with power from the existing proposals permitted, let alone from the projects in the pipeline.

In principle Council support renewable energy projects that are appropriately assessed and do not cause detriment.

All levels of government and Federal and State agencies are involved in WEFS.

### **The Quantum of Wind Energy Facilities in Moyne Shire.**

Attachment A is a plan showing the current and proposed WEF's and other relevant facilities and clearly indicates the quantity of the proposals and the geographic area of the Shire that is affected.

### **Details of Major Wind Energy Facilities**

Attachment 2 is a Table that indicates the proponents, size, cost and status of the

proposals.

### **Councils Role with WEFS**

The current role of Councils in relation to WEF's is determined by whether the proposal is above or below 30MW in output.

The recent change of Government in Victoria may in the fullness of time, change this process radically.

For almost all other planning permit applications, Councils are the Planning and the Responsible Authority. However it is acknowledged that WEFS can be of a very large and complex nature, and as well take no account of municipal boundaries so that a more strategically based regional approach would be a preferable option

Whether an Environmental Effects Statement is required also influences how an application is assessed and approved.

### ***Policy and Planning Guidelines for the Development of Wind Energy Facilities in Victoria***

The primary planning policy guideline instrument is the Policy and Planning Guidelines for the Development of Wind Energy Facilities in Victoria. This document is intended to give proponents, authorities and the Victorian community guidance in assessing wind energy proposals.

However, the guidelines operate within a wide range of ways of assessing a proposal. The method used depends on the following influences.

<b>Legal Process</b>	<b>Responsible Authority</b>	<b>Appeal Method</b>
EPBC Controlled action – consequently an EES is required	Minister for Planning	Panel – final Decision by Minister
Not a EPBC controlled action, EES required	Minister for Planning	Panel – final Decision by Minister
No EES, Application over 30MW – Planning Permit is required	Minister for Planning	Panel – final Decision by Minister
EES Required, Application under 30MW	Minister for Planning	Panel – final Decision by Minister
No EES, Application under 30MW – Planning Permit is required	Council	VCAT

When the application is under 30MW, a Council is the Responsible Authority, and when the application is referred to VCAT the Responsible Authority is bound by the decision. The current State Government is proposing to revert to Councils being the Responsible Authority for all WEFS.

If the Minister is the Responsible Authority he is not bound to accept any of a panel's recommendations – unlike a VCAT decision which is final. There is also no time limit on how long he has to make a decision.

Some proponents have submitted applications at 29.9mw to avoid a panel and direct State Departmental involvement, and then go straight to VCAT.

These “distinctions” are not widely appreciated in the local community and WEFS are often seen as unstoppable due to the average citizen, having extreme difficulty in understanding and operating effectively inside such a complex planning system.

### **Consultation**

Consultation with a Council does not constitute and should not be assumed to take the place of consultation with residents, ratepayers and the broader community by the State or project proponent. The level and usefulness of consultation varies greatly between proposals.

### **Expert Evidence**

Council's role in assessing expert evidence is difficult due to the specialist skills required, and the volume and technical nature of material provided often poses some difficulties for Councils in being able to devote sufficient resources to the task.

Small regional councils are put in a position of whether to accept the proponent's expert submission as is or employing an expert of their own to provide independent advice.

Experience is showing that the current approvals process defaults to accepting a lot of expert evidence on face value and deferring the hard decisions to a secondary consent phase of endorsing management plans.

Once the WEF is built, and people complain that noise levels are too high, it is essentially too late to check the validity of the expert evidence. The only course of action is mitigation of the effects.

### **Definition**

The current Definition of a Wind Energy Facility is:

“Land used to generate electricity by wind force, including any turbine, building, or other structure or thing used in connection with the generation of electricity by wind

force.”

*The definition does not include turbines principally used to supply electricity for domestic or rural use of the land or anemometers.”*

There is no clarity in what is too small or too large to be considered a wind energy facility.

