

14 March 2012

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

By email: [innovation@planning.nsw.gov.au](mailto:innovation@planning.nsw.gov.au)

Dear Sir/Madam,

## RESPONSE TO DRAFT NSW WIND FARM PLANNING GUIDELINES

Thank you for the opportunity to make a submission on the draft NSW Planning Guidelines for Wind Farms dated December 2011. In this response Epuron will address the following key issues:

- 1. The relevance and applicability of the Guidelines with respect to the Environmental Planning and Assessment Act (1979) is unclear and if implemented in their current form would lead to significant uncertainty in the development process.*
- 2. The 2km "Gateway" process is flawed in principle and at law and as a result, contrary to its objectives, will increase uncertainty for communities and developers alike. This has the potential to delay the benefits for NSW of investment in wind energy.*
- 3. The design of the Noise Guidelines is flawed and not based on science, and more appropriate science-based noise guidelines already exist in other jurisdictions.*
- 4. Additional costs will be incurred due to the significant additional workload imposed by the Guidelines, adding to the excessive and inconsistent planning fees already charged in NSW.*
- 5. The Guidelines raise issues with no scientific validity such as low frequency noise and health impacts from wind farms, and accordingly, should not require assessment only consultation. The inclusion of these issues in the Guidelines only serves to increase concerns within communities.*

The draft Guidelines, if implemented in their current form, would significantly reduce the opportunity for NSW to compete in the renewable energy market, putting \$10 billion in regional jobs, infrastructure and investment at risk.

### Epuron Background

Epuron is a NSW-owned renewable energy company with a proven track record in the development of wind and solar projects. Epuron is based in North Sydney with 15 professional staff focused on development of wind farms in NSW.

Established in 2003, Epuron has gained planning approval for the largest number of wind turbines in NSW, and is the most active wind farm developer in NSW including wind farms ranging from very small (7 turbines) to very large (598 turbines). Accordingly, it has experience in Council, JRPP, Part 3A and PAC approvals processes across these projects.

In addition to its wind farm activities, Epuron is completing the construction of solar (photovoltaic) power generating stations at three remote communities in the Northern Territory and is developing further solar power and wind farm projects around Australia.

Epuron Wind Farm Developments			
Project	Turbines / Size	Development Status	Region in NSW
Liverpool Range WF	Up to 550 turbines	Under development – PEA Lodged (Part 3A)	Upper Hunter
Birrema WF	60 – 80 turbines	Under development – PEA Lodged (Part 3A)	Southern Tablelands
Rye Park WF	>100 turbines	Under development – PEA Lodged (Part 3A)	Southern Tablelands
White Rock WF	119 turbines	DA submitted, awaiting determination (Part 3A)	Northern Tablelands
Eden WF	7 turbines	DA submitted, awaiting determination (JRPP)	South Coast
Silverton WF	598 turbines Stage 1 - 282 Stage 2 - 316	Joint Venture (JV) with Macquarie Capital Wind Fund Project Approval - stage 1 Concept Approval - stage 2	Far Western
Gullen Range WF	73 turbines	Development Approved - now owned by Tianrun	Southern Tablelands
Yass Valley WF	152 turbines	In planning – now owned by Origin Energy	Southern Tablelands
Cullerin Range WF	15 turbines, 30 MW	Operating – owned by Origin Energy	Southern Tablelands
Conroy's Gap WF	15 turbines	Development Approved – now owned by Origin Energy	Southern Tablelands
Snowy Plains WF	15 turbines	Development Approved – now owned by Origin Energy	Monaro

## Industry Background

Wind farm development in Australia primarily responds to the Federal Government's Renewable Energy Target of 20% renewable energy by 2020, known as the RET. The Australian Government's Department of Resources, Energy and Tourism website<sup>1</sup> notes:

*The expanded 20 per cent by 2020 Renewable Energy Target (RET) is accelerating the widespread commercial deployment of renewable energy technologies. With a carbon price, the RET is expected to drive around \$20 billion (in today's dollars) in private sector investment by 2020.*

Currently South Australia is leading the nation in maximising the opportunities presented by the Renewable Energy Target. It has set up a government agency - Renewables SA<sup>2</sup> and in a media statement of 22 June 2011 it noted the 2011 AEMO report stating<sup>3</sup>

*"The capacity of wind generation in South Australia continues to grow and wind energy has now reached 20 per cent of energy production. There is now 1,150 MW of wind generating capacity in the State. According to the World Wind Energy Association's data this puts South Australia second behind Denmark in terms of penetration and the per capita figure of 0.702 kW per person is now higher than any major country in the world."*

Modern wind turbines are a mature, cost-effective, efficient technology which has been installed in many countries across the world for over 30 years. New South Wales as the most populous state in Australia with an excellent wind resource and available transmission connection capacity is currently better placed than any other state to capture the investment opportunities presented by renewables.

AEMO's most recent Electricity Statement of Opportunities<sup>4</sup> shows a large number of wind energy developments proposed in NSW. Unfortunately many of these projects are either impeded entering construction due to the current financial market uncertainty or are unable to secure the necessary permits as a result of policy uncertainty.

## Benefits of Wind Power to NSW

New South Wales has the opportunity to capture the next major investment tranche available under the Federal RET. The wind industry has the potential to contribute significant economic growth in rural and regional NSW through the creation of jobs and local investment during the development, and construction of wind farms and also through their lifecycle of operation. Silverton Wind Farm alone has the capacity to realise over \$2 billion of much-needed investment in the State's future.

<sup>1</sup> <http://www.ret.gov.au/energy/clean/Pages/CleanEnergy.aspx>

<sup>2</sup> <http://www.renewablessa.gov.au/about-us>

<sup>3</sup> <http://www.renewablessa.gov.au/files/110622-ministerial--renewable-energy-.pdf>

<sup>4</sup> <http://www.aemo.com.au/planning/0410-0079.pdf>

***NSW has the potential to attract \$10 billion in private sector investment in the NSW power industry, a significant portion of which will be spent in rural areas and the majority of which will create NSW-based jobs.***

In addition to these clear economic benefits, wind farms in NSW:

- Reduce greenhouse gas emissions intensity of power generation in the state;
- In doing so, reduce the exposure to carbon pricing and export parity pricing of coal and gas;
- Increase the capacity and diversity of electricity generation in NSW;
- Support rural and communities through ongoing income to farmers and other landowners and investment in regional towns;
- Help to drought-proof NSW, where some large coal fired power stations rely on fluctuating availability of valuable potable water;
- Reduce pollution and health impacts and health costs associated with fossil fuel power generation, therefore reducing a future burden on the State's budget.

In order to achieve the potential investment wind energy can bring, consistent and effective regulatory and planning policy is required in New South Wales which will ensure the State captures its share of the benefits available under the renewable energy target.

### **Community Support for Wind Power**

Notwithstanding the issues raised in the popular press, there is genuine and clear community support for wind farms in NSW. This support is far-reaching, and includes both urban and rural areas, including those areas most likely to host wind farms in NSW.

The NSW Government recently undertook a telephone survey<sup>5</sup> of more than 2000 adult residents and businesses across regional NSW in areas most likely to host wind farms.

The survey asked which of a given list of power sources were acceptable to them if a new power station was to be built in their local region, with the following response:

- 95% support solar energy
- 81% support wind farms
- 75% support hydropower
- 69% support gas-fired power stations
- 33% support conventional coal-fired power stations
- 24% support nuclear power stations

This demonstrates strong public support for renewable energy, including wind farms, over other forms of power generation. This same survey confirmed:

- 85% of respondents support wind farms in NSW
- 80% support a wind farm built within their local region
- 79% support a wind farm built 10 km from their residence
- 60% support a wind farm built 1 to 2 km from their home

Clearly, by far the majority of the regional NSW community is in favour of wind farm development, even within their local area.

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<sup>5</sup> Community Attitudes to Wind Farms in NSW, DECCW, 2011

## Key Issues - Draft NSW Planning Guidelines for Wind Farms

Epuron recognises the NSW Government's desire to provide a framework that clearly guides investment in wind farms across NSW. We wish to work with the government to ensure this framework is workable for investors and communities alike.

We welcome the increased focus of the draft Guidelines on community consultation to assist communities around wind farms to understand the process and impacts as well as the benefits and the wider need for renewable generation in NSW. Epuron recognizes that this is an area where more work needs to be done to ensure community support remains high.

To that end, Epuron has recently finalised its Community Consultation Framework to be applied to all projects, a copy of which is attached for your information. See Attachment 1.

The purpose of the planning system in NSW is for the orderly and economic use and development of land, as assessed through a merit-based process which considers the facts in relation to impacts of proposals. To the extent possible these impacts must be based on an independent scientific or expert assessment of the facts, and not led by interest groups from one side or another.

In relation to the Guidelines, Epuron wishes to highlight the following key issues which are outlined below and in more detail in the appendices.

### Issue 1: Relevance and applicability of the Guidelines

It is important to note the stated purpose of the draft NSW Guidelines:

*The NSW Planning Guidelines: Wind Farms (the guidelines) have been prepared ... to provide a regulatory framework to guide investment in wind farms across NSW, while minimising and avoiding any potential impacts on local communities.*

*The purpose of the guidelines is to:*

- *provide a clear and consistent regulatory framework for the assessment and determination of wind farm proposals across the state*
- *outline clear processes for community consultation for wind farm developments*
- *provide guidance on how to measure and assess potential environmental noise impacts from wind farms*

*...for applicants, consent authorities, other regulators, communities and stakeholder groups*

The substance of the Guidelines cannot provide the intended outcome as the expectations of all stakeholders cannot be managed by them.

For example, the first paragraph aims to guide investment in wind farms while "minimising and avoiding any potential impacts". Two matters need to be directly addressed:

1. All power generation projects and infrastructure development will have some impacts that are unavoidable, and to purport to be able to "avoid any potential impacts" misleads the community that the Guidelines are attempting to support.
2. The majority of wind farm impacts are, in fact highly beneficial (renewable energy; reduction in greenhouse gas emissions; reduction in pollutants from power generation; investment in regional NSW; jobs in regional NSW etc.) and on that basis should not be avoided at all;

We are keen to ensure that the Guidelines manage the expectations of all. This will require clear, realistic, consistent guidelines which are based on fact and which are valid at law.

### Legal standing

Epuron considers that a Site Compatibility Certificate should not be required and should not be a pre-requisite for the issuing of Director General's Requirements (DGRs). We are unaware of any precedent in statutory planning, whether in NSW or in other jurisdictions, for a nearby resident's objection to trigger an onerous pre-assessment process, requiring detailed research and consultation, formal application, public exhibition, possible public hearing, and determination *before* a development application and environmental impact statement (EIS) is lodged and exhibited. This is contrary to the object of the Environmental Planning and Assessment Act which broadly states the purpose of a planning scheme is for the orderly and economic use and development of land.

Annexure A to this submission provides more detailed analysis of the inconsistency of the proposed pre-DA gateway process for wind farms with the statutory planning scheme in NSW.

Further, the legality of the processes outlined in the Guidelines is in question. To Epuron's understanding, there is currently no mechanism to implement the Guidelines under the planning legislation in NSW, being the Environmental Planning and Assessment Act (see detailed comments in Annexure A). Accordingly, the Guidelines cannot be implemented unless and until revisions to the planning legislation are passed by the NSW Parliament, and on that basis do not provide "a clear and consistent regulatory framework".

### Consultation Framework

While the Guidelines do provide guidance on the issues for consultation between proponents and communities they are not clear on the assessment criteria that determine the application. This is pivotal in managing the expectations of all stakeholders.

In some cases, for example property values, the Guidelines require proponents to consult and provide information on matters which the courts have found are not valid planning considerations. While consultation on these aspects is a good outcome of the Guidelines, it is incumbent on the government to make clear that legal precedent states that property values are not permitted to be a consideration in the assessment when determining a wind farm.

