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23 October 2013

Chairman
Development Assessment Commission
GPO Box 1815
ADELAIDE SA 5001
Attention Mr Simon Neldner

Dear Simon

Application Number	49/544/V001/2013 (ID8758)
Type:	Government Section 49
Applicant:	Yorke Peninsula Wind Farm Project Pty Ltd
Proposal:	Ceres Wind Farm Project
Subject Land:	Multiple

Thank you for the opportunity to place a final submission before the Commission for consideration in relation to the Ceres Wind Farm Project, application number 49/544/V001/2013.

On 6 October 2013, Council was provided with a copy of the Parsons Brinckerhoff Submission Report prepared on behalf of the applicant. This report makes reference to Council's original submission to the Development Assessment Commission (DAC) and the report considered by Council at its meeting held 24 March 2013. Council believes that several parts of the Parsons Brinckerhoff report are speculative and inaccurate. The applicant has incorrectly assumed that the report presented to Council on the 24 March 2013 reflected all information provided to Elected Members regarding the Ceres Project. The final report presented to Council was a culmination of several reports and briefing sessions held with Elected Members throughout the process.

As Council is not the relevant authority for the Ceres Project Development Application, it is not Council's role to present a planning report in relation to this application. The purpose of the Council report presented to Elected Members in March was to identify inadequately addressed aspects of the proposal which could have detrimental impact upon Council and its community.

In relation to the provision of development application documentation, Section 39(1)(b) of the Development Act 1993, provides that an application "must include any information reasonably required by the relevant authority."

Additionally, Section 39(2)(a) provides that “a relevant authority may request an applicant to provide such additional documents or information (including calculations and technical details) as the relevant authority may reasonably require to assess the application.”

Although Council is not the relevant authority in this instance, Council is provided with the opportunity to report to DAC on any matters contained in a notice under Section 49.

In respect to the need for an applicant to provide appropriate information, attention is drawn to the comments of the Supreme Court of South Australia in the matter of *City of Enfield v Development Assessment Commission and Collex Waste Management Services*, in which the Court said;

“The need for proper and adequate plans and information is made even more important because both the Management Plan and the Planning Submission are expressed in terms which, understandably enough, are designed to promote the proposal.

A planning authority should be able to determine from the plans whether the proposed complex as constructed will operate in the manner as represented in any statement of intended operation such as the Management Plan in this case. Where consent is sought for a development for a proposed use which is controversial and sensitive, the applicant has a duty clearly to depict the proposal in its plans and in a way which enables the planning authority or its advisers to determine that the proposal will operate in the manner stated.”

Council's does not consider its request for further information was unreasonable or more onerous than information sought from any other applicant. Council would not support any development application which provided insufficient detail in order to make a full and thorough assessment.

In relation to the information provided to DAC in the Parsons Brinckerhoff report, Council seeks to clarify its position in the paragraphs below on a number of issues which remain a concern.

1. It is noted that the applicant is seeking a condition of consent to microsite, relocate or remove turbines from the project. The request also seeks to relocate turbines within a 100 metre radius of their proposed location. The location of the turbines is a critical point of concern, particularly in relation to turbines sited close to non-involved land holders. Any such condition of approval is opposed by Council.
2. The Parsons Brinckerhoff report is extremely critical of Council's use of the Yorke Peninsula Regional Land Use Framework.

The Framework is an official volume of the Planning Strategy for South Australia and as such, is a statutory document which must be referred to in Council's strategic directions reports. Resulting Development Plans must reflect the strategic focus outlined in the Framework and development must be adequately address the provisions of a Development Plan in order to obtain Consent.

Whilst it is agreed that the Framework is not designed to be a planning assessment tool, it does provide statutory guidance to Councils and a strategic focus for development within the region. Although the Development Plan is the primary reference for development assessment, it is considered reasonable and appropriate to reflect upon the strategic focus for the region when considering developments that impact across such a broad area.

In relation to plans for the buildings proposed to be erected in the operations compound and batching plant, Council does not believe sufficient information has been provided.

1. Council received a concept of a 'typical compound' as part of the initial application documents and subsequently, requested more detail. No such information has been supplied by the applicant. Site and elevation plans of the actual buildings to be constructed are critical to the evaluation of the application. Without these plans the proposal cannot be adequately considered against the provisions of Council's Development Plan.
2. No details have been provided of the stated formal agreements with landowners that would prevent the re-habitation of dwellings impacted by shadow flicker, including dwellings within a 1.3 kilometre setback distance from any turbine. The proponent has stated that this is not required for the purpose of a planning assessment – cessation of use of the dwellings can be further addressed by explicitly describing the change of land use from "dwellings" to "farm buildings" as part of the development application. Council disagrees, and in any event, the applicant has not indicated that any change of land use forms part of this application.
3. The proposal does not include a crime prevention analysis to ensure that best practice crime prevention measures are implemented at all turbine sites and the operations compound. In response to Council's request for this analysis the applicant has stated that the compound will be fenced and include security lighting.

Council's Development Plan calls for a safe, secure, crime resistant environment where land uses are integrated and designed to facilitate community surveillance.

4. The proposal does not include an analysis on the ability for non-involved landowners to implement best practice farming principles. As previously noted, the location of the turbines is a critical point of concern, particularly in relation to turbines sited close to non-involved landowners. The applicant's request for a condition of consent to be included allowing turbines to be sighted within a 100 metre radius of their approved location could see turbines situated adjacent the boundaries of non-involved landowners. This is totally unacceptable to Council.
5. Three turbines are proposed to be located within 60 metres of the Conservation Zone. Council requested that these turbines be relocated no closer than 100 metres from this Zone but the applicant's response was that the turbines could not be moved for operational reasons. If this is the case, why has the proponent requested micro-siting distances of 100 metres for all turbines?
6. The proposal does not include a hazard analysis in relation to the bushfire risk at each turbine site and the operations compound. In response to Council's request for this analysis the applicant placed a great deal of emphasis on aerial fire fighting but very little in relation to operational aspects of fire prevention. It is not uncommon for large scale operations to have bushfire prevention plans. In this case the applicant has not satisfied Council's request for further information.
7. The proposal does not include an analysis for the impacts on water supply as a result of the quantity of water required to operate the batching plant, civil construction, fire fighting or potable supplies. An analysis must clearly demonstrate that the water use required for the batching plant will not impact on current potable water supplies to the Yorke Peninsula, in particular, during peak periods.

It would appear that SA Water have also raised concerns regarding the amount of water required during the construction phase of the project. Council has sought additional information from the applicant on several occasions.

To date no meaningful information has been provided. It is noted that the applicant intends to work with SA Water to develop a strategy for water supply during construction. It is clear to Council that this matter remains unresolved.

8. The proposal does not demonstrate how Council shall be indemnified from litigation in relation to the wind farm and Council's infrastructure. Once again the applicant has made several statements regarding the need to consult with Council in relation to Council's infrastructure, but to date no such negotiations have taken place. This appears to be an ongoing theme of the proposal in that there are numerous aspects of the project which are yet to be adequately investigated.

A full Traffic Management Plan (TMP) must be negotiated to address the following:-

- Definition of roads and routes to be used for vehicles during construction
- Load specifications of vehicles to be used during construction
- Identification of upgrades of roads required to accommodate all vehicles associated with the construction
- Identification of access places from public roads for vehicles during the construction phase of the works and those to be retained and maintained during the operation of the wind farm
- A management schedule of monitoring conditions of roads utilised for wind farm vehicles, at the cost of the applicants
- Agreement that road upgrading and maintenance associated with the wind farm is at the applicants' cost
- Details of hours of delivery of construction equipment
- Details of proposed road closures and their management
- Details of permits required
- Details of all required road signs and advisory signs
- A Route Risk Assessment for roads intended for transportation of over-dimensional wind turbine components

In response to Council's request for a TMP the applicant provided Council with a Victorian Traffic Management Plan and stated that their TMP would be similar. This is not acceptable to Council. A project-specific TMP should be developed prior to the issuing of any Consent.

9. The proposal does not include a landscape assessment report prepared by a qualified person to define areas of additional landscaping and screening around the operations compound. This is critical for Council to understand the impact of the Compound in relation to the Vincent Highway and the amenity of the area.
10. The proposal does not include an analysis of the impacts of post construction site works (e.g. access roads not required for ongoing maintenance that shall be rehabilitated including replanting with crops of native species).

The proposal does not include details of a rehabilitation plan for the site. Such a plan should include options for environmental offsets and management programs (to be undertaken during the operational life of the project), and end-of-project decommissioning works (to outline the extent of reinstatement and restoration activities upon the removal of the wind farm and associated infrastructure).

11. The proposal does not include specific details for the establishment of the stated Community Development Fund or how the fund is to be managed. In response to Council's request for further information the applicant states only that they will work with Council to establish a community fund.
12. The possibility of short term accommodation was raised by the applicant in their original application, and during meetings with Councillors and staff. Although not part of this application, the Peninsula does not have extensive rental accommodation available and it is not unreasonable to suggest that the project will require short term worker accommodation to facilitate several hundred employees.

The applicant has placed a significant emphasis on the socioeconomic value of the project but seems reluctant to provide details of their plans to negate the need for short term worker accommodation.

Conclusion

Council has clearly identified significant areas of concern regarding the Ceres Wind Farm Project that should be addressed prior to DAC making a recommendation to the Minister. The Parsons Brinkerhoff Submission Response Document 27 August 2013 identifies the following matters that in the opinion of Council should also be addressed prior to further consideration of the application.