A single tower 50m to the blade tip may meet the above definition. At the other extreme 450 towers 165m to the blade tip, with 10km gaps between clusters can equally be seen to be a single proposal.

This results in their being no capacity to distinguish whether a WEF should only be a single entity with no more than 1km intervals between turbines. This would then trigger the need to consider cumulative effects between clusters. Otherwise the situation has occurred where facilities on both sides of a road are cumulative, because they are separate proponents, whereas clusters 5km apart owned by the same proponent are one cluster. People living between such clusters, apparently do not have access to a cumulative impact study.

### ***Monitoring and Enforcement***

Another issue with WEFS is the monitoring and enforcement process.

Because of the approval options discussed above, who is actually best placed to undertake these matters is often unclear.

Permits issued to date always include Management Plans being provided to the satisfaction of the various parties, the Minister, Councils and the referral authorities involved.

A firm commitment needs to be made that for permits for which the Minister is the Responsible authority, he or at least an agency with expertise is responsible.

The optimal solution would be a group with expertise to be set up to deal with these issues. The current dispersal of expertise over layers of Government and different Ministries makes consistency and expertise difficult to accumulate and any capacity to react to situations is diluted. Nor is it feasible for every Council to develop the expertise.

### ***Cumulative Impact***

The prime location factor is a combination of wind resource (which appears to mean the further inland the higher the towers), and the flat topography of the South West. Above all else, for the major wind farms, and the gas power stations, the national grid, passing east west through the middle of the region is a key factor.

It is far easier to locate all such facilities close to a power grid than either further

away (for wind energy) or nearer the gas source (for gas power stations.) All three gas power stations are proposed for sites that are under the 500kv line.

The economic incentive is also self evident, as without a major grid, then the applicants (or others) would have to build one to get the power to the markets.

The issue of Cumulative Effect is more than simply visual impact. The process should be that where more than one project on contiguous or adjacent land has a combined total of over 30 mw, the Minister must call in the proposals and ensure a co-ordinated process of preparing and exhibiting and assessing the proposals is undertaken.

Otherwise there is no capacity for a joint consideration of impacts, neither proposal needs to acknowledge the existence of the other, and the community is left to deal with two different means of assessment. Indeed one proposal in Moyne Shire is five hundred metres from a different proposal, which comprises two segments that are five kilometres apart.

When an application is under consideration, with a further adjoining proposal than being submitted, but not at the same stage in the approvals process, then neither application takes any account of the presence of the other.

The numerous linkages, noise, access, grid connection, flora and fauna concerns and visual amenity are all affected by the proximity of proposals.

When the guidelines were developed in 2003/04, proposals were quite small. Now, larger proposals of over 150 turbines often cover an area 15km long and 10 to 15km wide. Thus two very large proposals adjacent to each other will affect an area 30 to 40 km in length and width.

Wind Energy Facilities are large, complex and strategic land uses and assessing and considering their cumulative effects is a regional and State Policy issue that requires the Federal and State Government to show leadership.

The Guidelines do not deal with size. Two wind farms of 13 turbines a kilometre apart need to respond to cumulative effect, whereas a large wind farm of 150 turbines will not.

Suffice to say, the issue of cumulative effect raises a series of policy and procedural questions which require clarification so that they can be properly and consistently taken into account in decision making for wind farm development.

The cumulative impact applies not only to wind energy projects but all major projects in the region. There must be some assessment of the changes occurring where major industrial projects cluster. For example near Port Campbell where both gas projects and wind energy projects have clustered to significantly change the nature

of the landscape from agricultural to industrial.

One of the opportunities offered by this clustering is the potential to co-locate infrastructure such as pipelines, or coordinate road upgrades to share costs and benefits. This regional approach to cumulative effect should form part of the assessment process.

Cumulative impacts for wind energy facilities are very different than that from other major projects as they are extremely low density developments that cover very large areas of land.