This principle of explicit determination criteria to inform planning decisions should be clearly stated for each issue to be considered so that communities can demand proponents have met the determining threshold. This will assist communities, proponents and regulatory agencies alike.

Therefore the science-based and planning determining threshold for issues such as noise, EMI, blade glint, shadow flicker, health, property values etc. need to be clearly stated.

### Application of Guidelines

The Guidelines are not clear as to where and how they apply; particularly in relation to projects already part way through the assessment system.

While a number of aspects of the Guidelines can be taken into consideration for existing projects (including but not limited to Transitional Part 3A projects), Epuron requests confirmation that, while existing projects should have regard for the Guidelines where practicable the draft Guidelines will not be retrospectively applied to existing projects. Such projects should be assessed against the DGRs issued. To avoid any confusion, this should be clearly stated in the Guidelines.

## **Issue 2: 2km Gateway Process**

Epuron welcomes the requirement for additional consultation with landowners residing within close proximity of a wind farm and we believe there is industry consensus on this. While the 2km distance is somewhat arbitrary, it provides a reasonable guide as to the areas within a higher potential impact zone and therefore higher need for consultation.

However, the Gateway process requiring consent or Site Compatibility Certificate as outlined is flawed and needs to be substantially reviewed.

We consider it appropriate to have a 2km zone for detailed consultation on amenity impacts under the DGRs. A rigorous, quantitative and qualitative assessment of site suitability is informative, whereas a pre-assessment 'gateway' process does not allow for the usual planning studies and consultation under the EIS process to be developed

Annexure A documents why in Epuron's view this process does not comply with the relevant legislation and therefore would not be enforceable at law, as well as highlighting further related issues.

In addition, Epuron considers that a Site Compatibility Certificate should not be required and should not be a pre-requisite for the issuing of Director General's Requirements. In particular, we do not believe it is effective, appropriate or fair to have a process that is primarily driven by a resident's ability to exercise a veto right over their neighbour before a development application is even lodged and exhibited. This is contrary to the object of the Environmental Planning and Assessment Act which broadly states the purpose of a planning scheme is for the orderly and economic use and development of the land.

We consider it appropriate to have a **2km zone for detailed consultation** on amenity impacts under the Director General's Requirements, and we consider it reasonable to include in the DGRs a requirement that a developer use best endeavors to consult with property owners within 2km of a wind turbine and provide certain factual information to that property owner. However this 2km zone must give way to the science when planning decisions are made based on studies which require scientific assessment.

As outlined in the relevant legislation, the DGRs should be issued in response to an application. We believe that as with all major projects wind farms should be assessed on their merits based on a quantitative and qualitative rigorous assessment of impacts. This objective merit based approach is used for all major industries and infrastructure projects in the State.

See Annexure A for further details.

### Issue 3: Noise Guidelines

In assessing noise, we believe a clear, unambiguous, science-based, merit based, equitable, and importantly workable process needs to be adopted. Doing so enables consistent fact based communication of complex issues, underpins necessary business certainty and facilitates development while protecting amenity.

It is noted that the NSW Wind Farm Guidelines reference the South Australian Guidelines and NZS6808:2010, both of which are established and have been operating effectively for many years. There is no evidence that either is inadequate in securing the amenity protection intended. The NSW Government has applied the South Australian Guidelines since they were implemented in 2003, and accordingly Epuron believes these guidelines should continue to apply, or new Noise Guidelines be developed which apply similar scientific rigor to the assessment of noise impacts of wind farms.

Additionally, there are elements of the draft Guidelines that do not appear to have been based on science. These elements require improvement to create a workable framework and remove the present ambiguity.

Our principal areas of concern regarding the draft Guidelines are:

1. The introduction of a requirement to assess Low Frequency Noise and Amplitude Modulation where there is no scientifically verified evidence of negative impacts or health effects anywhere in the world;
2. If these phenomena are to be assessed, the draft Guidelines do not provide any form of recognised quantification methods – those currently used are known to return false positive results<sup>6</sup>; and,
3. The measurement and test methodology outlined for audible noise is overly complex, unnecessary, and flawed in its basic design, and therefore needs to be reviewed to remove uncertainty.

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<sup>6</sup> Bass J., 2011, "Investigation of the 'Den Brook' amplitude modulation methodology for wind turbine noise", Acoustics Bulletin, November-December 2011

### Justification for assessment

There is no justification for these additional assessments as there is no evidence of health effects from such phenomena. In July 2010, the National Health and Medical Research Council of Australia (NHMRC) released a public statement relating to potential health impacts on people living in close proximity to wind turbines. The Statement concludes that there is currently no published scientific evidence to positively link wind turbines with adverse health effects. This result reflects the substantial weight of evidence of all peer-reviewed scientific journal articles in relation to health effects of wind farms.

The NHMRC has reviewed the data and has found no evidence of health effects associated with noise<sup>7</sup>. The NHMRC is undertaking to review the latest available data<sup>8</sup> and is due to report at the end of 2012. Accordingly whether Low Frequency Noise and/or Amplitude Modulation effects are to be included in the NSW Guidelines should only be considered upon the results of the NHMRC findings if any evidence of health effects associated with wind farm noise is identified.

### Test methodologies

Irrespective of the inclusion of a requirement for Low Frequency Noise and Amplitude Modulation assessment, a notable absence from the NSW Guidelines is tested methodologies in which such effects can be modeled and errors quantified. The absence of such methods presents an investment risk to developers, a challenge to planners in assessing projects and generates unwarranted concern for stakeholders during consultation. The new Low Frequency Noise and Amplitude Modulation criteria cannot be introduced without clear methods for modelling them.

The methods selected for assessing compliance of these characteristics are not conclusive. Similar Amplitude Modulation tests have shown false positive results in the absence of wind farms<sup>9</sup>. Similarly, outside measured Low Frequency Noise is particularly susceptible to wind effects on microphones. The supplementary test inside the dwelling is an intrusion and raises access and privacy issues.

Should the NHMRC review support the consideration of these phenomena then a workable method of modelling should be established and verified and a testing regime developed to discriminate these phenomena from false positives. Under those circumstances Epuron would fully support testing on a complaints driven basis.

See Annexure B for further detail.

## **Issue 4: Additional Costs**

The process proposed by the Guidelines would add significant time and cost to the development of a wind project. As we have previously stated, Epuron supports some of the proposals within the Guidelines which if properly drafted, can provide more certainty for all stakeholders in the planning assessment process. Therefore we accept that there will be additional costs in the development process. Recent changes to the Environmental Planning and Assessment Act also increase the potential for a merit appeal following the determination of the wind farm, leading to the likelihood of further costs and delays.

Additional costs are ultimately borne by end consumers through increased power prices in NSW. However, in the development stage, they are borne by development companies and the prospect of additional costs highlights the current situation where the maximum fees payable in respect of wind farm projects can **exceed all other costs of development**.

NSW planning fees are not cost reflective, and on that basis alone the relevant legislation may be subject to legal challenge. More importantly, the fees introduce a significant burden to development of the wind energy industry in NSW, **where the planning fee can be more than 20 times the highest planning fee applicable in other jurisdictions**.

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<sup>7</sup> <http://www.nhmrc.gov.au/guidelines/publications/new0048>

<sup>8</sup> The National Health and Medical Research Council is currently reviewing latest scientific evidence and is aiming to release a revised Public Statement at the end of 2012.

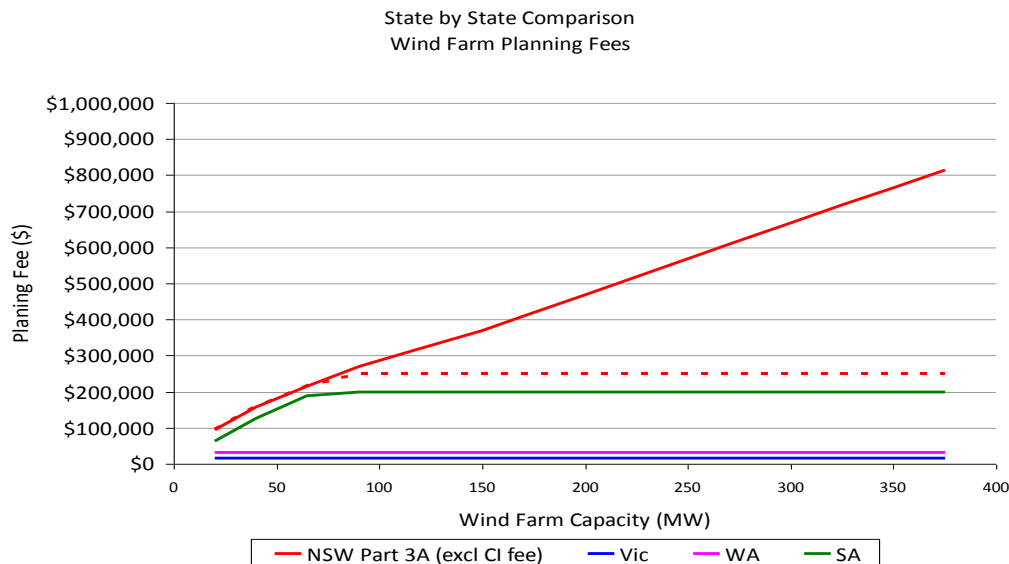
<sup>9</sup> Bass J., 2011, "Investigation of the 'Den Brook' amplitude modulation methodology for wind turbine noise", Acoustics Bulletin, November-December 2011



Planning fees for wind farms in NSW should be capped to a level which reasonably reflects the cost of assessment. Epuron recommends a cap of \$250,000 should apply in NSW. *The Director General has the power to determine these planning fees (subject to the maximum planning fee outlined in legislation), and accordingly, the Guidelines released by the Director General is the appropriate place for a cap on planning fees to be implemented in a non-arbitrary and transparent manner.*

### **Background**

The following figure shows that NSW planning fees are significantly higher than other jurisdictions in Australia.



**Figure 1 - State by State comparison of planning fees**

The next most expensive state, South Australia, caps planning fees at \$200,000. Further, there have been considerable and seemingly unjustifiable discrepancies in relation to the size of the planning fees paid for similar sized projects. There have also been discrepancies in relation to competing technologies such as gas fired power stations.

Further information is provided in Annexure C.

### **Other issues**

Epuron has concerns about other areas of the Guidelines which are summarised below and detailed in Annexure D.

- **Community Consultation Committee**

Epuron applauds the introduction of greater wind farm community consultative requirements. The committee should come into effect at the issuing of the DGRs which should be the start of the formal process. The establishment of the committee should be 'bottom-up' involving the community, not 'top-down' driven by the government.

- **Property Values**

Epuron is aware that property values are a recurring theme for consultation with stakeholders proximate to wind farm proposals. The planning Guidelines should state that this is a matter for consultation but is not a permitted consideration in the determination of wind farms, as noted in legal precedent.



- **Health**

Health is also a recurring theme for consultation. The planning Guidelines should state that this is a matter for consultation but the threshold for determination will be the response, where sought, from the NSW Department of Health.

- **Decommissioning**

Epuron concurs that decommissioning of wind farms is always to be undertaken by the project proponent or wind farm owner, and not by the landowner or the community. We support the inclusion of a Decommissioning and Rehabilitation Plan in the EA. However, we reject the requirement for a decommissioning bond at the outset of the wind farm but support a financial mechanism in the final years of operation.

- **Visual Assessment**

The assessment of visual impact should be undertaken by suitably qualified experts using objective criteria.

## Conclusion

Australia has a renewable energy target of 20% by 2020. Over the last ten years wind energy development has been largely focused on South Australia and Victoria and its success in those states highlights the potential in NSW with its excellent grid availability and good wind resource. As wind power will play a crucial role in the future growth and prosperity of NSW it is vital that policies are effective and workable.

Epuron has highlighted the key changes required to make the NSW Guidelines workable, and to ensure that the expected \$10 billion of investment in NSW power generation can be implemented, for the benefit of rural communities and throughout NSW.

Should you have any further queries regarding our submission please do not hesitate to contact the undersigned on 02 8456 7400.

