

## Environment & Planning Alert

### Draft NSW Planning Guidelines: Wind Farms – Call for Submissions

January 2012

#### Announcement

On 23 December 2011, the NSW Government released 'Draft NSW Planning Guidelines: Wind Farms' for public comment.

[Click here](#) to view The Draft Guidelines.

Written submissions are due by **14 March 2012**.

#### Background

The NSW Government is preparing a Renewable Energy Action Plan to support the achievement of the national target of 20% of renewable energy by 2020. Wind farm development in NSW will help achieve this target.

#### Summary of the Guidelines – Key Issues

The Guidelines provide a regulatory framework for the development of wind farms in NSW which ensure effective consultation with local communities. The stated purpose of the Guidelines is to:

- Provide a clear and consistent regulatory framework for the assessment and determination of wind farms;
- Outline clear processes for community consultation for wind farms; and
- Provide guidance on how to measure and assess potential environmental noise impacts from wind farms.

The Guidelines outline matters which will be considered in the assessment and determination of wind farm proposals,

including the:

- Proximity of turbines to existing residential dwellings;
- Landscape and visual amenity;
- Noise impacts;
- Economic issues, including potential impacts on property values; and
- Ecological issues, including potential impacts on threatened species.

There are a number of Appendices attached to the Guidelines including:

- A. Guidelines for meeting assessment requirements;
- B. NSW wind farm noise guidelines;
- C. Guidelines for community consultation; and
- D. Guidelines for preparing an Environmental Impact Statement.

The Guidelines are intended to apply to wind farm proposals that are 'State Significant Development', that is, where they have a capital investment value of:

- \$30 million or more; or
- \$10 million if proposed in an environmentally sensitive area of State significance.

For smaller projects, councils and Joint Regional Planning Panel may choose to use the Guidelines as a resource when assessing and determining any wind farm applications.

## Difference between the NSW and Victorian approaches – Distances to residences

In Victoria, there is a ban on wind turbines within 2km of residences unless there is a written agreement with the relevant landowners.

It is proposed under the Guidelines that there will be a ban on wind turbines within 2km of residences unless:

- There is a written agreement from relevant landowners; or
- Permitted via a 'gateway' process.

Under the 'gateway' process, the applicant may apply to the NSW Department of Planning & Infrastructure for a 'Site Compatibility Certificate'. This application must include details of:

- The predicted noise levels at any neighbours house within the 2km zone;
- Photomontages showing the visual impact of the turbines from each home within the 2km zone;
- Impact on landscape values; and
- The potential for blade glint or shadow flicker.

The Site Compatibility Certificate application will be determined by a JRPP.

## Making a Submission

The Draft Guidelines are on public exhibition until **Wednesday, 14 March 2012**.

Written submissions can be emailed or posted.

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

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

Submissions will be made publicly available, unless the submission states that the author does not wish it to be made publicly available.

Written by:

**Amanda Johnstone**  
Senior Associate

For further information, please contact:

**Fraser Bell**

Partner

+61 8 8236 1225

[fbell@thomsonslawyers.com.au](mailto:fbell@thomsonslawyers.com.au)

**Melinda Graham**

Partner

+61 2 8248 3410

[mgraham@thomsonslawyers.com.au](mailto:mgraham@thomsonslawyers.com.au)

**Amanda Johnstone**

Senior Associate

+61 2 8248 3408

[ajohnstone@thomsonslawyers.com.au](mailto:ajohnstone@thomsonslawyers.com.au)

**Craig Tidemann**

Senior Associate

+61 2 8248 3404

[ctidemann@thomsonslawyers.com.au](mailto:ctidemann@thomsonslawyers.com.au)

[www.thomsonslawyers.com.au](http://www.thomsonslawyers.com.au)