

Wind farm state code and guideline

Frequently asked questions

JULY 2016

General

Why were the code and guideline developed?

The Queensland Government identified the need for a consistent, coordinated, whole-of-government approach to assessing wind farms across the state. Previously, local governments were the assessment manager for wind farm development. However, few local government planning schemes included planning provisions that address the complex characteristics specific to wind farms.

The wind farm code and guideline will support the role of the Department of Infrastructure, Local Government and Planning (DILGP) via the State Assessment and Referral Agency (SARA), as the assessment manager for all wind farm proposals in Queensland.

How were the code and guideline developed?

The preparation of the code and guideline was based on:

- expert technical advice
- review of recent and emerging research and national and international best practice (including existing frameworks in place across Australia and New Zealand)
- extensive consultation with community and key stakeholders.

What is the purpose of the code?

The code and guideline applies to all new or expanding wind farm proposals across Queensland. The purpose of the code is to protect individuals, communities and the environment from adverse impacts as a result of the construction, operation and decommissioning of wind farm development.

The code requires that wind farms should be appropriately located, sited, designed and operated to ensure:

- the safety, operational integrity and efficiency of air services and aircraft operations
- risks to human health, wellbeing and quality of life are minimised by ensuring acceptable levels of amenity and acoustic emissions at sensitive land uses

- development avoids, or minimises and mitigates, adverse impacts on the natural environment (fauna and flora) and associated ecological processes
- development does not unreasonably impact on the character, scenic amenity and landscape values of the locality
- safe and efficient operation of local transport networks and road infrastructure.

What is the purpose of the guideline?

The purpose of the guideline is to assist applicants in preparing development applications for wind farm proposals and to provide assistance in responding to performance outcomes and acceptable outcomes of the code. It provides guidance in relation to required technical assessments and suggested further reading/information.

When will the code and guideline take effect?

The code and guideline will commence as part of the State Development Assessment Provisions (version 1.9) on 22 July 2016. The commencement is supported by amendments to the Sustainable Planning Regulation 2009, to prescribe that wind farm developments are to be assessed by the Chief Executive of DILGP (via SARA) as assessment manager.

How will the assessment process differ from what currently exists?

Costs and responsibility for assessing wind farm developments will shift from local governments to the state government. The majority of local government planning schemes do not include adequate provisions to address the complex characteristics specific to wind farms. Also, many councils do not have the resources or in-house expertise to assess these highly technical applications.

How will the code and guideline help achieve the increased production and use of renewable energy in Queensland?

The Queensland Government is committed to increasing the production and use of renewable energy, and wind farms form a key component of this. The new framework provides much needed certainty to communities and industry through the delivery of a consistent, coordinated, whole-of-government approach to the assessment of wind farms.

While wind farms generate renewable energy, proposals for this type of development must be carefully considered and balanced against the three core objectives of liveability, sustainability and prosperity. The code and guideline will facilitate quality renewable energy outcomes whilst protecting the health and safety of individuals and communities.

Application of the code

When will the code apply?

The code applies to all wind farm development. A wind farm:

- 1) means the use of premises for generating electricity by wind force
- 2) includes any of the following that are used in connection with, or are ancillary to, the use of the premises or the construction of works relating to the use:
 - a. wind turbines, wind monitoring towers or anemometers
 - b. buildings, storage areas, maintenance facilities and other structures

- c. infrastructure and works including, for example, site access, foundations, electrical works and landscaping
- 3) does not include the use of premises for generating electricity that is to be used mainly on the premises for a domestic or rural use.

Development involving wind turbines that is not a material change of use for a wind farm may otherwise be assessable development under a planning instrument (i.e. local government planning scheme).

What if I am installing a small rooftop wind turbine or similar? Is this a wind farm?

No, the code only applies to wind farm development. As per the above wind farm definition, this does not include generating electricity that is to be used mainly on the premises for a domestic or rural use. Smaller domestic proposals involving wind turbines or wind energy generators that do not constitute a wind farm may still be assessable development under a planning scheme. In this case, local government will be assessment manager. It is recommended that you contact [SARA](#) or your [local council](#) if you are unsure as to whether your proposal constitutes a wind farm.