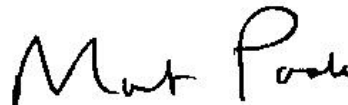
Sincerely,



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**ANDREW DURRAN**

Executive Director



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**MARTIN POOLE**

Executive Director

## Annexure A

### Proposed 2km Gateway Process

The proposed Gateway Process needs to be considered in its legislative context.

Clause 34 of State Environmental Planning Policy (Infrastructure) 2007 permits electricity generation on rurally zoned land with development consent. Accordingly, under section 78A of the Environmental Planning and Assessment Act 1979 and clause 49 of the Environmental Planning and Assessment Regulation 2000, with the consent of the owner the proponent of a utility-scale wind farm is entitled to lodge a development application for a wind farm on rurally zoned land, and must submit an environmental impact statement with the development application. The Director General is required to issue environmental assessment requirements (DGRs) if the applicant has applied for these in the proper form and has provided the relevant information (Environmental Planning and Assessment Regulation 2000, Schedule 2, clause 3(5)).

In the case of State significant development, the Minister is to determine the development application (section 89E). The Minister has delegated the power to determine State significant development to the Director General where fewer than 25 objections have been made and where the local council supports the proposal; otherwise the Planning Assessment Commissions determines the development application (Minister for Planning's Instrument of Delegation dated 14 September 2011).

Clause 50(2A) of the Environmental Planning and Assessment Regulation 2000 provides that 'A development application that relates to development in respect of which a site compatibility certificate (SCC) is required by a State Environmental Planning Policy must be accompanied by such a certificate.' Three State Environmental Planning Policies (SEPPs) utilise SCCs:

1. Under SEPP (Affordable Housing) 2009, residential flat buildings for a social housing provider or public authority can be developed with consent, despite non-conformity with zoning, if the site is within 800 metres of a railway station and the Director General issues a site compatibility certificate that the social/public housing is compatible with surrounding land-uses;
2. Under SEPP (Housing for Seniors or People with a Disability) 2004 land, housing for seniors is permissible with consent on land adjoining urban-zoned land, land zoned for special uses and registered clubs if the DG first issues a site compatibility certificate that the land is suitable for more intense development, and is compatible with the surrounding environment; and
3. Under SEPP (Infrastructure) 2007 if development consent is obtained, State land can be used for the same purpose that adjoining land can be used for, provided that the DG first issues a site compatibility certificate that the development is compatible with the surrounding land uses, despite the provisions of any LEP that applies to the State land.

A common characteristic of the three SCCs above is that they are a prerequisite to submitting a development application to carry out development that is otherwise prohibited. The SCCs for the three SEPPs overcome zoning prohibitions. SCCs serve the public purpose of ensuring that a public agency has first endorsed the compatibility of a proposal that is otherwise contrary to the permissible land uses, before determining the general merits of a development application. The indicator of public purpose is the land zoning, and when this is to be overridden, the SCC requires an initial review of whether it is appropriate, in terms of land compatibility, to depart from the land-use permitted by the zoning.

A separate "gateway" process is proposed in relation to mining and coal seam gas proposals (Draft Upper Hunter Strategic Regional Land Use Plan, March 2012). Under this proposal, a development application could not be lodged for such proposals on land mapped as strategic agricultural land unless an expert panel first issues a gateway certificate. A key element is the agricultural land mapping, which serves a strategic land-use planning function of constraining development otherwise permissible with consent.

In both the three SEPPs and in the mining and coal seam gas proposal, technical criteria predominate in the determination of whether to issue a site compatibility certificate or a gateway certificate.

The gateway process proposed in the draft Guidelines is inconsistent with the legislative scheme:

- **Discriminatory: large v small wind farms.** It is unclear why wind farm proposals that constitute State significant development (>\$30 million capital investment value) should be subjected to gateway determinations, but not wind farm proposals for regional development (\$5-\$30 million capital investment value) or small projects (<\$5M). The draft Guidelines state that providing the Joint Regional Planning Panel (JRPP) with the role of determining the site compatibility certification application for State significant development ensures that there is local community representation in decision making, however the apparently unintended consequences of gateway determinations, as detailed below, would effectively make the JRPP the consent authority for some large wind farm proposals, and in addition no appeal rights would exist.
- **Discriminatory: wind farms v other development.** It is unclear why wind farm proposals that constitute State significant development should be subjected to gateway determinations, but not proposals for powerlines, gas fired power stations, quarries, freeways or various other developments that frequently attract opposition from nearby residents.
- **The 2km limit is arbitrary and unsupported by research or expert analysis.** There is no rationale given in the draft Guidelines for the basis of the 2km requirement (which is applied both in the gateway process and throughout the draft Guidelines). Senior Commissioner Moore and Commissioner Fakes of the NSW Land and Environment Court (LEC) in *King & anor v Minister for Planning; Parkesbourne-Mummel Landscape Guardians Inc v Minister for Planning; Gullen Range Wind Farm Pty Limited v Minister for Planning [2010] NSWLEC 1102 (7 May 2010)* was very critical of a development control plan (DCP) adopted by a local council which sought to impose a 2km setback requirements for wind farms from residences and held (at 92 to 93)that:

*.... we have no basis upon which we could establish the provenance or derivation of the numerical controls contained in the DCP. Absent such provenance or derivation, we are left with only the conclusion that what is colloquially described as "the streaker's defence" – it seemed like a good idea at the time – could be applied to these numerical controls in the DCP. This is not a proper basis upon which to found numerical controls that relate to structures of the type that are not commonly dealt with through such controls (unlike, for example, conventional building heights or floor-to-ceiling distances within built structures where there is a widely understood general numerical range for such controls).*

*As a consequence, on this second basis, we do not consider it is appropriate to pay particular regard to the numerical controls in the DCP and we propose to proceed to deal with an individual assessment of the impacts on specified properties having regard to topography, orientation of dwellings, distances to and numbers of visible turbines and the like.*

Like the DCP under consideration in this decision, the 2km requirement appears to be arbitrary and does not provide a consistent level of amenity protection as the level of turbine noise and visual impact at this distance will depend on turbine layout and type as well as topographical features and screening.

- **The gateway process fetters the right conferred under the legislation to lodge a development application for development that is permissible with consent.** The Environmental Planning and Assessment Act 1979 confers a right to lodge a development application for State significant development that is permissible with consent under the relevant zoning, if it is accompanied by an environmental impact statement. While clause 50(2A) of the Regulation allows SCCs to be required under SEPPs as a pre-condition to lodging a DA, the three SEPPs that do so operate to facilitate otherwise prohibited development. No SCC is appropriate for wind farms because wind farms are permissible with consent on rurally zoned land. **SCCs are a tool to overcome strategic planning obstacles, which are different in nature to objections from nearby residents.** The trigger proposed in the wind farm Guidelines for a gateway process (resident opposition) is quite different to the trigger in the existing three SEPPs and proposed mining gateway (zoning conflict, or strategic agricultural land is involved). The wind farm gateway proposal thus appears to confuse strategic planning with development assessment of the merits. SCCs serve the public purpose of ensuring that a public agency or expert panel has first endorsed the compatibility of a proposal that is otherwise contrary to the permissible land uses or land mapped as strategic for agricultural or critical industry cluster reasons, before determining the general merits of the proposal. The indicator of public purpose is the land zoning or strategic agricultural land mapping, and when this is to be overridden, the SCC or gateway certificate

acts as a safety valve. In contrast, it is unclear what level of inherent public purpose exists in the objections of nearby owners of residences in relation to wind farms, being development that is permissible with consent. An objective mapping exercise is first undertaken to identify strategic agricultural land in relation to mining and coal seam gas proposals. Such objective or public policy criterion is absent in the site compatibility process for wind farms. The trigger is opposition from nearby residents alone, unsupported by any strategic planning indication (zoning or mapping) that questions the suitability of the land for a wind farm. The issue is whether a single objection from a nearby resident inherently contains the level of strategic, policy concern sufficient to justify an expensive and time-consuming pre-DA exhibition, hearing and determination process.

- **The gateway should be implemented through legislative amendment, not through subordinate legislation and policy guidelines alone.** The gateway involves fundamental change to development application process which should be achieved legislatively. By analogy, the legislation (sections 55-56), not policy guidelines or regulations or SEPPs, provide the framework for the gateway process for strategic planning under Part 3.
- **Site compatibility is a matter for assessment of a development application, not pre-judgment.** The gateway process does not allow the final project design and proposed mitigatory measures to be fully developed. Neither the final project design nor the proposed mitigatory measures are likely to be available at a preliminary stage, at least before:
  1. any detailed consultation has occurred;
  2. DGRs have been issued for the project; and
  3. the project assessment has commenced under the NSW planning system.

There is no public policy reason why potential impacts on these issues should block a project at the gateway stage, which project may otherwise have acceptable impacts when subject to a full assessment, based on review of a complete environmental impact statement prepared under the NSW planning system. This distorts the nature of environmental assessment documents. Site compatibility certificates are inconsistent with the principle that environmental assessment documents are meant to *inform* the consent authority, not *pre-judge* the consent authority's determination. The usual approach would be for a site compatibility *assessment* to be included in an environmental impact statement, and for this to be taken into account by the consent authority;

- **The Director General's duty to issue environment assessment requirements is not qualified by the condition that a site compatibility certificate is first obtained.** Environmental Planning and Assessment Regulation 2000, Schedule 2, clause 3(5) provides that 'The Director-General is to notify the ... environmental assessment requirements...' The duty of the Director General is to issue environmental assessment requirements if application is made in accordance with the regulations. The regulations do not provide for gateway processes for wind farms.
- **Absence of power.** The proposed gateway site compatibility process attempts to assign roles to the Joint Regional Planning Panel that the Minister as consent authority for State significant development, has not delegated with respect to State significant development; and
- **Appeal rights fettered.** The Act gives merit appeal rights to proponents and objectors regarding the determination of a development application for a wind farm that constitutes State significant development. The gateway process would prevent those rights from being exercised by blocking the lodgment of the development application from which appeal rights arise.

A preferable pathway to achieving increased consultation with landowners with residences within 2km might be to include site compatibility *assessment* (not certification) provisions in the wind farm planning Guidelines and Director General's requirements for wind farms, so that all relevant information (including noise, photomontage, landscape values and blade flicker impacts on residents within 2km, and details of consultations made with each) could be included in the environmental impact statement, for determination by the Minister or delegate. Such an approach is simple, operates within the existing legislative framework, and avoids the delay and expense of duplicate exhibition and determination processes (first regarding site compatibility, then subsequently of the development application).

If, contrary to this submission, the wind farm site compatibility certificate process is to be implemented, transitional uncertainty and conflict should be avoided. Such uncertainty and conflict will arise if the SCC process is sought to be implemented through subordinate legislation alone. The primary legislation needs to provide for two-stage development assessment (pre-DA gateway determinations, then DA determinations based on an EIS) before such fundamental change can occur. Without this, mandatory and declaratory proceedings in the Land and Environment Court are likely to follow from any failure of the Director General to issue environment assessment requirements. This would be wasteful and distracting for all concerned. The principle of closer community consultation and more detailed site compatibility assessment of residences close to a wind farm is accepted, and can be implemented without legislative amendment, as proposed in the preceding paragraph.

## Annexure B

### Noise Guidelines

In submitting the following, we recognise the Government's objective to provide clarity to stakeholders through workable Guidelines that facilitate renewable energy investment into NSW. We seek to provide constructive feedback to the Guidelines and to highlight areas where the above objectives are not met as well as to outline from a developer's perspective the impact of procedure change as a result of the introduction of the Guidelines.