## **Operational Issues**

### **Connections to the Power Grid**

Consideration of the means by which a connection to the grid is proposed needs to be considered. Why for example, are all power lines on the site underground and then automatically above ground off site?

Why is it that a proponent has to pay for and construct the connection (which can cost millions of dollars) and then hand it over to Powercor?

Consequently, the main issue to be resolved with wind energy projects is the connection to a Power grid. AEMo is considering a hub system, and has control over access to the 500kv line. The implications of this are obvious in terms of power lines from multiple farms concentrating on a single point.

No level of Government is required, or even attempts to date to require that the off-site power lines to the grid, to be considered as part of the application. While this is likely to change, it may not be for some years.

Some proponents do include how they intend to connect as part of their application, others do not.

The financial viability of constructing the connection line is problematic, as Powercor are apparently insisting the applicants build the connection and then hand it over to them. One applicant has informed Council that it has taken them over two years of discussions and yet they failed to obtain an agreement from Powercor.

111 In NSW the committee enquiry into Rural Wind Farms

***believes that wind power should be viewed as part of a broader mix of resources, as it contributes to a broader network of electricity generation. All electricity resources have strengths and weaknesses, however, the potential weaknesses of wind power do not***

*undermine the overall system.*

*The Committee formed the view that additional payment options **that support the construction of transmission lines for wind farms are required. This is because wind farms are currently constructed near existing powerlines of appropriate voltage, as the cost of constructing new powerlines rests with the developer and may be seen as prohibitive.** This is one of the reasons why wind farms are located near communities whose interests may not be compatible with the wind farm.*

Sections in the Victorian Policy for Wind Energy Facilities notes that at 2.1.2 and 4.8 “clarify” where connection to the grid occurs. Section 2.1.2 indicates:

- that the wind energy facility and the off-site connection to the electricity grid are normally subject to separate planning applications
- that where applications are separate the power line infrastructure is not required to be provided as part of the wind energy facility application.

This is not regarded as a best practice response. Absolutely no reason is seen for this exclusion.

### **Environmental Assessment**

The Guidelines require an Environmental Assessment to be made of the actual wind energy facility site, which is often heavily farmed agricultural land with minor Environmental significance, but do not include the road reserves along which the connection power lines will be placed, which is exactly where the Environmental significance impacts are located.

Further the current practice is for surveys of adjacent land are undertaken from the public domain, unless landowner permission is obtained. Therefore the surveys have been known to use binoculars to try and assess bird life on wetlands 3km from a road, and then assess that wetland as degraded. How to obtain quality off site data is a significant issue to any level of environmental assessment.

Not having permits for the connection as part of the original application will result in further permits if constructing the power line impacts on native vegetation. Nearly all the proposed connections intend to utilize road reserves, and in so doing a conflict

arises with Environmental and Biodiversity issues as a significant amount of the remnant flora and therefore fauna, is located within road reserves.

Co-location on existing power infrastructure does not appear to be feasible due to operation and risk management reasons, e.g. the wind energy proponents do not wish to be reliant on others to repair any faults in their system.

The existing grid system appears to be inadequate and an unknown quantity in terms of capacity to add load to each grid, and the feasibility or otherwise of multiple substations accessing the grid.

One applicant has indicated to Council the technical difficulties in the electrical engineering to connect to grids from the highly fluctuating outputs from wind energy facilities have been underestimated.

### **Co-ordination Issues during Construction**

There is no co-ordination proposed between each individual development, and other sectors that will be active over the next decade, such as Blue Gum harvesting or gas facility construction.

Each project is a major development site, and the access to these sites often relies on the same roads as the only feasible access routes.

The destruction of, the local road network during construction is an issue. It is difficult to plan for, as even if the proponents are willing to pay the cost, the Council is not able to schedule any relevant works until the project is committed.