How do I make an application for a wind farm?

It is important to note that SARA is only the assessment manager for a material change of use for a wind farm and any other aspects that the state has jurisdiction over under the Sustainable Planning Regulation 2009 (i.e. referral triggers such as the clearing of vegetation, impacts on state controlled roads, etc.).

SARA will not be the assessment manager for an associated reconfiguration of a lot or operational works application assessable under a local government planning scheme. These applications will need to be made separately to the local government. In the event that an applicant lodges a combined application that includes a material change of use for a wind farm and other components, such as the noted reconfiguration of a lot or operational works, the application will go to the Minister for Infrastructure, Local Government and Planning to determine that:

- 1) the state is the assessment manager for the material change of use only
- 2) other components normally assessable under the local government planning scheme are assessable by the local government.

Level of assessment

Why are there different levels of assessment?

The new assessment framework adopts an appropriately balanced level of assessment construct requiring public notification and the opportunity for submissions where warranted. A wind farm application will be subject to code assessment if one of the following scenarios apply:

- 1) All wind turbines for the wind farm are at least 1500 metres from a sensitive land use on a non-host lot.
- 2) One or more wind turbines for the wind farm are less than 1500 metres from a sensitive land use on a non-host lot and the owner of the non-host lot has, by deed, agreed to a lessor setback to their sensitive land use.

In any other circumstance, a wind farm application will be subject to impact assessment. Wind farm applicants will be required to publicly notify proposals when wind turbines are located within 1500 metres of the sensitive land uses of property

owners who have not agreed to a lesser setback. This provides affected parties, where warranted, an opportunity to comment on proposals with subsequent appeal rights.

What is a host lot, non-host lot and deed of release?

- A host lot means a property that accommodates any part of a wind farm development.
- A non-host lot is a property that does not accommodate any part of a wind farm development and will either adjoin, or be in proximity to, the host lots making up the wind farm site.
- A deed of release is a negotiated agreement between the wind farm operator and a landowner accepting one or both of the following:
 1. a reduced setback between wind turbines and the landowner's existing or approved sensitive land uses
 2. a specific acoustic level at the landowner's existing or approved noise affected sensitive land uses.

Will I be able to comment on wind farm proposals in my community?

Wind farm developments will be open to comment (submissions) when subject to impact assessment. Impact assessment requires applicants to publically notify the application for a period of 15 business days. This involves sending a notice to neighbouring property owners, placing an advert in the local newspaper and placing notification signs on all road frontages. Anyone who lodges a formal submission within the public notification period will be afforded third party appeal rights (meaning they can appeal the final decision in the Planning and Environment Court).

Will I be forced into a deed of release?

No, any agreement with a wind farm operator will need to be negotiated accordingly. It is in the best interests of all parties that these negotiations are conducted in an open and transparent manner. A deed requires formal execution requirements and it is recommended that independent legal advice be sought prior to executing any deed.

Consultation

What consultation has occurred in developing the code and guideline?

The draft code and guideline were first released for public consultation from 22 April to 13 May 2014. During this time, more than 100 submissions were received. The draft code and guideline were released for a second round of public consultation on 16 October 2015. The consultation period ran for eight weeks and closed on 11 December 2015. During this time, 60 submissions were received. In addition to the public consultation process, targeted consultation has occurred with government departments, peak bodies and industry.

All submissions and findings from the consultation process were considered in detail in the preparation of the final documents. Given the extensive consultation process, the code and guideline represent best practice in the assessment of wind farm development.

Electromagnetic interference

Will a wind farm development interfere with my television and radio reception?

The code requires that wind farm development is designed, located and sited to avoid, or minimise and mitigate, electromagnetic interference to pre-existing television, radar and radio transmission and reception.

It is important to remember mobile phones are designed to operate in and around obstructions as are other systems such as CB radio that are designed for an environment that may include other barriers such as trees, mountains and buildings.

Aviation

Will a wind farm development create a risk to air services?

The code requires an applicant to demonstrate that the safety, operational integrity and efficiency of air services and aircraft operations are not adversely affected by the location, siting and design and operation of the development. Wind farm development must include lighting and marking measures to ensure the safety of air services and aircraft operations.