#### General Comments

- The selection of a 2km gateway setback doesn't have a basis in science. It is understood that the selection of 2km is a proxy for noise as well as a headline for communication of the Guidelines. If a rigorous method were to be an objective, then the **selection of residences within a 35dB(A) iso-noise contour would be a better process.**
- The gateway process of acquiring an SCC prior to receipt of DGR's, studies and resultant development is by definition a flawed process. The studies outlined in the DGR's combined with consultation with the community will change a wind farm layout from that proposed in acquiring the SCC. **In the instance of noise, a more logical process would be to undertake noise assessment at the EA stage.**
- There are numerous grammatical, reference and other inconsistencies in the Guidelines and Appendix that introduce ambiguity. **A thorough review of the document structure is required prior to publishing.**

#### GENERAL NOISE ASSESSMENT

##### Criteria for neighbouring properties

- The selected across the board floor level of 35 dB(A) is the most onerous of all jurisdictions in Australia. For reference SA 2009 nominates 40 dB(A) floor with 35 dB(A) reserved for 'Rural Living' zoned regions where high acoustic amenity is a restricted purpose. Similarly NZS 6808:2010, which is adopted in Victoria, a 40 dB(A) floor is nominated with 35 dB(A) reserved for High Amenity Areas where a '...plan promotes a higher degree of protection of amenity related to the sound environment of a particular area..'. The selection of the floor appears to be more a political<sup>10</sup> decision than founded in science. **It is recommended that the floor be brought into line with other States at 40 dB(A).**
- There are challenges associated with the objective of selection of wind monitoring masts. The Guidelines recommend features associated with wind monitoring mast selection including consideration of locations that any future wind turbines do not cause undue turbulence (wake), and to '... be representative of the wind speed at all proposed wind turbines ...'. These two items are in themselves contradictory objectives. The purpose of having a wind monitoring mast representative of wind turbines generally reflects being in amongst prospective turbine locations and therefore in the wake of future turbines. Having a mast in a location outside of future turbine wake generally reflects being away from potential turbines and risks not being representative of turbine wind regimes, and therefore not representative of the likely noise outcomes.

Even if it were possible to select a mast that satisfies these objectives, the need to select the mast prior to the Gateway process requires knowledge of the final layout which is not possible until the DGR's have been received and the EA work completed.

We agree with the philosophy of relating measured background noise with hub height wind speed, as it is this wind speed that governs the turbine noise emission. However, the preliminary stage of the gateway process coupled with the project viability uncertainty significantly dilutes the benefits of hub height monitoring – resource qualification monitoring at this stage is more appropriate which tends to

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<sup>10</sup> Hon. Brad Hazzard MP, Media Release, 23 Dec 2011

be at lower heights than final hub height. In addition, the accuracy of extrapolation from lower sensors is very high and is used internationally to determine likely energy production of wind farms. Therefore, the Guidelines should refer to **assessed** hub height wind speed rather than **measured** hub height wind speed.

Accordingly, while the intent of monitoring mast selection is understood it does represent an unworkable requirement. **As a set of alternatives, we recommend inclusion of the use of remote sensing technologies (e.g. SODAR, LIDAR) to monitoring masts as candidate methods for recording site wind data, we recommend retaining hub height wind speed data for correlation against background noise but allow for extrapolation of monitored wind speed to the hub height.**

- The noise Guidelines nominate background noise monitored data be categorised into day periods and night periods. It follows then that there should be day criteria and night criteria. **We support the Guidelines in the application of day criteria curves based on measured daytime LA90 and night criteria curves developed from measured night time LA90.**

- **Criteria for involved properties**

We support the Guidelines applying noise criteria only for those residences which do not have suitable noise agreements in place.

### **Noise Modelling**

- The gateway process calls for a larger number of noise predictions to be undertaken than previously was the case. The principal method for noise modelling within the industry (ISO9613-2) has been utilised for the majority of projects and it has been incorporated into many applications such as Windfarmer®. Section 8.1 nominates that noise modelling be undertaken by an acoustician. This is an unnecessary additional cost and time imposition to a project. It is noted that independent noise modelling is a feature of the EA process upon which the final project is assessed. **It is recommended that during the gateway process that the proponent is able to undertake noise modelling.** Any concerns that may exist regarding the noise modelling at the gateway process will be rigorously tested during the EA process.

### **Compliance**

- In Section 9.5, the nominated method for calculation of wind farm attributed noise is to effectively logarithmically subtract the post-commissioned recorded L<sub>90</sub> from the criteria L<sub>90</sub> levels. However, the method selected is to record L<sub>eq</sub> descriptors and apply a static adjustment of -1.5 dB(A) to adjust to L<sub>90</sub> levels. The use of an arbitrary adjustment factor to a descriptor adds unnecessary uncertainty. **It is recommended that actual post-commissioned recorded L<sub>90</sub> data be included as a candidate data source for compliance testing.**

### **LOW FREQUENCY NOISE (LFN)**

#### **General**

- We welcome the acknowledgement that ‘...Low Frequency Noise is present in all types of environmental noise...’ and that it ‘...is typically not a significant feature of modern wind turbine noise and is generally less than that of other industrial and environmental sources’. This accords with our own experience along with the public statement from the NHMRC<sup>11</sup>. Accordingly, we question the scientific basis for the elevation of LFN outside the category of Annoying Characteristics (SA 2003) or Special Audible Characteristics (NZS6808:2010). We also note that the NHMRC is due to report again on the topic later this year.<sup>12</sup>

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<sup>11</sup> <http://www.nhmrc.gov.au/guidelines/publications/new0048>

<sup>12</sup> <http://www.nhmrc.gov.au/your-health/wind-farms-and-human-health>



**Considering the absence of scientific reference for the inclusion of LFN as a permitting consideration, it is recommended that it is treated as a special audible characteristic item in the NSW Guidelines to be treated on an exceptions basis. Notwithstanding the absence of scientific reference for the inclusion of LFN as a permitting consideration, we recommend that any LFN criteria be reviewed upon the release of the NHMRC findings.**

### **Criteria**

- Irrespective of the concerns regarding the criteria's introduction as outlined above, the selection of a 60/65 dB(C) appears arbitrary. Contrasting this, the selection of the fundamental noise character floor of 40 dB(A) in SA2009 and NZS6808:2010 is founded on WHO studies<sup>13</sup> into sleep amenity and hence has a scientific basis. It is assumed that the selection of 60/65 dB(C) is based on thermal generation in which case is likely reviewing the combination of still nights and noise emissions from generation.

Unlike thermal generation plant, wind generation noise increases with wind speed and accordingly at a minimum any included LFN criteria should have a similar accommodation for background LFN content.

**It is recommended that should a need for the inclusion of LFN as a permitting consideration exist, then a criteria based on measured background C-weighted data with varying wind speed should be considered.**

### **Modelling**

- In elevating LFN in the Guidelines, a reasonable expectation from stakeholders, planning assessors and investors is the expected LFN with acceptable error bands be known. However despite including LFN into the NSW Guidelines, there is no guidance on how the propagation of LFN should be modelled.

**Therefore, if an LFN criteria is to be retained in NSW Guidelines, then a modelling method must be provided.**

- Given the unique nature of LFN consideration in the Guidelines relative to other global jurisdictions, there is very little turbine data available on noise emissions at frequencies below 31.5 Hz. Coupling this with NSW's installed wind energy capacity of 0.2 GW<sup>14</sup> relative to global capacity of 198 GW<sup>15</sup>, there is little imperative for turbine suppliers to expand their testing regimes outside international norms (IEC 61400-11) – particularly when there is no demonstrated scientific need to do so.

This therefore presents uncertainty for stakeholders, developers, planners and investors and as such is poor policy.

### **Compliance**

- The NSW Guidelines contemplates a two stage testing regime where outdoors testing is undertaken ('..intermediate location(s).'), and indoor testing ('Should a detailed assessment confirm that excessive levels of low frequency noise ... internally at non-associated residences...').

The NSW Guidelines acknowledge LFN is '...particularly difficult to measure when in the presence of wind.' Accordingly, the ability to measure outdoors when a wind farm is generating (windy conditions) is compromised due to the shortcomings of measuring LFN.

The second stage testing regime inside a non-associated residence pre-supposes consent or imposes rights to undertake measurements of both statistical ( $L_n$ ) and audio recordings.

The current wording indicates that compliance testing for LFN at all non-associated houses is required rather than on an exceptions basis.

<sup>13</sup> Berglund B., Lidvall T., and Schwela D. "Guidelines for community Noise", World Health Organization, 1999.

<sup>14</sup> DP&I presentation, "Draft NSW Planning Guidelines: Wind Farms", 2012

<sup>15</sup> 2010 installed global wind capacity: REN21, "Renewables 2011 – Global Status Report", 2011

Our view is that such a scenario is fraught with issues to the extent that this compliance concept should be substantially reviewed. **Our suggestion is that compliance testing, consistent with special audible characteristics in other norms, be conducted only upon complaint and with the consent with the house in question. There are sensible amelioration paths available should the unlikely event that LFN pose a compliance issue.**

## **AMPLITUDE MODULATION (AM)**

### **General**

- Similar to LFN, we point towards the public statement from the NHMRC<sup>16</sup> in relation to AM. Accordingly, we question the scientific basis for the elevation of AM outside the category of Annoying Characteristics (SA 2003) or Special Audible Characteristics (NZS6808:2010). We also note that the NHMRC is due to report again on the topic later this year.<sup>17</sup>

**Considering the absence of scientific reference for the inclusion of AM as a permitting consideration, it is recommended that it is treated as a special audible characteristic item in the NSW Guidelines to be treated on an exceptions basis. Notwithstanding the absence of scientific reference for the inclusion of AM as a permitting consideration, we recommend that any AM criteria be reviewed upon the release of the NHMRC findings.**

### **Criteria**

- Irrespective of the concerns regarding the criteria's introduction as outlined above, the selection of a 4 dB(A) appears arbitrary, taking the NZS6808:2010 interim peak to trough level of 5 dB(A) and deducting 1 dB without any rationale. The NZS6808:2010 recognises that in selecting 5 dB(A), it is an interim value open for review when further information becomes available.

The criteria of 4 dB(A) is ambiguous in that it is not stipulated what the 4 dB(A) relates to. The inference is that it is peak to trough of repeated signals.

**If the need for an AM criteria is demonstrated to be required, it is recommended that the NSW Guideline should follow the lead shown by NZS6808:2010 in having 5 dB(A) criteria peak to trough open to review should information, such as the NHMRC review, come to light. Clarification of the intent of the test is required to reduce ambiguity.**

### **Modelling**

- In elevating AM in the Guidelines, a reasonable expectation from stakeholders, planning assessors and investors is the expected LFN with acceptable error bands be known. However despite including AM into the NSW Guidelines, there is no guidance on how the propagation of AM should be modelled.

**Therefore, if an AM criteria is to be retained in NSW Guidelines, then a modelling method must be provided.**

### **Compliance**

- The NSW Guidelines is silent on the methodology for testing AM, and as such is open to multiple interpretations. This situation understandably creates uncertainty for all associated parties to a wind farm development.

Our interpretation of the test procedure, that being peak to trough total sound pressure level variation, has shown false positive tests for scenarios similar to that contemplated under the NSW Guidelines.<sup>18</sup> This shows that the selected test does not suitably discriminate wind generated AM and may not be best suited as a test.

<sup>16</sup> <http://www.nhmrc.gov.au/guidelines/publications/new0048>

<sup>17</sup> <http://www.nhmrc.gov.au/your-health/wind-farms-and-human-health>

<sup>18</sup> Bass J., 2011, "Investigation of the 'Den Brook' amplitude modulation methodology for wind turbine noise", Acoustics Bulletin, November-December 2011

**We recommend that if the scientific need for AM to persist as a suitable consideration, then the testing procedure needs to be clarified to reduce future ambiguity. The testing procedure should then be treated as an interim until further information such as the NHMRC comes to light.**

## Annexure C

### Additional Costs and Planning Fees

Epuron believes that the key issues relating to the additional costs resulting from the Guidelines and planning fees for wind farms in NSW are as follows:

- We accept that properly drafted Guidelines can have a benefit in the planning process
- We accept that wind project development in NSW will become more costly as a result.

