

6 March 2012

Reference: pm/vp 031206
Enquiries: Ms J Bennett 0428 690 935

Policy, Planning Systems and Reform
Department of Planning and Infrastructure
GPO Box 39
Sydney NSW 2001

Wind Farm Submission

Thank you for this opportunity for Centroc members to provide feedback to the proposed guidelines for wind farm development.

Centroc represents sixteen local government areas and one water authority in central NSW. This is an area the same size as Tasmania with about half the population and a bigger GDP. Centroc exists to advocate on behalf of the region's communities and deliver cost savings and other efficiencies to member councils. The Centroc Board is made up from the Mayors, elected representatives and General Managers of the region.

Our region is slated for significant develop in windfarms and our members are very keen to ensure that their proliferation minimises impacts and maximises community benefit.

To that end Centroc makes the following commentary regarding the planning regulations for wind farms:

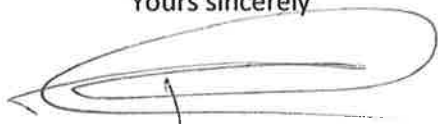
1. Clarification is sought regarding how the proposed 2km setback is to be measured where it is suggested that is be a 2km radius (as the crow flies) from the individual proposed turbines rather than a terrain based measurement.
2. Proponents should be required to provide evidence that an approach to obtain the written consent of owners has occurred. This is to ensure that the proponent does not have the ability to "backdoor" the requirements to go straight to obtaining a Site Compatibility Certificate (SCC) through the Joint Regional Planning Panel (JRPP). The imposition of this mechanism would ensure initial neighbour consultation occurs.
3. Neighbour notification should be expanded to include consent of owners of nearby vacant properties (within 2kms - as the crow flies, of a proposed individual turbine) whereby a dwelling house can lawfully be erected. This is to ensure that future home builders are aware of any State Significant Development (SSD) wind farm in the immediate surrounds.
4. Based upon the above issue, consideration should be given to identification of mitigation measures that may be required for vacant properties owners where consent for the encroachment within the 2km setback radius has been granted. An example is to ensure that a proposed dwelling house is not permissible within the proposed "zone of influence". This will provide transparency for future owner(s) of land that are affected by the development.

5. It would appear inappropriate that by issuing a SCC for a wind farm proposal under the "gateway" process, the Department of Planning would seemingly be foreshadowing a recommendation for the approval of a proposed SSD wind farm development.
6. References to appendices contained within the Guidelines are incorrectly stated throughout the document - E.g. Community Consultation references Appendix D which should reference Appendix C.
7. Formation of a Community Consultation Committee (CCC) prior to the approval of the proposal is seen as extremely presumptuous. The Director General is required to advertise and appoint local community and other stakeholders to a committee that has not yet received formal approval.
8. Under the Draft Guidelines the CCC must be established and be functioning well in advance of the development receiving approval.
9. It is suggested that the CCC meet at least two or three months during the assessment period. If this is the case, how is the CCC permitted to make comments or objections on a proposal that is no longer on public exhibition.
10. Other community members are allocated a time frame of 60 days to provide their comments on the proposal, which hardly seems equitable.
11. Council representation makeup of the CCC should be equal to that of the proponent as Councillors are answerable to the community they serve by having undertaken an independent election process.
12. Key information required in an Environmental Impact Assessment requires an assessment of local statutory planning including consistency with a local Council's Development Control Plan (DCP). This seems to contradict the express exclusion of Council's DCP's in accordance with State Environmental Planning Policy (State and Regional Development) 2011.
13. The Guidelines state, "Conditions of consent will require the applicant to prepare and submit a Noise Compliance Report within 12 months of the commencement of operation". Provision should be made for any wind farm operator to submit regular Noise Compliance Reports over the wind farm's life span, not just within the first 12 months of operation. Council's experience dictates that as equipment ages, it invariably gets noisier.
14. If a wind farm is approved despite the required Decommissioning and Rehabilitation Plan being inadequate (for example if the Plan does not satisfactorily identify the scope of works and costs involved in decommissioning and rehabilitation), how can an appropriate decommissioning bond amount be determined? No approval should be given until such time as a satisfactory Decommissioning and Rehabilitation Plan has been submitted and concurrently approved.
15. The Draft NSW Wind Farm Planning Guidelines is just that, a guideline only. What mechanisms are in place to prevent relevant consent authorities from ignoring the requirements outlined in the Guidelines if the Guidelines are considered inconsistent as the State Environmental Planning Policy (State and Regional Development) 2011, which then would over-ride the Guidelines?

16. The Draft Guidelines must be amended by the Director General and the Minister for Planning and Infrastructure, to enable the establishment of a Developer Contributions Plan for State Significant Developments for Energy Generation (Power Stations) across NSW, to reflect the imposition of a developer contribution of 1.5% of the total Capital Investment Value of the proposal, payable to and managed by the relevant Local Council within whose local government area the development occurs.

For more information regarding the above please contact the Centroc Executive Officer Jenny Bennett on 0428 690 935.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Cr Phyllis Miller OAM', written over a horizontal line. The signature is somewhat stylized and includes a large loop at the end.

Cr Phyllis Miller OAM
Chair

Central NSW Councils (Centroc)