Further the source of raw materials is often unknown until within a month of work commencing therefore what routes to be used are not predictable in a reasonable timeframe.

If Council and proponents develop wide sealed roads for the construction phase, then the roads will deteriorate from lack of use after this phase has been completed.

### **Traffic Management Issues**

It is common practice but not necessarily best practice that any permit that may issue will include a condition requiring the applicant to provide a detailed traffic management plan and supporting documentation to the Council for approval.

This plan will detail how the applicant proposes to manage the site access routes, including implementation of appropriate infrastructure, amenity protection measures and details of proposed road upgrade and improvement works.

When agreed to as part of the permit application most of the particular issues are deferred to be resolved at the time the TMP is submitted, which can be some years



later. Further the proponents normally let construction contracts for their WEF, and this is leading to the company constructing the proposal to seek to renegotiate all the elements agreed to be in the plan.

This is a particular issue when there are multiple proposals using the same roads, and the extent of the possible cumulative impacts can be seen from the accompanying map.

The haulage of materials represents a large proportion of heavy traffic and **proposed haulage routes need to be addressed**. The direction and potential routes to the major sources of raw materials also needs to be covered. Such estimations are well within the capacity of traffic engineers.

The Traffic Management Plan must address vehicle speeds on all routes to the wind farm sites and dust emissions will be a huge issue, requiring use of low dust pavement materials near houses.

## **Noise**

The main issue is the cumulative noise impact of multiple farms on properties not involved in the multiple projects (also see Cumulative Impact later).

Page 22 of the "Policy and planning guidelines for development of wind energy facilities in Victoria" states in relation to applications, noise is to be considered by:-

"An assessment of the noise impact of the proposal on existing dwellings prepared..."

The separation distance between wind turbines and non-stakeholder dwellings is dependent on the noise levels. This tends to be in the order of 1000m.

This is used as design criteria to assist in satisfying noise and shadow flicker limits required under the wind farm planning guidelines.

It is apparent that when built a significant percentage of projects fail the noise requirements of their permits. This appears to be partly due to inherent problems with the modelling used, and with a series of unknown factors that can vary widely from site to site.

## **Micro Siting**

Micro siting is a provision used in all wind energy facilities issued by the Minister for planning to date which allows movement of 100 metres in any direction, of the location of the turbine from the location shown on the endorsed plans. This is to take account of cultural heritage or geological factors discovered when construction commences. The issue is contentious because no other structure is allowed to be moved in this manner in the Planning System in Victoria.

For turbines close to adjacent land the micro siting should not be able to be closer than the height plus 10 per cent to the property boundary, or as shown on the endorsed plans. For turbines well away from adjacent properties micro siting is not an issue.

### Visual Amenity

Wind energy facilities will have some degree of impact on the landscape.

The presence or otherwise of a Significant Landscape Overlay (SLO) should not be the sole, or even the primary determinant, of whether a landscape is significant.

Currently it appears to be in Victoria.

There is no practical capacity to consider what transforms a landscape, e.g. if one WEF in a landscape is appropriate, it should not be taken that a second WEF is also appropriate, because the first WEF has eliminated any Landscape values, and there were none otherwise it would not have been built. Then a third WEF can be added, without any addressing of the issues, of size and scale and intensity of the impact.

Most rural Councils simply have not had the resources to totally assess their entire shires for landscape, and even then, may well have been reluctant to impose an SLO over an entire shire, with the consequential impacts on normal rural activity and the number of planning applications that would be triggered.

It may well be the best solution to landscape issues is the simple process of stating the self evident, they will be prominent , cannot be hidden and will have a visual impact over extensive areas of land, and not go through a charade of assessing how this is not significant, despite any views of the local community.

### **Loss of Rural Landscape Value**

A likelihood for the rural community for south west Victoria will be to drive past one wind energy facility after another for stretches of 70km or more. Is this what is meant by loss of Rural Landscape value? How many proposals does it take to saturate, or detrimentally affect a landscape?