However we note that:

- Planning fees in NSW are the highest of any state in Australia
- The planning fees are in fact higher than the total cost of carrying out the environmental and planning assessment of the site, including all specialist studies, site surveys, background monitoring and related work at the site
- These high fees create a significant barrier to investment,
- The fees do not reflect the actual cost of assessment by the Department of Planning
- The level of fees paid for approved wind farm projects have been inconsistent with respect to:
  - Project capital investment
  - Turbine numbers
  - Wind farm capacity (MW)
  - Other forms of electricity generation (e.g. gas fired generation)

Epuron believes that planning fees for wind farms in NSW should be capped to a maximum fee \$250,000. We note this fee would still be the highest in Australia.

The additional costs of meeting properly drafted Guidelines would more than offset any saving in planning fees, but we recognize the benefits to all stakeholders in providing more information, better communication and reducing uncertainty.

#### Justification

Introducing a cap would significantly reduce the current uncertainty surrounding planning fees. The maximum fee chargeable by the Department can add up to several million dollars. Negotiations on the fee cannot commence until the bulk of development costs have already been spent by the developer, and in general can only commence once the developer has lodged the application. This adds considerable and unreasonable risk to the developer.

A reasonable cap would also remove the need to negotiate individual projects with the Department, eliminating the Department's exposure to the seemingly arbitrary nature of decision in relation to the reduction of planning fees from developers. By way of example, the White Rock project is of a similar size (119 turbines) to the Boco Rock Wind Farm (127 turbines), and yet a fee of \$442,000 for White Rock would be more than 75% higher than the fee charged for Boco Rock (\$250,000).

Table 1 indicates planning fees charged in relation to wind farms in NSW, and demonstrates the significant discrepancies between projects on a seemingly arbitrary basis.

Table 1 - Wind farm planning fees paid in NSW

Project	Developer	Approval	Planning Fee
Crookwell II Wind Farm	Gamesa	10-Jun-05	\$214,882
Taralga Wind Farm	RES Southern Cross	1-Feb-07	\$79,220
Capital Wind Farm	Renewable Power Ventures	7-Nov-06	\$265,775
Cullerin Range Wind Farm	Epuron (Taurus Energy)	21-Feb-07	\$60,301
Conroy's Gap Wind Farm	Epuron (Taurus Energy)	31-May-07	\$63,475
Black Springs Wind Farm	Wind Corporation	10-Jul-08	\$40,631
Gullen Range Wind Farm	Epuron	26-Jun-09	\$665,865
Silverton Wind Farm	Epuron / MCWF	24-May-09	\$775,063
Glen Innes Wind Farm	Infigen / NP Power	2-Oct-09	\$213,745

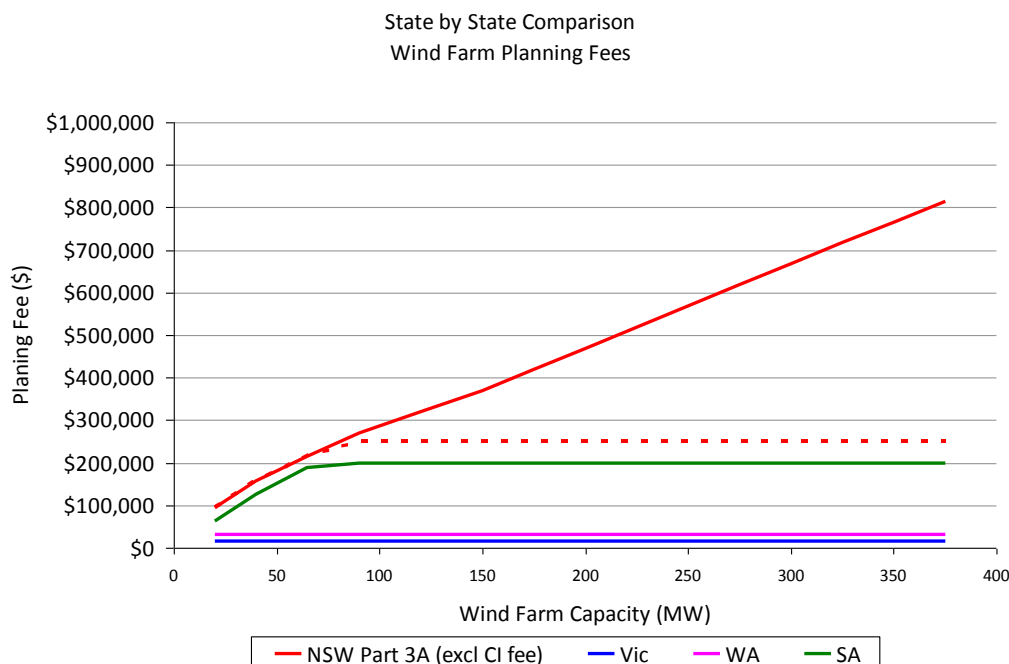
Kyoto Energy Park	Pamada	31-Jan-10	\$232,622
Woodlawn Wind Farm	Infigen	12-May-10	\$120,872
Boco Rock Wind Farm	Wind Prospect CWP	9-Aug-10	\$250,000
White Rock Wind Farm	Epuron	Pending	\$442,000

It is clear from this table that, with the exception of Silverton WF (a special case due to its size) and Gullen Range WF, all recent wind farms in NSW have paid fees at or below the \$250,000 level. The most recent project (Boco Rock) paid a \$200,000 application fee and a \$50,000 Critical Infrastructure fee.

Applying a cap at \$250,000 (including Critical Infrastructure Fee) would therefore be consistent with the majority of previous fees.

**State by State Planning Fees**

The following figure shows that NSW planning fees are significantly higher than other jurisdictions in Australia.



**Figure 2 - State by State comparison of planning fees**

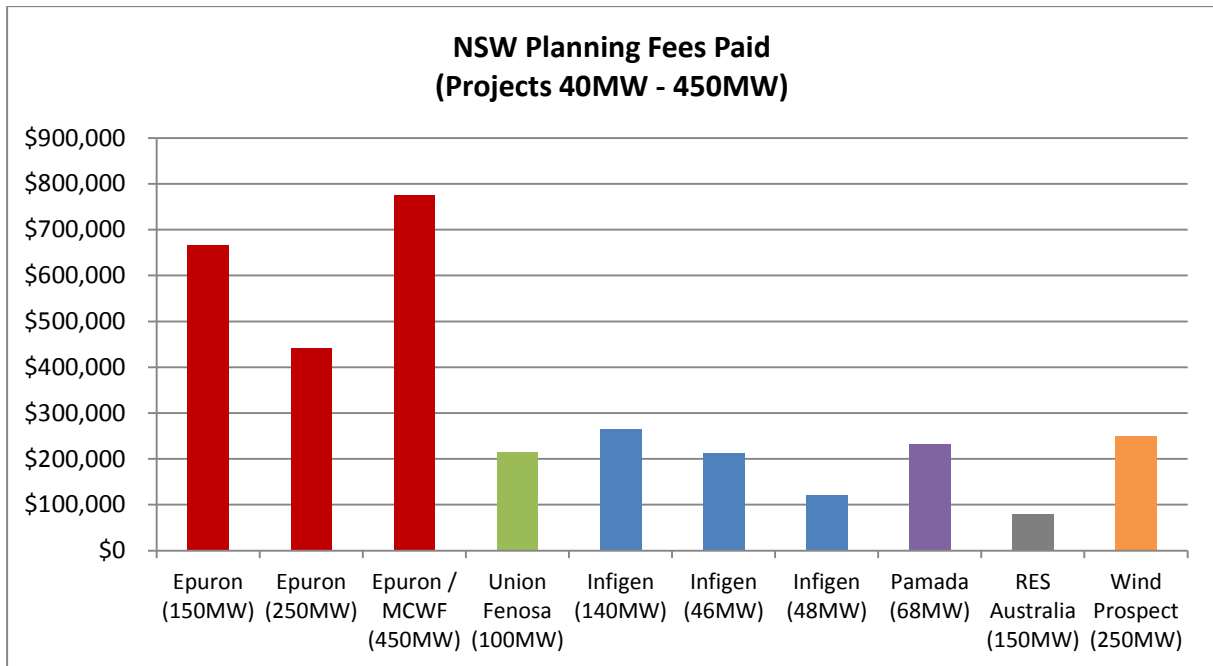
Due to their un-capped nature, maximum planning fees for wind farms in NSW are significantly higher than those in other states. Other states cap the maximum fee payable for the assessment of wind farm projects as follows and as shown on the graph above:

- Victoria                 \$16,130
- WA                         \$30,600
- South Australia       \$200,000

A cap of \$250,000 is also higher than the likely costs of administering the application by the Department. If in the unlikely event that the Department’s assessment costs exceeded this amount, a supplementary fee based on actual direct costs could be charged by the Department.

**Planning Fee Discrepancies**

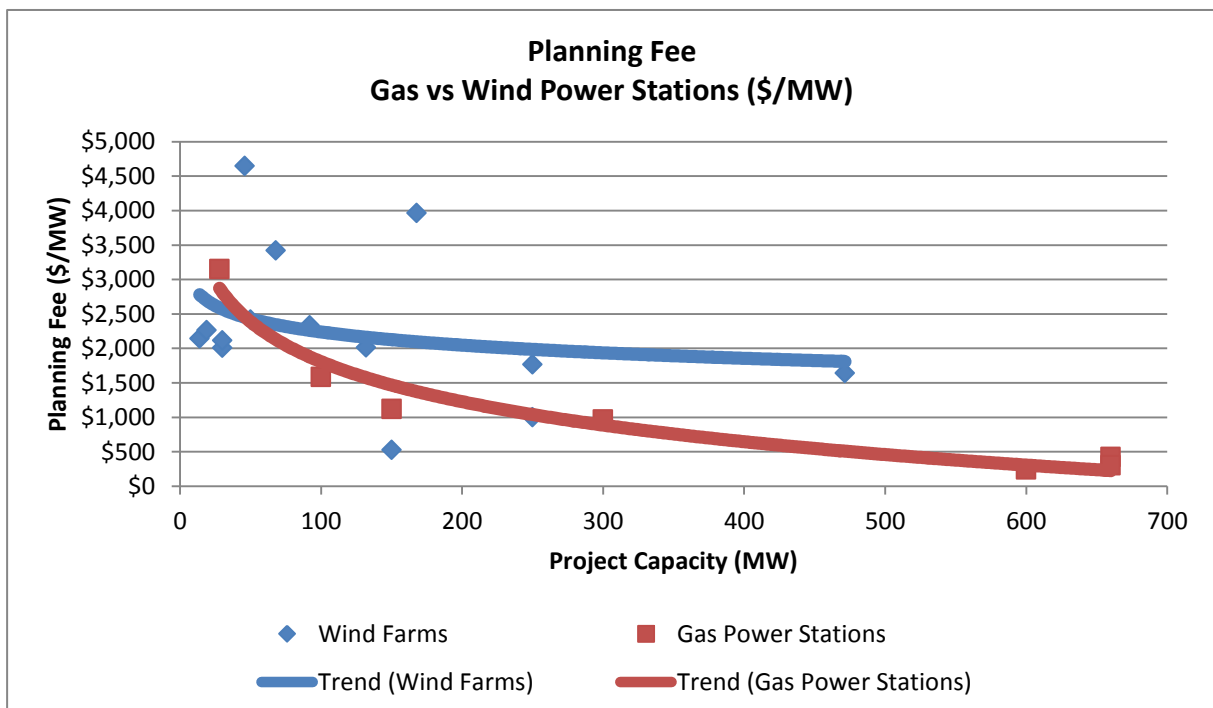
Further, there have been considerable and seemingly unjustifiable discrepancies in relation to the size of the planning fees paid for similar sized projects. By way of example, similarly sized projects in the 100-150MW range have paid within a range from \$80,000 to \$665,000. More recently, in March 2012 the 119 turbine White Rock Wind Farm was charged a planning fee of \$442,000, while the most recent wind farm prior to this was charged significantly less (\$250,000) for a larger project (127 turbines).