- Significant Environmental Plan to offset the removal of Native Vegetation throughout the project area
- A water Activity Permit (Natural Resources Management Act 2004)
- Drilling Investigation Permit HVDC marine cable (Native Vegetation Act 1991)
- Access over water and seabeds Permit (Harbors and Navigation Act 1993)
- Stationary Investigation Vessels Permit (Harbors and Navigation Act 1993)
- EPA dredging permit
- Environmental Protection (water quality) Policy permits for:
 - Turbidity Monitoring and management
 - Dredging Management
 - Marine Pest Management
- Applicant still needs to investigate Acid Sulphates Management with Coastal Protection Board
- Cultural Heritage Agreement still required(Coastal Waters)
- EPA Licence for a prescribed activity at the proposed batching plant
- Construction and Environmental Management Plans for the Project still required
- Management Plans and Measures are still required for the following:
 - Visual Amenity
 - Noise and Vibration Management
 - Air Quality and Dust Management
 - Flora and Fauna Management
 - Indigenous and Non-indigenous management agreement
 - Traffic Access
 - Erosion and Stormwater Management
 - Waste Management
 - Storage and handling Dangerous Goods
 - Weed and Pest Management
 - Water Quality Management
 - Emergency Fire Management

- Traffic Management Plans in consultation with Council and DPTI still required
- Operational Management Plan in consultation with Council and DPTI for the following:
 - Operational Environmental Management
 - Operational Water Management
 - Maintenance Processes
 - Bushfire Management
 - Emergency Response Planning
 - Operational Traffic Management
- Survey regarding the long term effect of turbines on the bat population.

The Parsons Brinkerhoff report, 27 August 2013, has identified 40 outstanding matters that require attention prior to the commencement of the Ceres Project. Many of the matters raised throughout the Parsons Brinkerhoff report relate to matters raised by Council within its submission to DAC dated 8 February 2013.

Council has not been provided with sufficient information regarding the Ceres Project to ensure that the development meets the requirements of Council's Development Plan. Legal precedence suggests that the applicant has a duty to provide information on request to ensure that the application satisfies the requirements of the appropriate Development Plan.

It is clear that the applicant has failed to provide sufficient information for Council to support the application. It is also clear that the applicant has failed to provide DAC sufficient information to make an informed recommendation to the Minister and as such DAC should recommend refusal of the Ceres Project to the Minister.

The applicant has stated that "any outstanding issues can be readily managed via condition of consent". This statement may be factually misleading, and in the case *MacGillivray v Mount Barker DC 2001*, SAERDC 11. The Court stated "conditions cannot be designed to make a proposal suitable and acceptable where it would otherwise not be generally consistent with the orderly development of a zone". Furthermore, in *Charles Sturt CC v Hatch 1999*, SASC 523. The Court noted that, the power to impose conditions "cannot be used to obscure the primary question which a planning authority must ask itself, namely having regard to the objectives and principles of the relevant Development Plan, is the proposal a suitable and appropriate use of the land".

Council acknowledged that some matters raised can be conditioned or held in reserve as part of the Planning consent. However, you cannot use conditions of consent to make an application acceptable when there is a clear shortage of meaningful information that enables an authority or its advisors to understand the scope and impact of a development on its community.

The application provided by the proponents raises more questions than answers and Council respectfully requests the Development Assessment Commission recommend refusal to the Ceres Wind Farm Project to the Minister.

Yours sincerely

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Director Development Services

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DIRECTOR DEVELOPMENT SERVICES

DA/ITEM 6.4

1. REPOWER AUSTRALIA PTY LTD, CERES WINDFARM PROJECT (File Ref: 9.24.1.1)

INTRODUCTION

Pursuant to Section 49(4a) of the *Development Act 1993* ('the Act') Council has received notice of an application for a wind farm lodged with the Development Assessment Commission (DAC) – Elected Members would identify the proposal as the Ceres Project. The application has been presented in two volumes, the first volume being the development application and the second volume containing technical details and reports relating to the project.

Section 49 of the Act provides for the assessment of Crown development and public infrastructure. This includes development undertaken by State Government agencies or public infrastructure (such as the provision of electricity infrastructure) undertaken by a person with sponsorship by a State Government agency.

The Ceres Project has secured Crown development sponsorship, pursuant to Section 49 of the Act as it is key public infrastructure. The project sponsor for this application is the Major Projects Division of the Department of Planning, Transport and Infrastructure (DPTI). The application seeks development approval from the Minister.

RECOMMENDATION

1. That following consideration and having regard to all relevant matters concerning the construction of the Ceres Project wind farm (199 turbines, associated infrastructure and operations compound), that Council advise the Development Assessment Commission that **Council does not support** the project for the following reasons:

1.1 The proposal is at variance with the following provisions of the Yorke Peninsula (DC) Development Plan, consolidated 22 November 2012:

Coastal Areas

Objective: 3

Principles of development control: 1

Crime Prevention

Objectives: 1

Principles of development control: 1, 3, 4, 5, 6 & 7

Design and Appearance

Principles of development control: 1, 3 & 4

Hazards

Objectives: 1, 2, 3, 5, 6, 9 & 10

Principles of development control: 2, 6, 7, 8(a), 8(d), 8(e), 11 & 14

Infrastructure

Objectives: 1 & 4

Principles of development control: 2 (b) & 3 (d)

Interface Between Land Uses

Objectives: 1, 2, 3

Principles of development control: 2, 5, 7, 8, 13

Landscaping, Fences and Walls

Objectives: 1, 2

Principles of development control: 2, 3

Natural Resources

Objectives: 6 (e) & 13

Principles of development control: 7(a), 7(b), 26, 27, 28(a), 30 (a), 30(e), 38

Orderly and Sustainable Development

Objective: 3

Principles of development control: 1

Renewable Energy Facilities

Objectives: 1 & 3

Principles of development control: 1

Short-Term Workers Accommodation

Objectives: 1

Principles of development control: 1, 2, 3 & 4

Siting and Visibility

Objectives: 1

Principles of development control: 11, 13, 22, 23(a), 23(c), 23(d), 27

Primary Production Zone

Objective: 4

Principles of development control: 12 & 13.

1.2 Whilst the proposed development is significantly at variance with the above objectives and principles of development control as set out in Council's current Development Plan, consolidated 22 November 2012 the application should not be supported due to insufficient information being provided to make an informed assessment as per the following:-

- There is insufficient information available on the potential long term impact of infrasound on human health
- No plans on any of the buildings to be erected in the Operations Compound
- No details of any formal agreements with the landowners that prevent the rehabilitation of dwellings impacted by shadow flicker, including dwellings within a 1.3 kilometre set-back distance from any turbine.
- There is no crime prevention analysis to ensure that best practice crime prevention measures are implemented at all turbine sites and the operations compound.
- There is no analysis on the ability for non-involved landowners to implement best practice farming principles.

- There are three turbines located within 60 metres of the Conservation Zone that should be relocated to a distance of not less than 100 metres.
- Hazard analysis has not been provided in relation to bushfire risk at each turbine site and the operations compound.
- The applicant has not completed an analysis for the impacts on water supply as a result of the quantity of water required to operate the batching plant, civil construction, fire fighting or potable supplies. The analysis must clearly demonstrate that the water use required for the batching plant will not impact on current potable water supplies to the Yorke Peninsula, in particular, during peak periods.
- The applicant has not completed an analysis of the impacts of the short-term workers accommodation in relation to tourism and permanent rental availability.
- No details have been provided demonstrating how Council shall be indemnified from litigation in relation to the wind farm and Council's infrastructure.
- The applicant has not provided details on a Traffic Management Plan to address the following:-
 - Definition of roads and routes to be used for vehicles during construction
 - Load specifications of vehicles to be used during construction
 - Identification of upgrades of roads required to accommodate all vehicles associated with the construction
 - Identification of access places from public roads for vehicles during the construction phase of the works and those to be retained and maintained during the operation of the windfarm
 - A management schedule of monitoring conditions of roads utilised for windfarm vehicles, at the cost of the proponents
 - Agreement that road upgrading and maintenance associated with the windfarm is at the proponents cost
 - Details of hours of delivery
 - Details of proposed road closures and their management
 - Details of the permits required
 - Details of all required road signs and advisory signs
 - A Route Risk Assessment for roads intended for transportation of over-dimensional wind turbine components
- Details of a landscape assessment report prepared by a qualified person to define areas of additional landscaping and screening around the operations compound have not been provided.
- An analysis of the impacts of post construction site works, including access roads, not required for ongoing maintenance that shall be rehabilitated including replanting with crops and or native species has not been provided.
- The applicant has not provided an analysis of mitigation of interference with existing telecommunication facilities.
- No details have been provided in relation to a rehabilitation plan for the site, including options for environmental offsets and a management program (to be undertaken during the operation life of the project) and end-of-project decommissioning works (to outline the extent of reinstatement and restoration activities upon the removal of the wind farm and associated infrastructure).

- No details have been provided on a Bushfire Management Plan.
- No details have been provided to develop a cultural heritage management plan for both European and Aboriginal cultural heritage.
- No specific details have been provided for the establishment of a Community Development Fund, including details of how the fund is to be managed.

COMMENT

Development Detail

Proposed Development:	Wind Farm: 199 turbines, associated infrastructure and operations compound
Development Number:	49/544/V001/2013
Applicant:	REpower Australia Pty Ltd
Owners:	Refer to section 1.4
Address:	20 Collins Street Melbourne
Land Use:	Primary production
Public Notification:	Section 49 sponsored
Application Lodged:	7 January 2013
Authorised Development Plan:	22 November 2012

Project Components

Project area:	18,000ha (180km ²)
Landowners directly involved:	36
Wind turbines:	199
Turbine capacity:	3.2MW or 3.4MW
Total power delivered to Adelaide:	600MW
Converter stations:	2
Electrical cable length:	75.5km (marine 61.6km, terrestrial 13.9km)

Land Tenure

The majority of the land within the project area is privately owned, with the remainder consisting of Crown or public roads predominately under Council management.

The thirty-six (36) landowners hosting turbines have been engaged under lease agreements and those hosting internal access roads and transmission cables (underground) will also be governed by deeds of easement.

The 0.18 hectares of land required for each wind turbine will not require approval for a change in land use as the development is additional and ancillary to the existing use.

The balance of the allotments containing the turbines will continue to be used for agricultural purposes by the current landowners.

Land Ownership and Proposed Use

The table below identifies parcels of land that contain elements of the proposed wind farm and supporting infrastructure, they will be referred to as the subject land.