As the percentage of rural landscape is covered by wind farms, then it would seem that the value of the remaining "Rural landscape "would also increase. Is the percentage of horizon covered appropriate at 30 per cent or is 50 per cent too much?

Is it reasonable to lose your view shed for a 90 degree arc, and is it then unreasonable you lose a view over the full 360 degrees? People may well have 270 degrees plus of their view being of two wind farms.

If the rural landscape is rated by a proponent as being of low or medium significance then how is the loss of that value to being unacceptable to be determined?

### **Native vegetation**

The preferred routing for Wind Energy Facilities to connect to the electricity grid is to construct a power line along constructed or un-constructed road reserves where available.

It is common for these reserves to be the locations of the remnant native vegetation in the South West. Dealing with crown land, including unused road reserves, is a legal complication that is time consuming and expensive.

The removal of native vegetation requires a planning permit and it appears to be a matter of choice as to whether applicants apply for native vegetation clearance or ignore the issue and apply for a permit if and when they construct the proposal.

The control of roadsides is split between the crown, as owner, the Council as road manager and responsible authority, and Vic Roads who manage their own roads.

It is difficult to see why, from an environmental point of view, why the access to a grid should not be considered as part of a proposal as the environmental effects of the connection could be just as significant as the onsite aspects of the proposal.

It is strongly recommended that applications processed by the Minister should also address native vegetation issues as part of the ministerial process.

### **Aviation Safety Lighting and Other Aviation Matters**

This area is a complete mess, with no clear indications of the practicalities of what should or should not be done to ensure aviation safety, without causing amenity issues to a wide area.

### **Community Issues**

The social and economic aspects of major projects have lasting impacts on local communities.

In some instances these are very direct and pit neighbour against neighbour where one sees a financial benefit from a lease for example, and another gains no financial benefit and sees only negative impacts from vegetation removal, visual intrusion etc.

The introduction of large workforce's impact local communities in positive and negative ways and the ability of the approvals system to address this issue have been somewhat unsatisfactory.

### **Federal Acts.**

The primary federal Act involved is the EPBC Act.

After the stage of deciding whether a site is worth pursuing and starting the signing up of landowners, the first public knowledge of a proposal is when the proponents erect an anemometer - which in Victoria which does not require a planning permit.

At the same time they usually employ specialist consultants with expertise in the area of flora and fauna to collect evidence for a referral to the Federal Government pursuant to the Environmental Protection and Biodiversity Conservation Act (EPBC).

The data is normally drawn from desk top surveys of known sources of data, and occasionally from on the ground field work.

It is normally expected that such field work takes a year so that all four seasons are covered. At what point in this field work a referral is made is up to the proponents.

Whether the state or local government is aware of the proposal in detail varies at this stage, but normally the relevant officers in DSE DPCD and the Council are involved to the extent they are aware of what is intended, but usually do not know the content of the information to be submitted to the federal Government.

The same information, and usually over the same time frame is submitted to the State Government regarding whether an Environmental Effects Statement will be required.

Monitoring the EPBC website for proposals is often the first sign a proposal is moving into the public arena, as the data submitted is then publicly available.

If we assume a clearance is received from the EPBC provisions then in most cases the proponent then proceeds with the ongoing actual surveys are undertaken during which the site and local area specific information is collected.

Assuming these surveys are done in a thorough professional manner, it is often the result that the information contained in the EPBC referral is outdated. Rare and threatened species covered by the EPBC Act that were believed not to be present are actually present.

The issue with this is that the process is essentially back to front. Any EPBC clearance should only be made after the full on ground surveys are undertaken in a satisfactory manner. This would mean the initial assessment obtains a provisional approval, pending the results of the detailed work to enable a considered approval, or other actions as appropriate are undertaken.