**Figure 3 - Planning fees by Project / Developer**

These discrepancies are further highlighted when comparing competing technologies such as wind farms with gas fired power stations. As indicated in Figure 4, the development fees applied unfairly disadvantage wind when compared with competing technologies such as gas fired power stations.

This provides a perverse outcome where those projects which clearly have a greater environmental benefit see higher development costs because of the arbitrary nature of the basis of planning fees applied.



**Figure 4 - Planning Fee Discrepancies, Wind vs Gas Power Stations**

## Annexure D

### Additional issues

- **Community Consultation Committee**

Epuron applauds the introduction of greater wind farm community consultative requirements. The introduction of a community consultation committee (CCC) could be a meaningful forum for communication between the local community and the wind farm company.

Importantly, triggering the establishment of a CCC when the Director General's Requirements (DGRs) are issued is supported. If the CCC is established with the DGRs and the committee works with the proponent through the development and assessment phases of the wind farm then the community will be engaged from the beginning of the process. However, if the SCC and gateway process proceeds and then the DGRs are issued resulting in the establishment of the CCC then the community consultative aspect of this committee will be starting some way down the development track which will diminish the consultative benefit to the local community and proponent.

Further, the proposed 'top down' committee model has weaknesses as it may be perceived to have no democratic basis to represent the local community as it is driven by the State government. A 'bottom up' committee with strong input from key stakeholders including the local community and council would more readily obtain the trust of the wider local community.

It is also essential that the Department of Planning or Office of the Environment and Heritage take part in the Committee and report back to the Director General in relation to the operation and performance of the Committee. The relevant officer would also undertake a secretariat function.

It is strongly recommended that the Director General nominate a suitable independent chairperson for the meetings from a shortlist prepared by the Department in consultation with the developer..

Accordingly, Epuron proposes that the developer is responsible for calling expressions of interest for the committee, including representatives from local council and state government. Membership should comprise as a minimum:

- An independent Chairperson nominated by the Director General
- At least one representative of the local Council;
- A representative of the NSW Department of Planning or Office of the Environment and Heritage acting as the secretariat;
- A representative of the landowners involved in the project;
- A representative of neighbouring landowners within 2km of the project;
- A representative of the developer.

- **Property Values**

Epuron is aware that property values are a recurring theme with stakeholders proximate to wind farm proposals. We are concerned that this issue is listed as a matter for consideration in the draft Guidelines, despite the fact that property values are not considered valid grounds in planning cases.

The draft Guidelines are, as noted on the cover page, "A resource for the community, applicants and consent authorities". In line with this we believe it is essential that the information and guidance provided by this document manages the expectations of all stakeholders.

The issue of loss of property value and 'blight' were raised and dismissed in the Taralga and also in the Gullen Range Land and Environment Court decision.



In both these cases it was stated that: “To have regard to fears of a loss of value for properties, fears which may or may not be realised (but which we accept are genuinely and honestly held) are not matters that we are permitted to take into account in these proceedings. To do so would, on our understanding, constitute an appealable error.”

The Guidelines should state the legal position that even if the value of a property near a wind farm were to be adversely affected (contrary to the overall finding of the 2009 preliminary assessment prepared for the NSW Valuer General)<sup>19</sup>, compensation does not apply. There is no compensation for any diminution in value of nearby land caused by a wind farm on land where wind farms are permitted because:

‘...any otherwise compliant private project which had some impact in lowering the amenity of another property (although not so great as to warrant refusal on general planning grounds when tested against the criteria in s 79C of the Act) would be exposed to such a claim.

Creating such a right to compensation (for creating such a right it would be) would not merely strike at the basis of the conventional framework of land use planning but would also be contrary to the relevant objective of the Act, in s 5(a)(ii), for “the promotion and co-ordination of the orderly and economic use and development of land”.<sup>20</sup>

Failure to include the above context in the Guidelines will create misunderstanding, with landowners expecting compensation when, in most cases of proven adverse impact on amenity (as reflected in land value), ameliorative measures (not compensation for loss of land value) should be offered.

- **Health**

As with property values, Epuron is concerned that the draft Guidelines may not manage the expectations of the community by including a requirement for proponents to explicitly consider health issues.

The NHMRC and the NSW Department of Health are the recognised authorities in relation to health matters and have reviewed reported health impacts associated with wind farms around the world.

Misinformation about health issues in relation to wind farms is causing significant concern within regional communities, but this concern is not borne out by facts identified by either authority. As a result, there is an onus on the NSW Government to provide appropriate guidance to the community as to the likely health impacts of wind farms (if any). This guidance can then be applied to specific projects as required.

To avoid uncertainty within the community, and appropriately manage community expectations in relation to health issues, the Guidelines must be modified to make clear that:

1. Developers must consult with the community in relation to potential health issues surrounding wind farms; and
2. Director General’s Requirements must include details of project-based assessment of any health impacts identified by the NHMRC or NSW Health as likely to result from the proposed wind farm.

The Guidelines should also incorporate the findings of the recent NHMRC and NSW Health reports into potential health impacts of wind farms.

- **Decommissioning**

Implementing a decommissioning bond some 20-30 years ahead of when decommissioning would be required adds a significant cost burden on projects. This has two detrimental impacts in NSW:

- It will reduce NSW competitiveness in relation to wind farms; and,

<sup>19</sup> NSW Valuer General (2009), *Preliminary assessment of the impact of wind farms on surrounding land values in Australia*, <http://www.lands.nsw.gov.au>

<sup>20</sup> *Taralga Landscape Guardians Inc v Minister for Planning and RES Southern Cross Pty Ltd* [2007] NSWLEC 59 at [158] – [160] per Preston CJ; followed in *King & anor v Minister for Planning*; *Parkesbourne-Mummel Landscape Guardians Inc v Minister for Planning*; *Gullen Range Wind Farm Pty Limited v Minister for Planning* [2010] NSWLEC 1102 per Moore SC and Fakes C at [5] and *Glen Innes Landscape Guardians Incorporated -v- Minister for Planning & Glen Innes Windpower Pty Limited* [2010] NSWLEC 1281 at [8] per Moore SC.

- It will increase the cost of power in NSW.

Epuron considers that decommissioning of wind farms is always to be undertaken by the project proponent or owner, and not by the landowner or the community. We support the inclusion of a Decommissioning and Rehabilitation Plan in the environmental assessment report.

However, we do not support the requirement for a decommissioning bond. Epuron enters legally binding agreements with landowners addressing the provisions for decommissioning and rehabilitation. With the obligations within the land agreement and within the planning consent for a decommissioning and rehabilitation plan we consider this matter is fully addressed.

Any other form of bond is an unnecessary cost impost which would make it more difficult to bring wind farm projects to the market.

- **Visual Assessment**

Epuron commissions visual impact assessments from suitably qualified individuals and provides scientifically prepared photomontages. We request that any methodology put forward be prepared in consultation with the relevant professionals.

The NZ Institute of Landscape Architects and the Scottish Natural Heritage both have best practice guidelines which are used by consultants in Australia.

Epuron and the wider industry considers it would be advantageous to work with the Department of Planning and Infrastructure and experts in the field to develop a specific set of standards for the production of photomontages, including lens type and size and instruction for printing and viewing photomontages.

It should be noted that it is technically very difficult to produce photomontages showing transmission lines, particularly when the specific design of the powerline is not yet available. Epuron suggests that images showing similar transmission or distribution lines be included in the EA rather than the production of transmission line photomontages.

## **Attachment 1: Epuron Consultation Guidelines**

# Community Consultation Framework

March 2012

**EPURON**

# Community Consultation Framework

March 2012

**Prepared By:**

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# Forward

## Open Letter to Epuron's Stakeholders

*Epuron is serious about developing high quality wind farms and solar energy projects which maximise the benefits available from these projects, while ensuring their commercial viability.*

*The benefits of renewable energy projects are clear:*

- ▶ Environmental benefits including greenhouse gas reduction*
- ▶ Clean delivery of electricity without pollution or water usage*
- ▶ Regional economic benefits including jobs and regional investment*
- ▶ Social benefits including local infrastructure improvements and community benefits*

*Epuron strives to ensure that these projects are developed and built in a manner which recognises the importance of an ongoing, long term relationship with the local community adjacent to each project.*

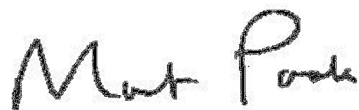
*Epuron endeavours to develop a relationship based on trust and respect where all parties can contribute to the process and thereby improve overall outcomes from each project.*

*Accordingly, Epuron believes that open and ongoing dialogue with the community is essential to achieve those outcomes.*

*This consultation framework outlines the basis on which Epuron engages with the community, including the consultation purpose, approach, tools, and opportunities for input.*

*We commend to you this consultation framework and look forward to engaging with you in relation to our projects.*

*Sincerely,*



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Martin Poole  
Executive Director



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Andrew Durran  
Executive Director

# Table of Contents

FORWARD	II
TABLE OF CONTENTS	III
1 BACKGROUND	1
2 CONSULTATION OBJECTIVES	3
2.1 Context and Objectives	3
2.2 Social Consideration	3
2.3 Strategy	4
3 KEY STAKEHOLDERS	5
4 CONSULTATION PHASES AND APPROACH	6
4.1 Rationale	6
4.2 Phase 1 – Project Awareness	6
4.3 Phase 2 – Project Investigation	7
4.4 Phase 3 – Project Development & Approvals	8
4.5 Phase 4: Post Development	9
4.6 Phase 5: Construction and Commissioning	10
4.7 Phase 6: Operations and Decommissioning	11
5 CONSULTATION TOOLS	12
5.1 Community Consultation Committee	12
5.2 Wind Farms: Specific Site Assessments	12
5.3 Capturing and Using Feedback	13
5.4 Consultation Summary	14



# 1 Background

Epuron has developed this Consultation Framework to outline the objectives and mechanisms it will use in engaging with key stakeholders and the local community in relation to its projects.

In preparing this Consultation Framework, Epuron has taken into consideration the draft NSW Planning Guidelines for Wind Farms dated December 2011. While these draft guidelines are not yet in force, they provide a useful reference source in preparing Epuron's consultation plans.

This Consultation Framework forms the basis of the specific project consultation plans developed to reflect the needs and characteristics of each project and its stakeholders.

Epuron's existing consultation plans will also be reviewed in the light of this revised Consultation Framework and will be released as this review is finalised.

## ***Public Benefits of Wind Farms and Solar Energy Projects***

Wind farms are currently the most commercially viable utility scale renewable energy technology. Growing energy demand and government policy commitments will result in more wind farms being developed in rural environments in NSW and around Australia, and with good reason.

Solar energy projects offer unique advantages, particularly in remote areas where the cost of alternate electricity supply options is high.

Wind farms and solar energy projects offer clear public benefits including:

- ▶ Helping to meet our growing electricity demand
- ▶ Reducing Greenhouse Gas Emissions from power generation
- ▶ Saving water compared to other forms of electricity generation
- ▶ Providing economic stimulus through the use of local contractors and services
- ▶ Harnessing a renewable and sustainable fuel resource

While the impacts of both solar energy and wind farm projects are overwhelmingly positive, negative impacts can occur through local issues, and in general any negative environmental and social impacts of wind farms increase with proximity to the project.

## ***Local Impacts***

From a social or community perspective, society as a whole receives the public benefits, the impacts are not evenly applied:

- ▶ Economic benefits (e.g. jobs, income, local investment) are likely to be stronger near the project;
- ▶ Social impacts (e.g. potential noise, visual amenity, or construction impacts) are also likely to be stronger near the project; and,
- ▶ As a result, those living closer to a potential wind farm (rightly) feel a greater right to have a say in outcomes in relation to that project.

These local impacts are site specific, and therefore take up the bulk of the environmental assessment of each project.