Volume	Folio	Title description	Proposed use
Northern Zone			
5424	284	SECTION 38 OF HUNDRED MULOOWURTIE	4 x WTGs & access track
5377	36	SECTION 123 (of 123 and 131) OF MULOOWURTIE	5 x WTGs, access tracks & 33kV easement & junction
5551	418	ALLOTMENT 1 (of 1 AND 2) FILED PLAN 17030	4 x WTGs & access track
5623	867	SECTIONS 134 OF HUNDRED MULOOWURTIE	5 x WTGs & access track
5539	752	SECTION 37 OF HUNDRED MULOOWURTIE	4 x WTGs & access track
5551	418	ALLOTMENT 2 (of 1 AND 2) FILED PLAN 17030	2 x WTGs & access track
5661	214	SECTION 130 OF MULOOWURTIE	1 x WTGs & 33kV easement
5425	473	SECTION 122 OF MULOOWURTIE	5 x WTGs, access track & wind monitoring mast
5377	36	SECTION 131 (of 123 and 131) OF MULOOWURTIE	2 x WTGs, access tracks and 33kV easement
5419	214	SECTION 120 HUNDRED OF MULOOWURTIE	3 x WTGs & access track
5552	831	SECTION 113 (of 113 and 121) OF MULOOWURTIE	4 x WTGs & access track
5419	214	SECTION 124 HUNDRED OF MULOOWURTIE	No planned infrastructure
Central West Zone			
5555	574	SECTION 135 (of 135 AND 136) HUNDRED OF MULOOWURTIE	2 X WTGs & access tracks
5410	793	ALLOTMENT 354 FILED PLAN 196586 OF CURRAMULKA	Wind monitoring mast
5728	131	SECTION 206 HUNDRED OF WAURALTEE	6 x WTGs & access tracks
5437	730	SECTION 115 OF CURRAMULKA	2 x WTGs & access tracks
5276	552	SECTION 150 OF MULOOWURTIE	4 x WTGs & access tracks
5581	66	SECTION 145 OF MULOOWURTIE	6 x WTGs, access tracks,
5566	15	SECTION 147 OF MULOOWURTIE	4 x WTGs, access tracks & 33 kV easement and junction

5425	148	SECTION 154 (of 11 AND 154) HUNDRED OF MULOOWURTIE	1 x WTG, access road & 33 kV easement
5448	49	SECTION 117W OF CURRAMULKA	2 x WTGs, access tracks & 33 kV easement & junction
5276	755	SECTION 144 OF MULOOWURTIE	5 x WTGs, access tracks, 2 x 33 kV easement and a junction
5155	760	SECTION 118 OF CURRAMULKA	No infrastructure planned
5437	728	SECTION 318 HUNDRED OF CURRAMULKA	1 x WTG & access track
5451	588	ALLOTMENT 202 DEPOSITED PLAN 46762 CURRAMULKA	1 x WTG & access track
5448	293	ALLOTMENT 367 FILED PLAN 196599	3 x WTGs & access tracks
6057	256	SECTION 153N OF MULOOWURTIE	No infrastructure planned
5448	89	SECTION 88N OF CURRAMULKA	No infrastructure planned
5531	451	SECTION 120 OF CURRAMULKA	No infrastructure planned
5555	574	SECTION 136 (of 135 AND 136) HUNDRED OF MULOOWURTIE	3 x WTGs & access tracks
5276	754	SECTION 152 OF MULOOWURTIE	3 x WTGs, access tracks & 33 kV easement
5448	294	ALLOTMENT 366 FILED PLAN 196599	No infrastructure planned
5831	836	ALLOTMENT 355 FILED PLAN 196587 OF CURRAMULKA	3 x WTGs & access tracks
5141	930	SECTION 119 OF CURRAMULKA	4 x WTGs & access tracks
5276	756	SECTION 151 OF MULOOWURTIE	1 x WTGs, access track & 33 kV junction & easement
5583	27	ALLOTMENT 93 FILED PLAN 196654 OF CURRAMULKA	1 x WTG & access track
5661	214	SECTION 137 OF MULOOWURTIE	2 x WTGs, access tracks & 33 kV easement
5888	598	ALLOTMENT 2 DEPOSITED PLAN 60530 OF CURRAMULKA	No infrastructure planned
6057	257	ALLOTMENT 95 FILED PLAN 196656	2 x WTGs, access track & 33 kV easement
5451	587	ALLOTMENT 201 DEPOSITED PLAN 46762 OF CURRAMULKA	2 x WTGs & access tracks
5425	148	SECTION 11 (of 11 AND 154) HUNDRED OF MULOOWURTIE	1 x WTG, access road & 33 kV easement
5184	369	SECTION 146 OF MULOOWURTIE	4 x WTGs, access tracks & 33 kV easement
5990	340	ALLOTMENT 21 DEPOSITED PLAN 74694 OF CURRAMULKA	2 x WTGs & access tracks

5623	867	SECTIONS 134 HUNDRED OF MULOOWURTIE	5 x WTGs & access track
Central East Zone			
5743	830	ALLOTMENT 100 FILED PLAN 206515	1 x WTG, access track & 33 kV easement
5316	65	SECTION 129 HUNDRED OF CURRAMULKA	6 x WTGs & access tracks
6068	501	ALLOTMENT 6 DEPOSITED PLAN 85469	1 x WTG & access track
5448	360	SECTION 100 OF CURRAMULKA	2 x WTGs, access tracks & HVDC easement
5743	831	ALLOTMENT 368 FILED PLAN 196600	33 kV easement
5710	771	ALLOTMENT 2 DEPOSITED PLAN 53106	1 x WTG & access track
5550	945	SECTION 96 CURRAMULKA	3 x WTGs & access tracks
5300	873	ALLOTMENT 93 FILED PLAN 162426	3 x WTGs, access tracks & 33kv easement
5550	945	SECTION 97 CURRAMULKA	4 x WTGs & access tracks
5565	925	ALLOTMENT 100 FILED PLAN 196661	4 x WTGs, access roads & wind monitoring mast
5308	460	SECTION 99 OF CURRAMULKA	3 x WTGs, access tracks & 33 kV easement
5786	566	SECTION 126 HUNDRED OF CURRAMULKA	9 x WTGs, access tracks, 33 kV easement & junction
5419	998	SECTION 131 HUNDRED OF CURRAMULKA	2 x WTGs, access tracks 33 kV easement
5308	459	SECTION 98 CURRAMULKA	4 x WTGs, access tracks & 33 kV easement
5239	439	ALLOTMENT 1 FILED PLAN 131522	No planned infrastructure
5997	537	ALLOTMENT 60 DEPOSITED PLAN 68252	1 x WTG, access track & HVDC easement
Southern Zone			
6025	865	SECTION 44 OF CURRAMULKA	2 x WTGs & access tracks
5288	395	SECTION 9 OF CURRAMULKA	2 x WTGs & access tracks
5562	860	ALLOTMENT 307 OF CURRAMULKA	2 x WTGs & access tracks
5281	558	SECTION 73 OF CURRAMULKA	3 x WTGs, access tracks, 33 kV easement & junctions
5674	444	SECTION 75 HUNDRED OF CURRAMULKA	No planned infrastructure
5498	726	SECTION 13 OF CURRAMULKA	No planned infrastructure

5674	444	SECTION 67 HUNDRED OF CURRAMULKA	No planned infrastructure
5455	437	SECTION 19 OF CURRAMULKA	1 x WTG, access track, 33 kV easement & junction
5421	610	SECTION 11 OF CURRAMULKA	1 x WTG & access track
5281	576	SECTION 68 HUNDRED OF CURRAMULKA	2 x WTGs, access tracks, 33 kV easement & junction
5812	285	SECTION 12 OF CURRAMULKA	4 x WTGs, access track & wind monitoring mast
5526	212	SECTION 14 OF CURRAMULKA	2 x WTGs & access tracks
5772	304	SECTION 70 OF CURRAMULKA	1 x WTG & access track
6088	752	SECTION 21 OF CURRAMULKA	2 x WTGs & access tracks
5854	297	SECTION 15 OF CURRAMULKA	1 x WTG & access track
5064	789	ALLOTMENT 3 DEPOSITED PLAN 33404 (PREVIOUSLY SECTION 46)	No planned infrastructure
5491	661	SECTION 69 OF CURRAMULKA	6 x WTGs & access tracks
5498	726	ALLOTMENT 2 FILED PLAN 1254	No planned infrastructure
5955	820	SECTION 47 HUNDRED OF CURRAMULKA	1 x WTG, access track & 33 kV easement
5064	787	ALLOTMENT 1 DEPOSITED PLAN 33404 OF CURRAMULKA	2 x WTGs, access tracks & 33 kV easement
5290	810	SECTION 72 HUNDRED OF CURRAMULKA	2 x WTGs & access tracks
5844	659	ALLOTMENT 3 DEPOSITED PLAN 56698 OF CURRAMULKA	1 x WTG & access track
5955	820	SECTION 42 HUNDRED OF CURRAMULKA	1 x WTG, access track & 33 kV easement
6025	994	SECTION 71 OF CURRAMULKA	1 x WTG & access track
5064	788	ALLOTMENT 2 DEPOSITED PLAN 33404 (PREVIOUSLY SECTION 43)	No planned infrastructure
5396	319	ALLOTMENT 2 DEPOSITED PLAN 43772 OF CURRAMULKA	2 x WTGs, access tracks, 33 kV easement & junction
5417	227	SECTION 17 OF CURRAMULKA	1 x WTG & access track
5460	371	SECTION 74 HUNDRED OF CURRAMULKA	4 x WTGs, access tracks & 33 kV easement

Wind Turbines

The project will comprise 199 Wind Turbine Generators (WTGs) in four project zones situated southwest of Ardrossan, near the settlements of Pine Point, Black Point, Curramulka, Port Vincent and Port Julia. The project area is approximately 18,000 hectares with each turbine requiring approximately 0.18 hectares of land (total of 36 hectares).

The WTGs will be clustered in four zones (northern, central west, central east and southern) which are situated between the settlements of Curramulka, Pine Point, Black Point, Port Julia and Port Vincent, within predominantly primary production zoned land (see map provided).

The Applicant proposes to use one of two models of WTG available in their 3.XM series of onshore wind energy converters. The two models are the 3.2M114 and the 3.4M104.

These two models are differentiated by their power rating, 3.2MW and 3.4MW respectively, as well as their rotor diameter.

Turbine characteristics for each model vary slightly, which could affect the degree of environmental impact during operation of the project (e.g. noise and visual). The design and environmental assessments undertaken have considered the impacts of both turbine options.