Until the level of knowledge enables proponents to be able to select a site for investigation, that will be without significant environmental issues, and enable a WEF to be supported on flora and fauna grounds, rather than select a site and find out what issues there may be and then attempt to obtain permission for a WEF.

If any conditions are applied to a proponent by the EPBC permission, there is no requirement for the Council to even know what those requirements are.

If a proponent concludes that no further work is required on an issue they should be able to demonstrate to the Council, the community and other stakeholders that they

have satisfactorily addressed the issue.

The development process must maintain a high level of transparency and responsiveness to community needs.

### **Secondary Consents**

Approving secondary consents may happen well after the permit is issued, or soon after the permit is issued but are then not acted on for some years.

Some wind energy permits have variable commencement dates such as three years to commence and seven years to completion.

In this regard the staging of the submission of plans for secondary approval will be expected to be submitted as one total package of all consents and plans required prior to construction, and as required for ongoing matters.

Council will request that any permit issued contains a requirement that for any development plan over 2 years old, a general review highlighting any change in circumstances must be provided before construction commences.

If the permit is issued by the Minister for Planning, the Council expects to be provided in a timely manner with copies as of when they are submitted to the Department of Planning and Community Development (DPCD). Currently there is no process that controls what, when or how Councils are informed of the details contained in the Ministerial Permit, and or the secondary consents endorsed by the Minister.

### **Setbacks**

The current Victorian Government Policy is that unless with the land owner's permission no turbine is to be located within 2km of the boundary of an adjoining landowners land.

One of the main reasons underlying this setback is the total lack of confidence in the adequacy of the noise monitoring processes to resolve the noise issues.

### **Traffic Management**

Traffic Management Plans (TMP) are required to identify and timetable what road infrastructure upgrade and maintenance works and traffic control measures will be required prior to, during, and after the construction of the project.

A TMP will need to be reviewed prior to construction, when sources of materials is known, and if the TMP is over a year old, to determine if any change of circumstances requires consideration.(e.g. another project proposal has been received).

## **Quality Control.**

Who if anybody has the capacity to check whether the assessments provided have been appropriately undertaken?

Where ultimate responsibility falls given the Minister is responsible for the TMP?

## **STATUTORY CONTEXT – THE PLANNING SCHEME CONTROLS**

### **Particular Provisions**

Clause 52.32 seeks to "facilitate the establishment and expansion of wind energy facilities, in appropriate locations, with minimal impact on the amenity of the area." The provision operates with respect to any land proposed to be used for the purposes of a wind energy facility.

Clause 52.32 specifies the following decision guidelines as being relevant to any application for the use and development of a wind energy facility:

- The effect of the proposal on the surrounding area in terms of noise, blade glint, shadow flicker and electromagnetic interference.
- The impact of the development on significant views, including visual corridors and sightlines.
- The impact of the facility on the natural environment and natural systems.
- The impact of the facility on cultural heritage.
- The impact of the facility on aircraft safety.
- The Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria, 2009.
- The Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria, 2009 (Guidelines), is an incorporated document for the purposes of Clause 81 of the Scheme.

### **Planning policy framework**

The key provisions of the State Planning Policy Framework that relate to this proposal are:

- Clause 11: Introduction, Goal and Principles;
- Clause 15: Environment; and
- Clause 17: Agriculture.

Clause 11.03-2, Environment, provides that planning should "contribute to the

protection of air, land and water quality and the conservation of natural ecosystems, resources, energy and cultural heritage".

Amongst other things, planning should:

- prevent **environmental problems created by siting incompatible land uses close together**; and
- Protect areas and sites with significant historic, architectural, aesthetic, scientific and cultural values.

Clause 11.03-3, Management of Resources, provides that

"Planning is to assist in the conservation and wise use of natural resources including energy, water, land, flora, fauna and minerals to support both environmental quality and sustainable development over the long term through judicious decisions on the location, pattern and timing of development."