Wind farms and solar energy projects in Australia are at a relatively early stage in their market penetration as an alternative source of generation. While roads, powerlines, water dams, pipelines, train lines and other rural infrastructure are accepted in rural communities, wind farms are relatively new. As a result, communities near to wind farms in particular can have a lower level of understanding, a greater level of uncertainty and fear, and a greater resistance to change resulting from the project. As a result, communities are likely to apply a greater level of scrutiny to wind farm and solar energy proposals.

### **Consultation Purpose**

Consultation with the local community and other affected stakeholders is an important part of developing a renewable energy project. The feedback and concerns identified can then be considered in the design and development of the project. Community consultation and engagement is essential to the development of proposals to maximise the positive and minimise the negative impacts of each project.

### **Community support**

It is clear that the majority of the population are in favour of wind farms and solar energy projects as an alternative source of electricity supply. This fact applies in both urban and rural areas of Australia, and has been demonstrated to apply even where the apparent opposition to wind farms is high.

In 2010 the NSW Government commissioned the report 'Community Attitudes to Wind Farms in NSW' to assess residents attitudes towards targets set to achieve 20% renewable energy generation by 2020. The survey was conducted by telephone of 2022 residents aged 18 years and older and 300 businesses across the six Renewable Energy Precincts, and a control area in regional NSW.

The outcomes of the study are as follows:

- ▶ Of the total surveyed 81% believed wind power was acceptable for power generation;
- ▶ General awareness of turbines was very high, with 97% of people having heard about wind farms or wind turbines generating electricity and 81% of the population had seen a wind farm or wind turbine;
- ▶ Eighty five percent (85%) of the population across the precincts support wind farms in NSW, with 80% supporting them within their local precinct
- ▶ Seventy-nine percent (79%) support for a wind farm being built 10 km from their residence, with 61% supporting wind farms being built within 1-2 km from their residence;
- ▶ A similar trend occurs with business opinion with 88% support for wind farms within NSW, 83% support for a wind farm in the precinct, 82% support for a wind farm 10 km from the residence and 60% support for a wind farm within 1-2 km of the residence.

The NSW Government study concludes that the general adult residents of the survey area are well aware of the potential of wind farms or wind turbines to generate renewable energy. Additionally, the respondents were generally aware of wind turbines and how wind turbines appear within the landscape and are generally supportive. The results further indicated that the respondents were generally not adverse to the development of wind farms in their immediate locality.

However, this support is not universal, and it is equally clear that significantly improved levels of and approaches to community consultation and engagement are essential to ensure a continuing social license to develop wind farms in rural Australia.

## 2 Consultation Objectives

### 2.1 Context and Objectives

Epuron has developed this Consultation Framework to ensure that the consultation which it carries out is **effective**, **meaningful**, **inclusive**, and **focussed**.

The objectives of Epuron's consultation are:

- ▶ To introduce Epuron and outline its activities and how it goes about its business;
- ▶ To build positive, trust-based relationships with the local community, and to deal openly and fairly in all discussions with the community;
- ▶ To ensure that each person who wishes to engage with Epuron in relation to a project has ample opportunity to do so;
- ▶ To earn the trust of the local stakeholders as a critical first step in becoming a long term member of the community.

In relation to wind farms and solar energy projects, Epuron's objectives are:

- ▶ To understand community concerns in relation to potential impacts of these projects;
- ▶ To enhance the understanding and acceptance of wind and solar energy projects and their role in providing clean energy to Australian energy users;
- ▶ To provide factual information in relation to wind and solar energy projects, their impacts (both positive and negative) and their operation.

This consultation framework shall also be used in the development of individual consultation plans which will be based on this framework and tailored for each project.

In relation to individual projects proposed by Epuron, our objectives are:

- ▶ To minimise undue community concern in relation to each proposal, particularly at an early stage where little information on a project is known;
- ▶ To ensure the community and other stakeholders are fully informed and aware of each proposal, its likely impacts, and its likely benefits;
- ▶ To ensure that Epuron fully understands the local context for the proposal, including any local impacts that the proposal may have or opportunities that it could provide;
- ▶ To incorporate the suggestions and feedback into the design of the proposed project where possible;
- ▶ To explain where and how this feedback can be and has been incorporated; and,
- ▶ In that context, to provide multiple opportunities for dialogue in various forms to allow the community to receive information and provide feedback about the proposal.

### 2.2 Social Consideration

It is important that attention be paid to the potential implications for the amenity of surrounding residents to a proposal. As near neighbours have the potential for amenity impacts greater than wider community members, their views and concerns are of particular interest. Near neighbours refers to those residents whose dwelling is nearby the proposed project, and may therefore experience amenity impacts of the project.

As a minimum Epuron considers it appropriate to consult actively with those landowners whose dwellings are located within 2 kilometres of a proposed project.

A range of communication tools are used in order to maximise the breadth of research, response and incorporation of the local community's concerns into the relevant expert studies and the development of each project. In addition, the strategy recognises that it is desirable for the residents to have sufficiently clear technical information about proposed projects in order for a meaningful discussion to take place.

The amenity of residents surrounding the project is contributed to in part by the social fabric of their local community. Accordingly, the existing social aspects of the region will be considered in designing the consultation strategy, as well as the implications for the community of each proposal.

## 2.3 Strategy

The guiding principle of our consultation strategy is to build positive, transparent and trust-based relationships with all stakeholders. The strategy is designed to fulfil three main objectives:

1. Provide clear information about the project to stakeholders;
2. Actively listen to the concerns of individual residents and the community;
3. Incorporate stakeholder feedback into the development of the proposal and demonstrate how the project has been modified as a result, if and where appropriate.

This Consultation Framework is designed to ensure multiple opportunities are provided for stakeholders to receive information and express their views. Each consultation initiative is designed to generate various opportunities for the project team to interact with stakeholders.



*Figure 1 - Ti Tree Solar Energy Project, part of the TKLN Solar development in the NT*

## 3 Key Stakeholders

Epuron acknowledges the large number of parties interested in its wind farm and solar energy proposals. Epuron also acknowledges its responsibility to consult widely with all stakeholders.

Key stakeholders include:

- ▶ Involved or potentially involved landowners
- ▶ Neighbouring landowners and residents
- ▶ Opponent groups including local Landscape Guardians
- ▶ Local community groups including environmental groups and progress associations
- ▶ Members of local indigenous groups
- ▶ Local business groups including Chambers of Commerce
- ▶ Local special interest groups including aeronautical and outdoor sports associations
- ▶ Locally elected representatives including Councillors, Federal and State Members
- ▶ Local, State and Federal planning authorities including Local Councils
- ▶ State and Federal environmental authorities and land management authorities
- ▶ Government utilities and infrastructure bodies including Transmission and Distribution Network Service Providers and roads authorities
- ▶ State and Federal Ministers with related responsibilities

Epuron's activities are targeted to ensure that each of the key stakeholders has ample opportunity to provide feedback to Epuron during the various phases of its activities. Opportunities are also made available to additional stakeholder including the general public.

For various activities, Epuron distinguishes between adjacent (<2km), nearby (<5km) and more distant (>5km) neighbours, and specific consultation approaches are carried out in each case.



*Figure 2 - Solar project under construction, providing jobs in regional Australia*

## 4 Consultation Phases and Approach

### 4.1 Rationale

The rationale behind the consultation process is to provide an abundance of opportunities for interested stakeholders to receive information and express their views on the detail of the project. It is designed so that each consultation initiative generates more opportunities for the project team to interact with stakeholders face-to-face, through project updates, correspondence and local media advertising.

As each project goes through various phases of development, it is important that consultation messages and strategies reflect the status of the project in its development cycle. For that reason, Epuron's consultation process is broken down into phases which reflect what is occurring both in relation to the project, and in the community surrounding the project.

The consultation program is developed to ensure stakeholders are engaged, informed and involved at every stage of the project, from development through to construction and operation. Each phase of the consultation program identifies the goals relevant to each time period of the proposal, and these goals can be achieved using a variety of communication methods, ensuring a flexible response to all stakeholders.

The specific objectives of each consultation phase are outlined below.

### 4.2 Phase 1 – Project Awareness

Even before Epuron or any other developer begins any project investigation in an area, community members are exposed to information in relation to wind farms, powerlines, renewable energy, climate change, and many other related issues. Some community members may even have heard of Epuron and be aware of its activities in other areas.

These issues set the scene when investigation first commences in a region.

The consultation process is initiated by Epuron when it first begins investigating potential wind farm or solar energy project opportunities in a region. In this phase Epuron provides information about the company and renewable energy project development, including the benefits of wind farms and solar energy projects.

This stage of consultation occurs prior to a specific wind farm site being identified, and therefore is not site specific in the information provided.

#### **Objectives**

- ▶ Establish communications links with the local community and key stakeholders
- ▶ Provide clear and accurate background information in relation to wind farms and solar energy projects
- ▶ Build trust within the local community

#### **Information to be made available**

- ▶ Benefits of renewable energy projects
- ▶ Impacts of climate change
- ▶ Accurate information on issues associated with wind farms and solar energy projects
- ▶ Background to Epuron

#### **Specific strategies to be considered**

- ▶ Dissemination of information which sets out the facts on wind farm impacts
- ▶ Wind farm Q&A opportunities in local media (newsprint, radio)



- ▶ Regular news stories to local media

### ***Feedback opportunities***

- ▶ Epuron website – general feedback on Epuron, wind farms and solar energy projects
- ▶ Epuron on Twitter - @EpuronAust
- ▶ Direct feedback in person, by phone, via email

## **4.3 Phase 2 – Project Investigation**

The next phase of the consultation process commences once the potential wind farm or solar energy project site has been identified. Depending on the size of the project and the speed of the development process this stage could last anywhere from a few months to several years.

Once Epuron identifies a region as having potential for a project, a different level of activity commences. Epuron may start contacting adjoining landowners, carrying out site visits, make inquiries of Council and many other tasks. As investigations become more advanced, Epuron may install wind monitoring towers or solar measurement stations, sign up landowners, and begin focussing on a specific location or site in an area.

This phase is characterised by awareness in the community of wind farm development activity in an area, but very little information about whether a wind farm may be proposed, and if so, where it would be, how large it may be, and what the related impacts may be.

### ***Objectives***

- ▶ Clearly explain the status, likelihood and possible timing of a project
- ▶ Clearly explain when and how project information will become available
- ▶ Clarify any remaining concerns wind farms or solar energy projects
- ▶ Provide accurate information on topics where misunderstandings still exist
- ▶ Continue to build communication links and trust with key stakeholders

### ***Information to be made available***

- ▶ Clear explanation of the status of a proposal
- ▶ Site investigation or a monitoring mast does not mean site development will follow
- ▶ Explanation of development process and likely timetable
- ▶ Background information as in Phase 1

### ***Specific strategies to be considered***

- ▶ Dissemination of information which sets out the facts on wind farm impacts
- ▶ Wind farm Q&A opportunities in local media (newsprint, radio)
- ▶ Regular news stories to local media
- ▶ Commence newsletter updates to local community
- ▶ Introductory briefings with key stakeholders (Council, elected Members etc.)

### ***Feedback opportunities***

- ▶ Epuron website – general feedback on Epuron, wind farms and solar energy projects



- ▶ Epuron on Twitter - @EpuronAust
- ▶ Direct feedback in person, by phone, via email

## 4.4 Phase 3 – Project Development & Approvals

If initial investigations in an area indicate a promising site, Epuron may commence detailed development of a project at a specific site. This would normally see a significant increase in Epuron's activity in an area.

During this phase, Epuron would be developing detailed plans for a site, as well as carrying out detailed investigation of impacts of a wind farm with a specific layout at a specific location. This work would involve a significant increase in community consultation and, barring any problems identified in the development phase, would usually culminate in a development application to the relevant Government authority.

At this stage, the development of the project would appear likely, therefore this phase is characterised by increased levels of uncertainty for individuals in the community who believe the impacts to an area will be significant.