The WTGs will consist of three blades each with a blade length of up to 57.0 metres. The turbine tower itself will be 93.0 metres tall and will accommodate the rotor which will have a diameter of up to 114.0 metres. The wind turbines will have a total height of up to 150.0 metres.

A series of underground electrical cable lines will link the turbine clusters back to the proposed operations compound. There will be a series of junction sheds where the network of smaller cables will be collected to pass the electricity onto larger cables.

HVDC Cable Connection

The WTGs will be connected to the Adelaide power grid via a High Voltage Direct Current (HVDC) submarine cable across Gulf St Vincent. HVDC is a state-of-the-art power transmission system designed to transmit power underground, under water and over long distances.

The connection system will comprise 75.5 kilometres of cables – 61.6 kilometres of marine cable and 13.9 kilometres of land cable – which includes approximately 2.5 kilometres of land cable on the Yorke Peninsula, linking the operations compound to Port Julia. The majority of this route runs across private land owned by landowners involved in the project.

The 61.6 kilometres of high voltage marine cable is proposed to cross Gulf St Vincent from Port Julia to St Kilda, at a nominal depth of 1 metre below the sea bed.

Operations Compound and Converter Station

An operations compound is proposed to be constructed near Port Julia to support the operation of the wind farm.

The compound will house a number of buildings and includes a converter station, a permanent site control/administrative/operations building, office, workshop and warehouse, car parking, open storage areas and (during construction of the wind farm) a temporary concrete batching plant and site office.

Two converter stations are also required to convert AC to DC and allow remote monitoring and control of the wind farm. One will be located as part of the operations compound near Port Julia and the other will be located on the eastern side of the Gulf at Parafield Gardens West. The converter station is likely to consist of a converter station building and external electrical switchyard.

There are no plans of any of the buildings to be erected in the operation compound, no indication of which buildings are to be permanent or temporary, no site assessment of the impact of this part of the development either visually or more generally in relation to its impact on adjoining land uses. This component of the development has the potential to significantly impact on the character of the locality and is positioned with direct views from the St Vincent's Highway, the principal tourist route to the Lower Yorke Peninsula.

For example, the report identifies that buildings in this area will have a floor area of some 13,600m².

This part of the development needs to be explained in much more detail, with site specific plans of all the buildings, impact on the sites attributes, visual impact on the Highway and mitigation issues such as landscaping to minimise any visual impacts which might arise. This is particularly so given the Landscape and Visual Assessment report notes that the facility is perceived as a negative impact on the landscape.

This is no less than what would be expected of any development of a similar scale in the zone, or in fact anywhere in the Council area.

Access Roads and Other Infrastructure

Other infrastructure required to support the construction and operation of the project, includes internal cables and cable joining buildings. Access tracks will be constructed to each turbine location and underground 33 kV cables will link turbine clusters back to the converter station.

The majority of the internal access roads will be private roads and not accessible to the public, however linkages to these roads will take place via the existing public road network. Approximately 95 hectares are required for internal service roads and other ancillary infrastructure.

A temporary concrete batching plant is required to facilitate construction of the project. The concrete batching plant would occupy an area of approximately 9,000m² and consist of a trailer mounted concrete mixer, cement bins, sand and aggregate stockpiles, and a storage container for various equipment and tools.

EPBC Referral

Under the *Environment Protection and Biodiversity Conservation Act 1999* ('the EPBC Act'), proposals including an action that may have a significant impact on a matter of national environmental significance, or occur on Commonwealth land, must include a referral under the EPBC Act to the Commonwealth. This referral assists the Commonwealth to decide whether the proposal is a controlled action and subsequently, whether a full assessment and approval are required.

A referral of this project was lodged with the Commonwealth Department of Sustainability, Environment, Water, Population and Communities (SEWPAC) on 7th November 2012. Based on the results of environmental assessments, the project was not considered to significantly impact upon any matter of national environmental significance. The proposal was considered adequate given the processes proposed by the project to avoid impacts where possible, and then to provide suitable mitigation where required.

The outcome of the referral process was SEWPAC determining that the project is a Not Controlled Action provided the following conditions were undertaken during the construction of the project:

- no clearance of *Acacia enterocarpa*, *Acacia rheticarpa* or *Olearia pannosa* spp. *pannosa* occurs within the project area

- no more than 1.47 hectares of clearance of native vegetation located in road reserves occurs within the project area
- no clearance of native vegetation occurs in areas designated as conservation zones
- engage a qualified ecologist prior to construction to conduct micro-siting surveys in areas designated as signed land vegetation 100 m buffers and recovery potential
- weed control measures
- temporary fencing to delineate conservation zones and areas
- limiting vehicles, machinery and equipment to the construction footprint, access tracks and existing cleared areas
- maintain a minimum buffer of 1 km between the placement of wind turbine generators and the coastline
- all vessel masters are made aware that southern right whales (*Eubalaena australias*) may be in and around Gulf St Vincent and are made aware of the requirements of the *Environment Protection and Biodiversity Conservation Regulations 2000*
- staff and contractor induction prior to construction activities commencing to promote understanding of the required conditions.

A flora and fauna management plan that details these management measures has been developed to mitigate impacts to flora and fauna during the construction of the project and is included as part of the Scope Construction Emergency Management Plan. The conditions outlined in the Notification of Referral Decision have been accepted by REpower and will be adopted prior and during implementation of the project.

Environmental Investigations

A range of specialist studies were undertaken in support of the development application to inform the site selection process and assess potential impacts associated with the construction and operation of the project.

In addition a number of specific marine studies were undertaken to investigate the impacts associated with the HVDC cable across Gulf St Vincent.

Adjacent Land Uses

The majority of land adjacent to the wind farm project zones is agricultural in nature. As a result, land use within the vicinity of the wind farm comprises rural dwellings, agricultural buildings, broad acre cropping and livestock grazing. The size of landholdings reflects the agricultural use of the land.

The Yorke Peninsula is a popular visitor and tourist destination and there are a number of coastal communities located along the east coast of the Peninsula, including the settlements of Black Point, Pine Point and Port Julia adjacent the project area.

Curramulka is located approximately 3.5 kilometres south west of the project area and is an inland rural township servicing the surrounding farming community.

Proximity of Residential Dwellings

There are a number of buildings located within the rural landscape of the project area. Of these buildings approximately 36 are dwellings, a large number of which are directly involved with the project.

As an initial design criteria intended to reduce impacts, the applicant has imposed a setback of 1.3 kilometres between turbines and any non-involved residential dwelling within the project area, and a minimum turbine spacing of 600 metres.

Mining

There is extensive mining interest on the Yorke Peninsula with the majority of the region being under mineral exploration license. The entire wind farm project area extends over five exploration licenses. These include:

- EL5055, licensed and operated by Rex Minerals (SA) Pty Ltd
- EL4312, licensed and operated by Phoenix Copper Ltd
- EL5056, licensed and operated by Rex Minerals (SA) Pty Ltd
- EL3097, licensed and operated by Phoenix Copper Ltd.

Within a 10 kilometre radius of the wind farm project area there are two primary mining activities being the Rex Minerals Hillside exploration site (located approximately 5.2 kilometres to the east of the northern boundary of the project area), and the Curramulka Quarry (located approximately 300 metres south west of Curramulka).

Economic Benefits/Community Development Fund

RE Power identify that the development will create 500 jobs during construction, 50 permanent jobs, a 3:1 indirect employment multiplier and lease payments to landholders which are likely to be spent locally.

As part of the project the developers are proposing the establishment of a Community Development fund to comprise a payment of \$150,000.00 per annum for 25 years to be spent on the local community.

No specific details of the how the Community Development fund will be managed have been provided.

THE YORKE PENINSULA REGIONAL LAND USE FRAMEWORK

The Yorke Peninsula Regional Land Use Framework is part of the State Government's broad vision for sustainable land use and the built development of the state. The Yorke Peninsula Regional Land Use Framework provides guidance to Councils in reviewing their Development Plans, and establishes a guide for future land use and development in the Yorke Peninsula Region.

The Yorke Peninsula Regional Land Use Framework provides for the continued growth of wind farms in the district so that the region can realise its potential as an important energy provider for the State and key contributor to achieving South Australia's Strategic Plan target (3.2) of leading the nation in wind power generation by 2017. Objective 16 in the Yorke Peninsula Regional Land Use Framework states "*Foster sustainable alternative energy and water supply industries.*"

Map 1 from the Yorke Peninsula Regional Land Use Framework (copy attached) identifies areas adjacent to Sheoak Flat and Port Vincent as sites considered suitable for development of Wind Farms, however the indicators on the map are both on the coast side of St Vincent Highway and there is no suggestion that the extent of wind farm development would encroach significantly into the agricultural area as does this proposal.

The Yorke Peninsula Regional Land Use Framework also seeks to "*retain and strengthen the economic potential of high quality agricultural land*" (Objective 9) and identifies the retention of productive agricultural land found across the Yorke Peninsula Region as a priority. It states that "*the Yorke Peninsula Region consistently produces a quarter of South Australia's grain harvest, sustained by favourable soils and climatic conditions.*" The expansion of grain and livestock production, driven by the State Food Plan targets, is important to the economic and social fabric of the region. The high grade barley for which

the region is internationally renowned grows especially well along the spine of the Peninsula and on land proposed within this wind farm development site. Such activities need to be protected and the marginal cropping areas found along the coast (e.g. coastal side of St Vincent Highway) and west of Yorketown should be considered for activities which conflict with the agricultural use of the land such as wind farms.

The Yorke Peninsula Regional Land Use Framework recognises that there needs to be a balanced approach to development and whilst wind farms are encouraged and supported, the Yorke Peninsula Regional Land Use Framework does not envisage wind farms of the size proposed here with such significant potential to encroachment and impact on prime agricultural land.

Development within the Primary Production Zone needs to be sensitive to needs of the agricultural industry and carried out in such manner that it is not detrimental to the agricultural sustainability or productivity.

3. DEVELOPMENT PLAN ASSESSMENT

3.1 Preliminary Assessment

Yorke Peninsula (DC) Development Plan, consolidated 22 November 2012

A preliminary assessment of the proposal against the provisions of the Yorke Peninsula (DC) Development Plan identified a number of shortcomings in the documentation submitted. Staff sought to clarify project details through a written request for information and two separate meetings with the applicant's representatives on 26th February 2013 and 13th March 2013.