Clause 15.05, Noise Abatement, seeks to assist the control of noise effects on sensitive land uses. Planning and responsible authorities should ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.

Clause 15.11, Heritage, seeks to assist the conservation of places that have "natural, environmental, aesthetic, historic, cultural, scientific or social significance or other special value important for scientific and research purposes, as a means of understanding our past, as well as maintaining and enhancing Victoria's image and making a contribution to the economic and cultural growth of the state".

Clause 15.12, Energy Efficiency, seeks to encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.

Clause 15.14, Renewable Energy, seeks to promote the provision of renewable energy, including wind energy facilities, in a manner that ensures appropriate siting and design considerations are met. The policy seeks to contribute to reducing greenhouse emissions by reducing the long term dependency on energy from fossil fuels. The policy encourages and supports the development of sustainable industries including renewable energy specifically by:

- facilitating the consideration of wind energy development proposals;
- recognising that economically viable wind energy facilities are dependent on locations with consistently strong winds over the year and that such

sites are likely to be close to the exposed coastline and may be highly localised;

- Considering the economic and environmental benefits to the broader community of renewable energy generation and the effects on the local environment.

Clause 17.05, Agriculture, seeks to ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use and to enable protection of productive farmland which is of strategic significance in the local or regional context.

### **Local Planning Policy Framework (including MSS)**

The relevant provisions of the LPPF are:

- Clause 21.04: Municipal Vision;
- Clause 21.06: Environment;
- Clause 21.07: Economic Development;
- Clause 21.08: Infrastructure and Particular Uses;
- Clause 22.02-7: Hilltop and Ridgeline Protection;
- Clause 22.03: Economic Development;
- Clause 22.03-4: Agricultural Production;

It should be noted that:

- Clause 21.04, Municipal Vision, sets out the municipality's land use vision, whereby settlements have distinct characters and identities and provide a range of economic and social opportunities that meet the expectations of the community.
- Clause 21.06, Environment, seeks (amongst other things) to "apply principles of ecologically sustainable development within the Municipality wherever feasible" and to "identify landscapes of high scenic value". It recognises further that "the topography of the Shire is essentially flat, with most of the Shire being lower than 150 metres above sea level."
- That being said, it specifically notes that "the north-eastern portion of the Shire (more or less in a line to the north of Mortlake) rises to about 300 metres above sea level" and "in addition, Mt Warrnambool and the Sisters in the eastern portion of the Shire also rise to 216 metres and 180 metres respectively".



- Clause 21.07, Economic Development, seeks to "support and facilitate the development of local employment opportunities".
- Clause 21.08, Infrastructure and Particular Uses, seeks to maintain and enhance key infrastructure which is particularly important for the local road network and to ensure private developers contribute to the provision of new infrastructure.
- Clause 22.03-4, Agricultural Production, seeks to protect viable agricultural land from conflicting land use and development.

## **POLICY CONTEXT**

Wind Energy Guidelines. (2009)

25 The core statement in the Guidelines is taken to be

### **3.2.4 A balanced approach to wind energy development Wind energy projects contribute significantly to meeting renewable energy targets.**

The Guidelines then State

**Assessing wind energy developments therefore requires that appropriate consideration be given to these broader benefits, while protecting critical environmental, cultural and local values**

## **Noise**

The Guidelines for the development of Wind Energy Facilities in Victoria 2009 ("the Policy") states at page 30

"That a wind energy facility should comply with the noise levels recommended for dwellings in New Zealand Standard NZ6808:1998 Acoustics-The Assessment and Measurement of Sound from Wind Turbine Generators).

During the assessment phase of the noise impact, particular attention to the following matters within the Standard is required:

Separate correlation of background sound levels with the wind speed for different wind directions and/or the time of day (Clause 4.5.5 of the Standard), and

Wind speed measurements at the hub height of the proposed turbines as recommended in the Note to Clause 4.5.6

The Guidelines do not deal with size and scale. They do deal with quantity. Noise has a standard to meet, most if not all the other matters of discretion have no standards and no guidance as to what measures are appropriate. This is not for want of trying from Councils involved in these matters.