During this stage the wind farm site boundary and concept site layout is defined and the environmental assessment and planning approval process is carried out. This phase will involve more intense consultation and is the most effective phase involving stakeholders in the development process. The focus of this phase is on involving stakeholders.

### **Objectives**

- ▶ Introduce the local community to the project proposal
- ▶ Explain the planning process and how the community can participate and comment
- ▶ Identify key areas of interest and concern among key stakeholders to the proposal
- ▶ Respond to topics raised by the community
- ▶ Provide access to the application documents and environmental assessment
- ▶ Encourage the community to continue providing constructive criticism
- ▶ Incorporate feedback into the design of the proposal
- ▶ Identify opportunities whereby the proposal can bring benefits to the local community
- ▶ Communicate any changes that may have been made from the revised layout to the final layout

### **Information to be made available**

- ▶ Background information as in Phase 1
- ▶ Clear explanation of the status of a proposal
- ▶ Explanation of development process and likely timetable
- ▶ Provision of draft site layouts and conceptual designs
- ▶ Provision of project documentation including project application, environmental assessments, responses to issues raised
- ▶ Provision of specific noise and visual amenity analysis to nearby residents

### **Specific strategies to be considered**

- ▶ All strategies used in Phases 1 and 2
- ▶ Establish community consultation committee (see section 5.1)
- ▶ Establish a project-specific website providing all project-related information

- ▶ Hold open houses / attend public meetings
- ▶ Meet (where possible) with near neighbours (especially those neighbours located within 2 kilometres of a wind turbine) and key stakeholders
- ▶ Review and respond to key issues identified during consultation activities
- ▶ Seek feedback on the preliminary layout, in order to incorporate community concerns, views and requests into the design as appropriate
- ▶ Explain reasons why some individual requests may not have been granted
- ▶ Clarify any remaining concerns about the layout and the proposal in general
- ▶ Provide accurate information on topics where misunderstandings still exist

### ***Feedback opportunities***

- ▶ Project website including online feedback form
- ▶ Open houses and public meetings
- ▶ Face to face meetings
- ▶ Public opinion surveys (including via the website)
- ▶ Direct submissions to Epuron
- ▶ Submissions to consent authority following Environmental Assessment exhibition
- ▶ Epuron website – general feedback on Epuron, wind farms and solar energy projects
- ▶ Epuron on Twitter - @EpuronAust
- ▶ Direct feedback in person, by phone, via email

## **4.5 Phase 4: Post Development**

If the development application has been approved, projects often move into a post development / pre-construction phase where a great deal of activity may be occurring, much of which occurs behind closed doors. As a result the community may not know whether the project is going to be built or not. Due to uncertainties in the renewable energy market, this period can last for some years, leaving significant uncertainty for key stakeholders.

The Post Development phase is therefore characterised by a continued level of uncertainty as to whether the project will proceed, and if so, in what form. This uncertainty continues until either Construction commences or the Development consent lapses.

### ***Objectives***

- ▶ Provide regular status updates of the project to the community and key stakeholders
- ▶ Continue to seek input on the detailed design of the wind farm
- ▶ Consult on the various environmental management plans, including traffic routes, fire risk management, weed control, etc.
- ▶ Keep the local community up to date with the construction plans and outcomes of the detailed design process

### ***Information to be made available***

- ▶ Project design as approved, together with approval conditions

- ▶ Environmental management plans, including traffic routes, fire risk management, weed control, etc. as they are developed
- ▶ Updated timetable information in relation to the proposal
- ▶ Description of opportunities available to the community as a result of the proposal

#### ***Specific strategies to be considered***

- ▶ Continuation of established community consultation committee
- ▶ Opportunities for local suppliers & service providers to register interest
- ▶ Newsletters
- ▶ Wind farm Q&A opportunities in local media (newsprint, radio)
- ▶ Regular news stories to local media

#### ***Feedback opportunities***

- ▶ Project website
- ▶ Nominated site representative
- ▶ As for Phase 3

## 4.6 Phase 5: Construction and Commissioning

While strictly separate phases, Epuron deals with these phases together as the characteristics and issues surrounding the phases are very similar. Typically, these involve informing the community of the projects physical status, and managing actual impacts as they occur.

#### ***Objectives***

- ▶ Keep the community informed as to the progress of the construction
- ▶ Respond to any community concerns or complaints about the construction process
- ▶ Invite stakeholders to attend official opening events

#### ***Information to be made available***

- ▶ Details of contact point for raising concerns
- ▶ Information which sets out specific construction impacts e.g. traffic management
- ▶ Site management plans (as they are developed)
- ▶ Timetable and relevant details of specific construction activity
- ▶ Other information provided in Phase 4

#### ***Specific strategies to be considered***

- ▶ Continuation of established community consultation committee
- ▶ Newsletters
- ▶ Wind farm Q&A opportunities in local media (newsprint, radio)
- ▶ Regular news stories to local media

### ***Feedback opportunities***

- ▶ Project website
- ▶ Nominated site representative
- ▶ As for Phase 3

## **4.7 Phase 6: Operations and Decommissioning**

Once the project is operational, Epuron evolves its consultation to reflect the ongoing maintenance aspects and the longer term community presence.

Epuron's consultation plan is tailored to reflect the different characteristics of each stage.

### ***Objectives***

- ▶ Interact with the local community as a respectful member of that community
- ▶ Provide an ongoing contribution to the local community
- ▶ Address any issues identified as soon as practical
- ▶ Provide a clear contact point for the local community to raise any operational concerns

### ***Information to be made available***

- ▶ Operational status of plant and key activities planned
- ▶ Details of contact point for raising concerns
- ▶ Ongoing updates of benefits of the project

### ***Specific strategies to be considered***

- ▶ Wind farm Open Days and site visits
- ▶ Continuation of established community consultation committee for as long as the committee is appropriate
- ▶ Information which sets out the facts on wind farms operations
- ▶ Wind farm Q&A opportunities in local media (newsprint, radio)
- ▶ Regular news stories to local media

### ***Feedback opportunities***

- ▶ Project website
- ▶ Nominated site representative
- ▶ As for Phase 3

## 5 Consultation Tools

### 5.1 Community Consultation Committee

Epuron acknowledges that some sections of the community feel powerless to influence project proposals. Equally, it is difficult for Epuron to liaise one on one with every member of the community - some community members simply do not have the time available.

At the commencement of the development phase of a proposal, Epuron therefore proposes to establish, where appropriate, a Community Consultation Committee (CCC), as a formal representation of the local community, through which it would carry out more detailed consultation in relation to a proposal.

Whether or not a CCC is established for a project will be decided based on various factors including the scale of the project and level of concern found in the community in relation to the type of proposal Epuron is considering, and after discussions with the local Council.

The objectives of the CCC are:

- ▶ To enable Epuron to formally provide the local community with information about the proposal;
- ▶ To enable the community to express and Epuron to understand any concerns in relation to potential impacts of the proposal;
- ▶ To enable Epuron to consider whether and how to incorporate any suggestions and feedback into the design of the proposal;
- ▶ To demonstrate how the feedback has been considered in the design process and where applicable show how the feedback has resulted in amendments to the design of the wind farm; and,
- ▶ To formally advise Epuron of potential additional community benefits which Epuron could consider integrating into the proposal.

The creation of this CCC would reflect the laws applicable in each local jurisdiction. For example, in NSW, Epuron proposes to work with local Councils and the Department of Planning to establish the CCC in accordance with any final guidelines or legislation resulting from the draft NSW Planning Guidelines for Wind Farms.

In general, membership of any proposed CCC is likely to include:

- ▶ an independent chairperson
- ▶ representatives of the local community such as:
  - a representative of the involved landowners
  - a representative of neighbouring landowners who are not involved with the project
  - representation from key local stakeholder groups such as local Landscape Guardians, Progress associations, business chambers, and environment groups
- ▶ a representative of the local Council
- ▶ representatives of Epuron, including the project manager for the proposed wind farm

Interested parties would be invited to apply through a public nominations process.

### 5.2 Wind Farms: Specific Site Assessments

Epuron acknowledges that some jurisdictions in Australia have specific or proposed measures in relation to development within certain distances of property or dwellings. Most notable is the development of a “2km buffer” concept whereby wind turbines located within 2km of existing residences may have additional assessment requirements applied.

For example, the draft NSW Planning Guidelines for Wind Farms propose a “Gateway” process in relation to wind turbines located within 2 kilometres of existing residences.

Epuron acknowledges that residents whose dwellings are located closer to wind turbines are likely to have increased concern as to the impacts of wind turbines on their amenity and way of life. Therefore, as part of its consultation during the development phase, Epuron will, with the consent of the relevant landowner, provide site-specific assessments in relation to all residences whose dwellings are located within 2km of a proposed wind turbine.

These site specific assessments will include:

- ▶ Preparation of a photomontage of the proposed wind farm taken from the residence or, in the case where the proposed wind farm is not visible from the residence, from the most affected point on the property; and,
- ▶ Preparation of a wind farm noise assessment taking into consideration the existing background noise.

Both the photomontage and the noise assessment, together with appropriate explanatory notes, will be provided to the relevant landowner for their consideration and feedback.

Epuron will of course apply any additional requirements in accordance with the legislation relevant to each project location.



*Figure 3 - Modern wind turbines provide clean renewable energy*

### 5.3 Capturing and Using Feedback

Capturing feedback and suggestions is a very important step in the consultation process and enables incorporation into the projects overall design. Therefore, every opportunity will be given for interested parties to provide either general or specific feedback to the project.

Equally important is what is done with this feedback once it is received.

All project-related feedback will be registered for each wind farm, and a summary of that feedback shall be incorporated into the Consultation section of the Environmental Assessment for the project.

To demonstrate that Epuron has listened to and understood the community's concerns and show how they have been considered in the design and development of the project, the changes to the wind farm project design need to be captured. These changes need to be incorporated into feedback provided to the community using tools like the Open House displays and within the Environmental Assessment documentation.

Epuron aims to clearly demonstrate the areas where community consultation has led to changes in the project proposal and improvement in the project outcomes.

## 5.4 Consultation Summary

The consultation methods used need to be appropriate for the tasks at each stage of the development. Consultation should be inclusive and responsive to the participants involved and feedback on the outcomes of the consultation process needs to be provided in a timely manner.

A sample of the general consultation tools that may be applied to a specific project is outlined in Table 1. The frequency, timing and use of the various consultation tools will be tailored to suit specific wind farm projects and each particular stage of their development.

Table 1 - Outline of Consultation Tools

Consultation Tool	Consultation Phase						Actions
	1	2	3	4	5	6	
Epuron website	?	?	?	?	?	?	Provide general information on Epuron and renewable energy projects. General feedback via "Have Your Say" section.
Project website			?	?	?	?	Detailed project-specific information. Project-specific feedback and "Have Your Say" sections. News signup for email news delivery
Meeting neighbours and nearby residents		?	?	?	?	?	Face to face meetings provide opportunity for direct engagement and discussion of key issues. Follow up with meeting summary in writing.
Meeting Local council & Councillors		?	?	?	?	?	Face to face meetings provide opportunity for direct engagement and discussion of key issues.
Community Consultation Committee			?	?	?	?	Establish and engage with community consultation committee.
Meeting State & Federal MPs			?	?	?	?	Face to face meetings provide opportunity for direct engagement and discussion of key issues.
Local newspaper	?	?	?	?	?	?	Media releases, Q&A sessions
Local radio	?	?	?	?	?	?	Media releases, Q&A sessions
Community days				?	?	?	
Open houses			?				Provide concept design & receive feedback. Direct access to Epuron's specialist consultants. Feedback forms.
Public Meetings			?	?	?	?	Attendance at public meetings arranged by local community in relation to Epuron projects.
Specific Site Assessments			?	?			At all residences with 2km.
Newsletters		?	?	?	?	?	Inform local community.
DECCW Precinct Coordinators	?	?	?	?	?	?	Liaison to assist with stakeholder identification and engagement
Feedback mechanisms	?	?	?	?	?	?	On website, by email & feedback forms