The planning assessment undertaken by REpower refer to the wrong version of the Development Plan.

The Councils Development Plan was amended on the 22nd November 2012. The application documents are dated December 2012 yet refer to the 22nd March 2012 version of the Councils Development Plan.

The November version of the Development Plan is significantly different to the March version referred to in the application documents.

Whilst the Development Act (see Section 33) only requires the Development Authority (DAC) to **assess** the development against the relevant provisions of the 'appropriate' Development Plan (i.e. the Development Plan in force at the time of the application), it is difficult to understand that the assessment report and a number of the associated appendices for such a major project would relate to the wrong version of the Development Plan.

3.2 General Section

The following General Section provisions are those considered to be relevant to the assessment of the proposal against the Yorke Peninsula (DC) Development Plan consolidated 22nd November 2012.

Building Near Airfields

Objectives: 1

Principles of development control: 1, 2(f)

Coastal Areas

Objectives: 1, 2, 3, 8

Principles of development control: 1, 2, 3, 4, 7

Crime Prevention

Objectives: 1

Principles of development control: 1, 3, 4, 5, 6, 7

Design and Appearance

Objectives: 1, 2

Principles of development control: 1, 3, 4, 6, 12, 14, 15

Energy Efficiency

Objectives: 1, 2

Principles of development control: 1, 2

Hazards

Objectives: 1, 2, 3, 5, 6, 9, 10

Principles of development control: 2, 6, 7, 8(a), 8(d), 8(e), 11, 14

Heritage Places

Objectives: 1, 2, 3, 4

Industrial Development

Objectives: 3

Infrastructure

Objectives: 1, 2, 4

Principles of development control: 10, 12, 13, 14

Interface Between Land Uses

Objectives: 1, 2, 3

Principles of development control: 2, 5, 7, 8, 13

Landscaping, Fences and Walls

Objectives: 1, 2

Principles of development control: 2, 3

Natural Resources

Objectives: 6, 8, 10

Principles of development control: 7(a), 7(b), 26, 27, 28(a), 30 (a), 30(e), 38

Orderly and Sustainable Development

Objectives: 1, 2, 3, 4

Principles of development control: 1, 2, 3

Renewable Energy Facilities

Objectives: 1, 2, 3

Principles of development control: 1, 2, 3, 4

Short-Term Workers Accommodation

Objectives: 1

Principles of development control: 1, 2, 3, 4

Siting and Visibility

Objectives: 1

Principles of development control: 11, 13, 22, 23(a), 23(c), 23(d), 27

Waste

Objectives: 1, 2

Principles of development control: 2, 4, 5, 10, 11, 12, 13, 14, 15

Waste Management Facilities

Objectives: 1, 2, 3

Principles of development control: 1, 4, 7

The General Section provisions considered most relevant to the assessment of the proposal are detailed below:

Coastal Areas

Objective 1: The protection and enhancement of the natural coastal environment, including environmentally important features of coastal areas such as mangroves, wetlands, sand dunes, cliff-tops, native vegetation, wildlife habitat shore and estuarine areas.

Objective 2: Protection of the physical and economic resources of the coast from inappropriate development.

Objective 3: Preservation of areas of high landscape and amenity value including stands of vegetation, shores, exposed cliffs, headlands, islands and hill tops, and areas which form an attractive background to urban and tourist areas.

Objective 8: Management of development in coastal areas to sustain or enhance the remaining natural coastal environment.

Principles of development control:

- 1** Development should be compatible with the coastal environment in terms of built-form, appearance and landscaping including the use of walls and low pitched roofs of non-reflective texture and natural earth colours.
- 2** The coast should be protected from development that would adversely affect the marine and onshore coastal environment, whether by pollution, erosion, damage or depletion of physical or biological resources, interference with natural coastal processes or any other means.
- 3** Development should not be located in delicate or environmentally-sensitive coastal features such as sand dunes, cliff-tops, wetlands or substantially intact strata of native vegetation.
- 7** Development that proposes to include or create confined coastal waters, as well as water subject to the ebb and flow of the tide should be designed to ensure the quality of such waters is maintained at an acceptable level.

On balance, the proposal meets the Coastal Areas general section provisions of the Development Plan. Objective 3 and PDC 1 make reference to the preservation of areas of high landscape and amenity value which form an attractive background to urban and tourist areas, and to development being compatible with the coastal environment in terms of built-form and appearance.

The proposal states that the predominant views from coastal settlements are towards the sea and therefore, the size and scale of the wind turbines will have a negligible impact on existing views. Council has an obligation to consider the views from both the land and the surrounding coastal waters, given the high number of residents and visitors using the

waterways. It is clear that the development will have an impact on the visual amenity as viewed from the adjacent coastal waters and therefore, is considered at variance with Objective 3 and PDC 1.

Crime Prevention

Objective 1: A safe, secure, crime resistant environment where land uses are integrated and designed to facilitate community surveillance.

Principles of development control:

- 1 Development should be designed to maximise surveillance of public spaces through the incorporation of clear lines of sight, appropriate lighting and the use of visible permeable barriers wherever practicable.
- 3 Development should provide a robust environment that is resistant to vandalism and graffiti.
- 5 Development, including car park facilities should incorporate signage and lighting that indicates the entrances and pathways to, from and within sites.
- 6 Landscaping should be used to assist in discouraging crime by:
 - (a) screen planting areas susceptible to vandalism
 - (b) planting trees or ground covers, rather than shrubs, alongside footpaths
 - (c) planting vegetation other than ground covers a minimum distance of 2 metres from footpaths to reduce concealment opportunities.
- 7 Site planning, buildings, fences, landscaping and other features should clearly differentiate public, communal and private areas.

The application is silent in relation to crime prevention. The Development Plan calls for a safe, secure, crime resistant environment where land uses are integrated and designed to facilitate community surveillance. Without clearly defined plans for the operations compound and any workers accommodation Council cannot assess this requirement.

Design and Appearance

Objective 1: Development of a high architectural standard that responds to and reinforces positive aspects of the local environment and built form.

Principles of development control:

- 1 The design of a building may be of a contemporary nature and exhibit an innovative style provided the overall form is sympathetic to the scale of development in the locality and with the context of its setting with regard to shape, size, materials and colour.
- 3 Buildings should be designed to reduce their visual bulk and provide visual interest through design elements such as:
 - (a) articulation
 - (b) colour and detailing
 - (c) small vertical and horizontal components
 - (d) design and placing of windows
 - (e) variations to facades.
- 4 Where a building is sited on or close to a side boundary, the side boundary wall should be sited and limited in length and height to minimise:
 - (a) the visual impact of the building as viewed from adjoining properties

The application does not satisfy the requirements of design and appearance. It is noted that a large number of wind turbines are located on the property boundaries of non-involved property owners. This is at variance to the principles of development control 1, 3 and 4. It is noted that wind farms are an appropriate form of development within the Primary Production Zone. PDC 1 addresses the need to provide development that is sympathetic to the locality by way of siting and scale. PDC 3 also seeks to reduce the size and scale by way of siting and PDC 4 seeks to reduce the visual impact by way of siting away from boundaries to reduce the impact on adjoining property owners. In order to comply with these principles the applicant will need to reconsider the siting of all wind turbines in close proximity to non-involved properties.

Hazards

Objective 1: Maintenance of the natural environment and systems by limiting development in areas susceptible to natural hazard risk.

Objective 2: Development located away from areas that are vulnerable to, and cannot be adequately and effectively protected from the risk of natural hazards.

Objective 3: Critical community facilities such as hospitals, emergency control centres, major service infrastructure facilities, and emergency service facilities located where they are not exposed to natural hazard risks.

Objective 5: Development located to minimise the threat and impact of bushfires on life and property.

Objective 9: Appropriate assessment and remediation of site contamination to ensure land is suitable for the proposed use and provides a safe and healthy living and working environment.

Objective 10: Minimisation of harm to life, property and the environment through appropriate location of development and appropriate storage, containment and handling of hazardous materials.

Principles of development control:

2 There should not be any significant interference with natural processes in order to reduce the exposure of development to the risk of natural hazards.

6 The following bushfire protection principles of development control apply to development of land identified as *General, Medium and High Bushfire Risk* areas as shown on the *Bushfire Protection Area BPA Maps - Bushfire Risk*.

7 Development in a Bushfire Protection Area should be in accordance with those provisions of the *Minister's Code: Undertaking development in Bushfire Protection Areas* that are designated as mandatory for Development Plan Consent purposes.

8 Buildings and structures should be located away from areas that pose an unacceptable bushfire risk as a result of one or more of the following:

- (a) vegetation cover comprising trees and/or shrubs
- (d) inability to provide an adequate building protection zone
- (e) inability to provide an adequate supply of water for fire-fighting purposes.

11 Buildings and structures should be designed and configured to reduce the impact of bushfire through using simple designs that reduce the potential for trapping burning debris against the building or structure, or between the ground and building floor level in the case of transportable buildings.

- 14** Vehicle access and driveways to properties and public roads created by land division should be designed and constructed to:
- (a) facilitate safe and effective operational use for fire-fighting and other emergency vehicles and residents
 - (b) provide for two-way vehicular access between areas of fire risk and the nearest public road.

Many of the hazards associated with the construction of the wind farm have been addressed throughout the application. Although there is an intention to address all hazards associated with the development at this stage the applicant has not addressed issues such as bushfire management plans in any detail at the wind turbine sites and the administrations compound. Without these plans to assess, it is difficult to ensure compliance with this provision of the Development Plan.

Heritage Places

Objective 1: The conservation of State and local heritage places.

Objective 2: The continued use, or adaptive re-use of State and local heritage places that supports the conservation of their cultural significance.

Objective 3: Conservation of the setting of State and local heritage places.

Objective 4: Protection and conservation of Aboriginal heritage of archaeological significance.

The application satisfies these provisions. It is noted that should the development be approved an ongoing agreement should be reached with the Narungga Nations to ensure ongoing compliance.

Infrastructure

Objective 1: Infrastructure provided in an economical and environmentally sensitive manner.

Objective 2: Infrastructure, including social infrastructure, provided in advance of need.

Objective 4: The visual impact of infrastructure facilities minimised.