Depending on the location and scale of the proposal, an applicant may be required to obtain written endorsement from the federal Department of Defence, Civil Aviation Safety Authority (CASA), Airservices Australia and the district aerodrome supervisor.

Mitigating impacts

How does the code address impacts from wind farm developments?

Environmental impacts: The code requires wind farms to be appropriately located, sited, designed and operated to ensure the wind farm development avoids, or minimises and mitigates adverse impacts on the natural environment (fauna and flora) and associated ecological processes. An applicant should provide a detailed ecological assessment demonstrating the development has considered all environmental impacts.

Visual impacts: The code also requires that wind farm developments do not unreasonably impact on the character, scenic amenity and landscape values of the locality and region. Applicants should provide a visual impact assessment report that identifies and proposes measures to avoid or minimise adverse impacts from the development on significant landscape values and scenic amenity, including view corridors and viewpoints.

Construction impacts: Applicants are required to demonstrate that construction activities associated with the development avoid, or minimise and mitigate, adverse impacts on environmental values, water quality objectives, amenity, local transport networks and road infrastructure. An applicant should provide a construction management plan, traffic management plan and erosion and sediment control plan to demonstrate all potential adverse impacts have been addressed in relation to construction activities.

Acoustic amenity

How does the code manage acoustic impacts?

The code requires that an applicant must demonstrate that noise emissions resulting from the development do not result in unacceptable levels at existing or approved

sensitive land uses. The acoustic criteria specified within the code have been established based on expert technical advice. This includes the review of recent and emerging research, the detailed review of national and international best practice (including existing frameworks in place throughout Australia and New Zealand) and extensive consultation stakeholders.

In order to demonstrate compliance with the acoustic criteria, the applicant must prepare and submit a noise impact assessment report, prepared by a suitably qualified acoustic consultant. Further information on the supporting actions to address the acoustic amenity performance outcomes and acceptable outcomes can be found in the guideline.

How does the code and guideline address the objectives of the Environmental Protection (Noise) Policy 2008 (EPP)?

The code and guideline have been developed to ensure individuals and communities are protected from potential adverse noise related externalities. The code will ensure proposals suitably achieve the EPP (Noise) acoustic quality objectives via appropriate performance in a structure consistent with the SDAP, and more broadly, the Queensland development assessment framework (i.e. performance based codes).

The code and guideline clearly specify the expectations of applicants during the assessment process, and clarify the minimum supporting actions and evidence required to demonstrate compliance with acoustic levels. The acoustic levels adopted within the code will also ensure wind farms in Queensland suitably achieve the acoustic quality objectives stated within the World Health Organisation guidelines.

How close to my property can a developer place a wind turbine?

The code includes specific assessment criteria requiring a 1500 metre separation distance to the sensitive land uses of non-host lot owners who have not agreed to a lesser setback.

Separation distances to the sensitive land uses of property owners who have an agreement (i.e. deed of release) with the wind farm operator will be subject to negotiations, however cannot exceed the setback required as a result of applying the acoustic criteria.

Wind farm applicants will be required to publicly notify proposals when wind turbines are located within 1500m of the sensitive land uses of property owners who have not agreed to a lesser setback, providing affected parties an opportunity to comment on proposals where warranted, with subsequent appeal rights.

Who will be responsible for monitoring noise from wind farms to ensure levels comply with the conditions of approval?

A development approval for a wind farm will require that the operator demonstrates that the conditions of approval are being achieved during operations. For example, SARA will require that the operator provides the necessary compliance reporting within a reasonable timeframe post commencement of the wind farm operations.

Under the development assessment framework set out in the *Sustainable Planning Act 2009*, SARA, as the assessment manager, will be responsible for reviewing compliance reporting and responding to any legitimate complaints. Where a wind farm is not meeting its conditions of approval, enforcement measures can be implemented. This

will require the operator to either alter operations to achieve the conditions of approval or risk being shut down.

Contact

Who can I contact if I need more information?

Should you have any queries relating to the code and guideline, or a proposed wind farm development, you can contact [SARA](#).