The Guidelines state (p13, Sec 3.2.4)

- Wind energy facilities should not lead to unacceptable impacts on critical environmental or cultural values. Critical values are those protected under Commonwealth or Victorian legislation.
- The presence of fauna listed under the EPBC Act and the JAMBA and CAMBA agreements are considered to trigger the “critical environmental values”.

### **Significant Landscape Values**

The Guidelines state (p14, Sec 3.2.4)

The Victorian Government recognises that the Victorian community places a high value on protecting landscapes with **visual amenity** due to their environmental, social and economic benefits.

Strategic planning plays an important role in identifying and managing these important landscapes.

Relevant strategic studies undertaken at the municipal level may also be referenced within the Local Planning Policy Framework of planning schemes and significant landscapes may be recognised in planning scheme overlays, such as the Environmental Significance Overlay, Vegetation Protection Overlay or a Significant Landscape Overlay.

In locating wind energy facilities, consideration should be given to the significance of the landscape as described in relevant planning scheme objectives for the landscape, including relevant referenced strategic studies and overlays, to help guide appropriate site selection, design and layout of individual wind turbines.

In addition to addressing landscape assessments and planning scheme provisions, suggested mitigation measures to minimise the potential impact of wind energy facilities on a landscape should also be considered. Refer to Section 4.

The absence of shire wide landscape significance studies should not be taken to mean that the landscape is of no significance and this topic is referred to later in this report. Indeed the Guidelines cite the Great Ocean Road and Coastal Spaces Landscape studies as examples of strategic studies, which were State Government funded and organized projects, of very high quality.

### **Planning permit administration & enforcement**

Moyne Shire and other Council's have major concerns with who is responsible for enforcement. This concern is based on the lack of staff and technical resources

available to Council to enforce complex condition requirements. Investigations into complex wind farm noise complaints will place pressure on both Councils limited resources and our ability to resource staff with the required levels of expertise.

Council is certain, that the continuance of the current systems and policies regarding enforcement and cumulative impact, if preventative action is not taken, any later attempts to correct any combined effects problem which might be created, via

<b>DATA ON WIND ENERGY FACILITIES, MOYNE VIS A VIS VICTORIA.</b>						
<b>Categories.</b>	<b>No. Turbines in Vic</b>	<b>No. Turbines in Moyne</b>	<b>Moyne as % of Total Vic</b>	<b>Total MW Vic.</b>	<b>Total MW Moyne</b>	<b>Moyne as % of Total Vic.</b>
Operational	269	34	9%	428	51	12%
Approved – non operational.	712	448	63%	1304	858	66%
Planning Applications lodged.	944	278	29%	1758	660	37%
Totals	1925	760	39%	3490.	1569	45%

## **Conclusion**

***“Wind farms....currently cause a high degree of anxiety and stress in local communities, which in itself is an adverse impact that needs to be addressed as far as possible.”*** (New South Wales. Parliament Legislative Council, General Purpose Standing Committee No. 5 Rural Wind Farms [Sydney, N.S.W.]

This statement is about 2 years old. Nothing has changed.

**“We believe these matters relating to cumulative or combined effects require urgent policy attention as this situation is expected to arise again in the near future for other wind farm developments in western Victoria. One other such case of juxtaposed wind farms is already in the pre-application stage of development.”**

The above is a quote from a wind energy facility panel three years ago. Again

nothing has changed, albeit DPCD and other agencies are trying to improve the situation.

***The Inquiry is generally concerned that there is not an adequate cumulative impact assessment framework to consider these and other cumulative impacts from wind farms. There are an increasing number of large wind farm projects in western Victoria, many of which will be very close together when developed.***

**Russell Guest**

**Manager Strategic Planning**