Principles of development control:

- 10** Electricity infrastructure should be designed and located to minimise its visual and environmental impacts.
- 12** Utilities and services, including access roads and tracks, should be sited on areas already cleared of native vegetation. If this is not possible, their siting should cause minimal interference or disturbance to existing native vegetation and biodiversity.
- 13** Utility buildings and structures should be grouped with non-residential development where possible.
- 14** Development in proximity to infrastructure facilities should be sited and be of a scale to ensure adequate separation to protect people and property.

The application satisfies the requirements of objective 2 but is at variance to objectives 1 & 4. Objective 1 calls for infrastructure that is economical and environmentally sensitive. It is debatable that the siting of wind turbines on property boundaries and close to public roads is in keeping with an environmentally sensitive development.

PDC 4 requires that the visual impact of infrastructure facilities be minimised. As Council has not been provided with suitable landscape plans in relation to the operations compound it is difficult to assess how this principle would be met.

Interface Between Land Uses

Objective 1: Development located and designed to prevent adverse impact and conflict between land uses.

Objective 2: Protect community health and amenity and support the operation of all desired land uses.

Objective 3: Protect desired land uses from the encroachment of incompatible development.

Principles of development control:

- 2** Development should be sited and designed to minimise negative impact on existing and potential future land uses considered appropriate in the locality.
- 5** Sensitive uses likely to conflict with the continuation of lawfully existing developments and land uses desired for the zone should be designed to minimise negative impacts.
- 7** Development that emits noise (other than music noise) should include noise attenuation measures that achieve the relevant Environment Protection (Noise) Policy criteria when assessed at the nearest existing noise sensitive premises.
- 8** Development with the potential to emit significant noise (e.g. industry) should incorporate noise attenuation measures that prevent noise from causing unreasonable interference with the amenity of noise sensitive premises.

The application is at variance to the objectives and principles of interfaces between land uses. The objectives of this provision are provided to ensure that development is located and designed to prevent adverse impacts and conflict between land owners, to protect community health and amenity while protecting existing lawful land uses. The siting of wind turbines on property boundaries will impact on the use of land by adjoining property owners. The level of this impact is unknown.

The developer states that all impacts on adjoining property owners will be investigated and mitigated as part of the final assessment and siting of wind turbines, but at the time of assessment this has not been completed.

Objectives 1 & 2 clearly intend to ensure development is designed to prevent adverse impact and conflict between land uses while protecting community health and amenity. While objective 3 seeks to protect desired land uses from encroachment by incompatible land uses.

When there are two land uses that are considered desirable, the actions of one use, in this case wind turbines should not impact on the other use, primary production, particularly when that impact involves non-involved property owners. This is further demonstrated in principle of development controls that states "sensitive uses likely to conflict with the continuation of lawful existing development and land use desired for the zone should be designed to minimise negative impacts."

Natural Resources

Objective 6: Development sited and designed to:
(e) minimise demand on reticulated water supplies

Objective 8: Native flora, fauna and ecosystems protected, retained, conserved and restored.

Objective 10: Minimal disturbance and modification of the natural landform.

Objective 13: Protection of the scenic qualities of natural and rural landscapes

Principles of development control:

- 26** Development should retain existing areas of native vegetation and where possible contribute to revegetation using locally indigenous plant species.
- 27** Development should be designed and sited to minimise the loss and disturbance of native flora and fauna, including marine animals and plants, and their breeding grounds and habitats.
- 28** Native vegetation should be conserved and its conservation value and function not compromised by development if the native vegetation does any of the following:
 - (a) provides an important habitat for wildlife or shade and shelter for livestock
- 30** Development that proposes the clearance of native vegetation should address or consider the implications that removing the native vegetation will have on the following:
 - (a) provision for linkages and wildlife corridors between significant areas of native vegetation
 - (d) bushfire safety
 - (e) the net loss of native vegetation and other biodiversity.
- 38** Development should take place in a manner that will minimise alteration to the existing landform.

The applicant has satisfied the requirements of objective 8 & 10 and the principles of development control but is at variance to objective 6 (e) and 13.

Objective 6 (e) requires that the Developer minimises the use of reticulated water. There is debate regarding the amount of water required for the project.

Of the four types of water required for the project, water for concrete batching, water for civil construction, potable water and water for fire fighting purposes, little investigation has been undertaken by the applicant and this matter remains unresolved. Given the number of turbines close to roads and adjoining property owners, the scenic quality of the area is compromised. Each turbine has an overall height of 150m, the closer the turbines are to roads and boundaries the more imposing they become.

Orderly and Sustainable Development

Objective 1: Orderly and economic development that creates a safe, convenient and pleasant environment in which to live.

Objective 3: Development that does not jeopardise the continuance of adjoining authorised land uses.

Objective 4: Development that does not prejudice the achievement of the provisions of the Development Plan.

Principles of development control:

- 1** Development should not prejudice the development of a zone for its intended purpose.

- 2 Land outside of townships and settlements should primarily be used for primary production, conservation purposes.

The applicant has not satisfied the requirements of objective 3 and PDC 1. Objective 3 requires that development does not jeopardise the continuance of an authorised adjoining land use. PDC 1 requires that development does not prejudice the development of a zone for its intended use. With many wind turbines located on the property boundaries of non-involved property owners it is difficult to identify how the applicant can comply with this requirement. Aerial spraying is an integral part of farming practices and it is an activity that is implemented on the basic need rather than want. The applicant has acknowledged that there is a likelihood of some interruption to Aerial spraying and there may be a need to alter farming practices. Of note, the assessment report is limited only to the impacts on existing farming practices on adjoining land, not on the properties which are the subject of the development application, and nor does it consider the impact of the wind farm on future use of aerial spraying by affected land owners who may now only use ground based application methods. The Aerial Spraying report accompanying the application notes that further investigation of this issue is required in relation to a number of adjoining properties, and raises the issue of compensation to affected land owners, but provided no assurance as to how compensation would be dealt with as part of the project development, or if this would come from the Community Development fund or be separately funded.

Renewable Energy Facilities

Objective 1: Development of renewable energy facilities that benefit the environment, the community and the state.

Objective 2: The development of renewable energy facilities, such as wind farms and ancillary development, in areas that provide opportunity to harvest natural resources for the efficient generation of electricity.

Objective 3: Location, siting, design and operation of renewable energy facilities to avoid or minimise adverse impacts on the natural environment and other land uses.

Principles of development control:

- 1 Renewable energy facilities, including wind farms and ancillary development, should be:
 - (a) located in areas that maximize efficient generation and supply of electricity
 - (b) designed and sited so as not to impact on the safety of water or air transport and the operation of ports, airfields and designated landing strips.
- 2 The visual impacts of wind farms and ancillary development (such as substations, maintenance sheds, access roads and wind monitoring masts) should be managed through:
 - (a) wind turbine generators being:
 - (i) setback at least 1000 metres from non-associated (non-stakeholder) dwellings and tourist accommodation
 - (ii) setback at least 2000 metres from defined and zoned township, settlement or urban areas (including deferred urban areas)
 - (iii) regularly spaced
 - (iv) uniform in colour, size and shape and blade rotation direction
 - (v) mounted on tubular towers (as opposed to lattice towers)
 - (b) provision of vegetated buffers around substations, maintenance sheds and other ancillary structures.
- 3 Wind farms and ancillary development should avoid or minimise the following impacts on nearby property owners / occupiers, road users and wildlife:
 - (a) shadowing, flickering, reflection or glint

- (b) excessive noise
 - (c) interference with television and radio signals and geographic positioning systems
 - (d) interference with low altitude aircraft movements associated with agriculture
 - (e) modification of vegetation, soils and habitats
 - (f) striking of birds and bats.
- 4 Wind turbine generators should be setback from dwellings, tourist accommodation and frequently visited public places (such as viewing platforms) a distance that will ensure that failure does not present an unacceptable risk to safety.

The application satisfies the requirements of objective 2 in relation to renewable energy.

Objective 1 requires that development is of benefit to the environment, community and state. Objective 3 requires location, siting, design and operation of renewable energy facilities to avoid or minimise adverse impacts on the natural environment and other land uses. It is clear that participant farmers have been provided with protection from adverse impact from the wind turbines by way of boundary siting however, and to the contrary, non-involved property owners will be impacted due the proximity of these turbines to boundaries.

Council should turn its attention to the overall impact of the project and at this point in time it is unclear how much impact will be placed on non-involved farm holdings. It therefore is reasonable to conclude this is at variance to the requirements of the Development Plan until a full and detailed analysis of the impact on non-involved farm holdings is completed.

The application has failed to satisfy principles of development control 2 (b), 3 (d) as set out in Council's Development Plan. PDC 2 (b) requires that a vegetated buffer be placed around substations and maintenance shed ancillary to wind farms. PDC 3 (d) requires the applicant to minimise the impacts on nearby property owners in relation to aerial spraying. These matters remain unresolved and it is noted that the aerial assessment makes reference to the use of the Air Tractor AT 502B, a unit that is not currently used on Yorke Peninsula.

Short Term Workers Accommodation

Objective 1: A range of appropriately located accommodation types supplied for seasonal and short-term workers.

Principles of development control:

- 1 Accommodation intended to be occupied on a temporary basis by persons engaged in employment relating to the production or processing of primary produce including minerals should be located within existing townships or within primary production areas, where it directly supports and is ancillary to legitimate primary production activities or related industries.
- 2 Buildings used for short-term workers accommodation should:
 - (a) be designed and constructed to enhance their appearance
 - (b) provide for the addition of a carport, verandas or pergolas as an integral part of the building
 - (c) where located outside of townships, not jeopardise the continuation of primary production on adjoining land or elsewhere in the zone
 - (d) be supplied with service infrastructure such as power, water, and effluent disposal sufficient to satisfy the living requirements of workers.
- 3 Short-term workers accommodation should not be adapted or used for permanent occupancy.

- 4 A common amenities building should be provided for temporary forms of short-term accommodation such as caravan and camping sites.

The application fails to identify how the requirements of short term worker accommodation are to be addressed. There has been a considerable amount of discussion in relation to worker accommodation but to date Council does not have any specific information that satisfies the requirements of the Development Plan.

The application states that three sites have been considered at for temporary worker accommodation, but these locations have not been identified.

Discussions revealed that several private businesses have also registered interest in providing accommodation. Given the circumstances it would be appropriate to condition any approval to ensure that valuable tourist accommodation remains available during the construction phase of the project.

Siting and Visibility

Objective 1: Protection of scenically attractive areas, particularly natural, rural and coastal landscapes.

Objective 1 requires protection of scenically attractive areas, particularly natural, rural and coastal landscapes. The application does not satisfy this objective. Council has an obligation to consider the views from both land and surrounding coastal waters given the high number of local residents and tourists using the waterways. Quite clearly, the visual impact of the development is one of the critical aspects of the application.

In addition the proximity of wind turbines close to roads intensifies visual impact therefore creating an adverse visual impact on the natural, rural and coastal landscape.

The Visual assessment does not consider the impact of the wind farm on views to the south down the St Vincent's Highway from the north (H1) in the assessment report.

It is further noted that all of the photomontages contained in the assessment of the Landscape and Visual Assessment Report are set against a heavily overcast sky, rather than a clear sky which would increase the turbines visual impact.

The wind farm specific provisions of the Development Plan have been written in such a way as to down play the visual impacts of wind farms and related infrastructure, similarly the visual analysis has been written in such a way as to present the development in the best light.

The Visual Assessment Report identifies the landscape broadly as being of low visual amenity (crops and pasture scenes) and is characterised by relatively flat terrain and open topography. It is however this character that makes it a landscape that is most sensitive to change as consequence of the addition of a very significant number of high, vertical structures that by their very nature will be intrusive.

The St Vincent's Highway is the main tourist route along the east coast of the Peninsula and its flat rural, character will be significantly altered to one of an almost industrial quality as a consequence of the visibility and number of turbines, their proximity to the road and the length of the road over which they will be visible.

The report notes that the wind farm will change the character of the locality but without justification and further says that in some locations the turbines may be seen as a positive contribution to the landscape, but again does not explain in what sense this comment can be made.

Despite the assessment of the landscape having a low visual amenity based on its modified landscape character, the report does not address whether the area is scenically attractive as a typical rural landscape as sought by Objective 1.

3.3 Zone Section

The following Zone provisions are those considered to be relevant to the assessment of the proposal against the Yorke Peninsula (DC) Development Plan consolidated, 22 November 2012.

Primary Production Zone

Objectives: 1, 2, 4, 5, 6

Principles of development control: 1, 2, 3, 4, 9, 10, 12, 13

Objective 1: The long term continuation of primary production.

Objective 2: Economically productive, efficient and environmentally sustainable primary production.

Objective 4: Protection of primary production from encroachment by incompatible land uses and protection of scenic qualities of rural landscapes.

Objective 5: Accommodation of wind farms and ancillary development.

Objective 6: Development that contributes to the desired character of the zone.

Desired Character (Development Plan reference)

Wind farms and ancillary development such as substations, maintenance sheds, access roads and connecting power-lines (including to the National Electricity Grid) are envisaged within the zone and constitute a component of the zone's desired character. These facilities will need to be located in areas where they can take advantage of the natural resource upon which they rely and, as a consequence, components (particularly turbines) may need to be:

- located in visually prominent locations such as ridgelines
- visible from scenic routes and valuable scenic and environmental areas
- located closer to roads than envisaged by generic setback policy.

This, coupled with the large scale of these facilities (in terms of both height and spread of components), renders it difficult to mitigate the visual impacts of wind farms to the degree expected of other types of development. Subject to implementation of management techniques set out by general / council wide policy regarding renewable energy facilities, these visual impacts are to be accepted in pursuit of benefits derived from increased generation of renewable energy.

Principles of development control:

1 The following forms of development are envisaged in the zone:

- bulk handling and storage facility
- commercial forestry
- dairy farming
- farming
- horticulture
- intensive animal keeping
- tourist accommodation (including through the diversification of existing farming activities and conversion of farm buildings)
- wind farm and ancillary development
- wind monitoring mast and ancillary development.

- 2** Development listed as non-complying is generally inappropriate.
- 3** Wind farms and ancillary development should be located in areas which provide opportunity for harvesting of wind and efficient generation of electricity and may therefore be sited:
 - (a) in visually prominent locations
 - (b) closer to roads than envisaged by generic setback policy.
- 4** Industry and warehousing should only be developed if it supports primary production, processing, storage and distribution of local primary produce or products produced on the same site, and should be developed where:
 - (a) it has a direct relationship with primary production
 - (b) it is unlikely to limit or inhibit the use of adjoining land for primary production
 - (c) the particular use requires a site in proximity to a particular natural resource or other product or materials sourced from the locality
 - (d) it will not result in the alienation of land or water resources identified as significant for primary production or ecological reasons
 - (e) the use would be inappropriate within a township
 - (f) the capacity of the infrastructure, including roads, is capable of supporting the use without detriment to existing users.
- 9** Development should not be undertaken unless it is consistent with the desired character for the zone.
- 10** Development should not occur within 500 metres of a National Park, Conservation Park, Wilderness Protection Area or significant stands of native vegetation if it will increase the potential for, or result in, the spread of pest plants.
- 12** Buildings should primarily be limited to farm buildings, a detached dwelling associated with primary production on the allotment and residential outbuildings that are:
 - (a) grouped together on the allotment and set back from allotment boundaries to minimise the visual impact of buildings on the landscape as viewed from public roads
 - (b) screened from public roads and adjacent land by existing vegetation or landscaped buffers.
- 13** Workers accommodation should only occur if it achieves all of the following:
 - (a) it is located on an allotment that has an area of 40 hectares or greater and is currently being used for primary production purposes as part of a farm operation
 - (b) the accommodation is:
 - (i) to be erected within 50 metres of an existing dwelling located on the same allotment
 - (ii) necessary for the accommodation of a person such as a manager, worker or relative who is in full-time employment on the farm
 - (iii) sited on the same title as the dwelling and shares a common power and water supply (where a reticulated mains water supply is connected)
 - (iv) in the form of a transportable or temporary structure that is able to be readily removed from the allotment when its function as workers accommodation is no longer required.

Objective 1 requires that development ensures the long term continuation of primary production. As wind farms are considered appropriate in the primary production zone (reference objective 5 & 6) the applicant has satisfied these requirements.

Objective 4 requires protection of primary production land from encroachment by incompatible land uses and protection of the scenic qualities of the rural landscape. The siting of wind turbines on non-involved property owner boundaries and road side boundaries make it difficult to assess and more information is required in relation to the impact of wind turbines on non-involved properties in order to satisfy this objective.

The application satisfies PDC 1, 2, 3, 4, 9 & 10.

PDC 4 is not met specifically in relation to the operations compound, and more information is required on this aspect of the development before its compliance or otherwise with principle 4 can be assessed.

PDC 12 requires that buildings should be grouped together on the allotment and setback from allotment boundaries to minimise the visual impact of buildings on the landscape as viewed from public roads. Many of the proposed wind turbines are close to public roads making it impossible to screen the turbines from public view.

PDC 13 has not been addressed in the application as stated in "Short Term Worker Accommodation".

4. SUMMARY

4.1 Provision of Information

Several areas of concern have arisen from a lack of information provided in the development application, including the impacts on water supply, the provision of workers accommodation, the clearance of native vegetation, and the impacts on Council infrastructure.

Due to its location, the proposed batching plant will have a lack of a static water supply available for the production of concrete. It is estimated that the plant will require in excess of 30 megalitres of water during the construction phase. Whilst the project anticipates sourcing water locally and supplementing supply from two local batching plants, a significant draw on reticulated water may impact those settlements on the Peninsula who already have a restricted water supply.

It is anticipated that the project will result in employment for approximately 500 personnel during the construction phase. The proposal lacks sufficient information to clearly identify how and where these workers will be housed. An influx of workers also has the potential to impact on available rental accommodation in the region, which is required to sustain tourism trade during peak periods.

The proposal indicates that 18.5 hectares of native vegetation will be removed from roadsides and the proposed operations compound site. Much of this vegetation, particularly along road networks, forms part of the corridor for native fauna to move around and part of the screening vegetation is necessary to assist in minimising the visual impact of the development. No environmental management plan or native vegetation management plan has been provided which might detail the minimisation of clearance or techniques to manage impacts.

The proposal makes several references to a road maintenance program for the life of the project in the form of a Traffic Management Plan however, a traffic management plan has not been provided at this stage. Given the extent of the proposal and the impacts on Council infrastructure, the project must ensure the continuation of safe and efficient movement of traffic including ongoing maintenance costs.

Section 39(1)(b) of the *Development Act 1993* ('the Act') provides that an application "must include any information reasonably required by the relevant authority". Additionally, Section 39(2)(a) of the Act provides that "a relevant authority may request an applicant to provide such additional documents or information (including calculations and technical details) as the relevant authority may reasonably require to assess the application".

Although Council is not the relevant authority in this instance – the relevant authority being the Development Assessment Commission (DAC) – Council is provided the opportunity to report to DAC on any matters contained in a notice under Section 49(4) of the Act.

In respect to the need for an application to provide appropriate information, reference is given to the comments of the Supreme Court of South Australia in the matter of *City of Enfield v Development Assessment Commission and Collex Waste Management Services*, in which the Court said:

"The need for proper and adequate plans and information is made the more important because both the Management Plan and the Planning Submission are expressed in terms which, understandably enough, are designed to promote the proposal. A planning authority should be able to determine from the plans whether the proposed complex as constructed will operate in the manner as represented in any statement of intended operation such as the Management Plan in this case. Where consent is sought for a development for a proposed use which is controversial and sensitive, the applicant has a duty clearly to depict the proposal in its plans and in a way which enables the planning authority or its advisers to determine that the proposal will operate in the manner stated."

The application affects a very large area of the Council with impacts well beyond the actual site of the turbines and it is the duty of both the developer and DAC to ensure that all of the relevant information required to assess the impact of the development against the relevant Development Plan provisions is provided.

A fundamental failure of the application documents is that it has failed to assess the development against the relevant provisions of the Development Plan.

With a development of this scale and involving the expertise of multiple consultants, there is no excuse for the proponent to make reference to an out of date Development Plan that has been significantly amended from the one referred to in the application documents.

The lack of detail on certain aspects of the development, which have been identified above; calls into question the ability of the Council staff to be able to reasonably and accurately report to Council, and subsequently to the Development Assessment Commission. Support for a proposal which lacks such critical detail would be a failure by the Council to properly and thoroughly assess the application and would rightly be criticised by the community at large.

The application in its present form is premature and lacks vital detail on a number of aspects of the development that would enable a full assessment of its merits.

4.2 Opportunities

Proponents of the wind farm have stated that the Ceres Project has many benefits including, but not limited to:

- The capacity to provide 25% of South Australia's 2020 renewable energy target
- The ability to improve South Australia's reputation as a leader in sustainable energy
- Generation of enough power for 225,000 homes each year

- 2,500,000 tonnes less CO₂ production each year compared to conventional electricity generation
- Contributes to national renewable energy targets
- The creation of approximately 500 jobs on the Yorke Peninsula during construction and 50 permanent jobs over the 25 year life span of the project
- Income into the community of \$8,000,000 annually
- Local opportunity for a direct spin-off in retail
- An opportunity for farmers to diversify
- Additional rates income
- The establishment of a \$150,000 per annum Community Development Fund
- Network friendly connection to the SA power grid
- The potential fast-track of broadband internet to the Yorke Peninsula

4.3 Threats

Opponents of the project have concerns including, but not limited to:-

- The impact of wind turbines in close proximity of non-involved land holders
- Impact on aerial spraying operations for primary production
- Reduction in fire fighting capabilities
- The uncertainty of potential health implications
- Loss of a pristine visual landscape (visual amenity)
- Decrease in tourism
- Burden on Council resources during construction
- Loss of available residential accommodation
- Possibility of Council resources impacted by complaints during construction
- Traffic congestion during construction
- Noise during construction
- Dust and air quality reduction during construction
- Possible loss in value of properties

4.4 Conclusions

There are 36 landholders involved in the project operating 24 farm units. As a result of the location of some wind turbines it is estimated that more than 30 farm units within a 2 kilometre radius will potentially be impacted to varying degrees. The development places a burden on non-involved landowners close to the development site and may impede their existing and future farming practices. The land in the area of the development is prime farmland, hence consideration should be given to preventing any degradation of the land and maintaining the primary producers' ability to implement best practice. It is acknowledged that the applicant has made assurances that mitigation measures in relation to the loss of productivity will be provided for non-involved landowners, but to date nothing has been negotiated.

When the Ministerial Statewide Wind Farms Development Plan Amendment was considered it does not appear that the sheer size and scale of the wind turbines could have been imagined. Furthermore, a wind farm proposing 199 turbines of such a scale and over a relatively limited area will have an impact on the visual amenity and scenic quality of the rural landscapes of the Yorke Peninsula. As such, there is the potential for impacts not only on permanent residents but on tourism in the region and subsequently, on the smaller commercial operations that rely on the tourism trade.

Statewide there has been a lot of debate in relation to the potential health impacts of infrasound and shadow flicker. The project has a self-imposed wind turbine set-back of 1.3

kilometres from the dwellings of non-involved landowners however, several involved landowners have waived their right to this set-back. The proposal indicates that there are five (5) receptor locations where shadow flicker will potentially exceed the allowable limit and that involved landowners have agreed that these dwellings will not be occupied. With the applicant suggesting that this matter can be addressed by way of Land Management Agreement complimenting the Lease Agreement held between the landowner and REpower, this is not an ideal situation for Council. The role of enforcement of the Land Management Agreement provisions would ultimately rest with Council.

At this time there is insufficient information available to make an informed decision on the potential long term health implications of the wind farm proposal.

Additionally, there are concerns that night time noise levels from activities at the operations compound could exceed Environment Protection Authority requirements, impacting on the residents of Port Julia.

Council must be satisfied that the proposed development is not to the detriment of any community or individual resident nor their rights to peace, health, asset values or income generation.

When assessed against the relevant provisions of the Development Plan and having regard to the context of the locality and nature of the proposed development, it is considered that the proposal, on balance, does not adequately satisfy the relevant provisions of the Development Plan. The proposal is considered harmful to the character of the locality and may have a detrimental impact on the amenity of properties in the locality. Accordingly, the proposal does not warrant the granting of Development Plan Consent.

LEGISLATION/POLICY/COUNCIL STRATEGIC PLAN

Development Act 1993

Development Regulations 2008

Yorke Peninsula Regional Land Use Framework 2007

Yorke Peninsula Development Plan, consolidated 22 November 2012

FINANCIAL AND RISK MANAGEMENT CONSIDERATIONS

All financial and risk management considerations have been identified within the body of the report.

28 March 2013
Our ref: 49/544/V001/2013

Development Assessment Commission
GPO Box 1815
ADELAIDE SA 5001

Attention Simon Neldner

Dear Simon

REpower Wind Farm Project 49/544/V001/2013 (ID 8758)

Pursuant to Section 49 (5) & (6) of the Development Act, 1993, Council provides the following submission in relation to the Repower wind farm application.

At a meeting of Council held on the 27 March 2013 Council resolved that :-

1. That following consideration and having regard to all relevant matters concerning the construction of the Ceres Project wind farm (199 turbines, associated infrastructure and operations compound), that Council advise the Development Assessment Commission that **Council does not support** the project for the following reasons:
 - 1.1 The proposal is at variance with the following provisions of the Yorke Peninsula (DC) Development Plan, consolidated 22 November 2012:

Coastal Areas

Objective: 3

Principles of development control: 1

Crime Prevention

Objectives: 1

Principles of development control: 1, 3, 4, 5, 6 & 7

Design and Appearance

Principles of development control: 1, 3 & 4

Hazards

Objectives: 1, 2, 3, 5, 6, 9 & 10

Principles of development control: 2, 6, 7, 8(a), 8(d), 8(e), 11 & 14

Infrastructure

Objectives: 1 & 4

Principles of development control: 2 (b) & 3 (d)

Interface Between Land Uses

Objectives: 1, 2, 3

Principles of development control: 2, 5, 7, 8, 13

Landscaping, Fences and Walls

Objectives: 1, 2

Principles of development control: 2, 3

Natural Resources

Objectives: 6 (e) & 13

Principles of development control: 7(a), 7(b), 26, 27, 28(a), 30 (a), 30(e), 38

Orderly and Sustainable Development

Objective: 3

Principles of development control: 1

Renewable Energy Facilities

Objectives: 1 & 3

Principles of development control: 1

Short-Term Workers Accommodation

Objectives: 1

Principles of development control: 1, 2, 3 & 4

Siting and Visibility

Objectives: 1

Principles of development control: 11, 13, 22, 23(a), 23(c), 23(d), 27

Primary Production Zone

Objective: 4

Principles of development control: 12 & 13.

1.2 Whilst the proposed development is significantly at variance with the above objectives and principles of development control as set out in Council's current Development Plan, consolidated, 22 November 2012 the application should not be supported due to insufficient information being provided to make an informed assessment as per the following:-

- There is insufficient information available on the potential long term impact of infrasound on human health
- No plans on any of the buildings to be erected in the Operations Compound
- No details of any formal agreements with the landowners that prevent the re-habitation of dwellings impacted by shadow flicker, including dwellings within a 1.3 kilometre set-back distance from any turbine.
- There is no crime prevention analysis to ensure that best practice crime prevention measures are implemented at all turbine sites and the operations compound.
- There is no analysis on the ability for non-involved landowners to implement best practice farming principles.
- There are three turbines located within 60.0 metres of the Conservation Zone that should be relocated to a distance of not less than 100.0 metres.

- Hazard analysis has not been provided in relation to bushfire risk at each turbine site and the operations compound.
- The applicant has not completed an analysis for the impacts on water supply as a result of the quantity of water required to operate the batching plant, civil construction, fire fighting or potable supplies. The analysis must clearly demonstrate that the water use required for the batching plant will not impact on current potable water supplies to the Yorke Peninsula, in particular, during peak periods.
- The applicant has not completed an analysis of the impacts of the short-term workers accommodation in relation to tourism and permanent rental availability.
- No details have been provided demonstrating how Council shall be indemnified from litigation in relation to the wind farm and Council's infrastructure.
- The applicant has not provided details on a Traffic Management Plan to address the following:-
 - Definition of roads and routes to be used for vehicles during construction
 - Load specifications of vehicles to be used during construction
 - Identification of upgrades of roads required to accommodate all vehicles associated with the construction
 - Identification of access places from public roads for vehicles during the construction phase of the works and those to be retained and maintained during the operation of the wind farm
 - A management schedule of monitoring conditions of roads utilised for wind farm vehicles, at the cost of the proponents
 - Agreement that road upgrading and maintenance associated with the wind farm is at the proponents cost
 - Details of hours of delivery
 - Details of proposed road closures and their management
 - Details of the permits required
 - Details of all required road signs and advisory signs
 - A Route Risk Assessment for roads intended for transportation of over-dimensional wind turbine components
- Details of a landscape assessment report prepared by a qualified person to define areas of additional landscaping and screening around the operations compound have not been provided.
- An analysis of the impacts of post construction site works, including access roads, not required for ongoing maintenance that shall be rehabilitated including replanting with crops and or native species has not been provided.
- The applicant has not provided an analysis of mitigation of interference with existing telecommunication facilities.
- No details have been provided in relation to a rehabilitation plan for the site, including options for environmental offsets and a management program (to be undertaken during the operation life of the project) and end-of-project decommissioning works (to outline the extent of reinstatement and restoration activities upon the removal of the wind farm and associated infrastructure).
- No details have been provided on a Bushfire Management Plan.
- No details have been provided to develop a cultural heritage management plan for both European and Aboriginal cultural heritage.

- No specific details have been provided for the establishment of a Community Development Fund, including details of how the fund is to be managed.

In order to provide DAC with a full understanding of Council's position in relation to the Repower wind farm project, I have included a copy of the report presented to Council.

In addition, please find enclosed copies of letters presented to Council during the consultation process.

Please be advised Council would like to be heard in relation to this matter assuming that a public meeting is held as part of the assessment process.

Should you require further information, please don't hesitate to contact me on the details provided below.

Yours sincerely

ROGER S BROOKS
Director Development Services

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