

Caleb Ball

From: Duncan Reilly [REDACTED]
Sent: Monday, 12 September 2016 5:23 PM
To: DPE PS Wind Energy Mailbox
Cc: [REDACTED]
Subject: Planning Framework for wind farms in NSW

Categories: Purple Category

- The fact that this Framework is being finalised is a positive step, even if long overdue. Finalisation of the Framework will provide some level of certainty for regional communities, landholders and wind farm developers. But, because the NSW government does not have a legislated target for the development of renewable energy in the state, the extent to which the Framework needs to deliver projects to meet this target is unclear. This leads to a situation where amenity issues such as ‘visual impact’ can be seen as more important than the bigger goal of building renewable energy to reduce emissions.
- I therefore, recommend that the document’s Strategic Context includes a very strong target for the development of renewable energy in NSW, alongside recognition of “impacts on communities”, to properly acknowledge the merits of wind development.

Yours faithfully,

Duncan Reilly

[REDACTED]

Reynella
SA 5161

Caleb Ball

From: Margaret van Kleeft [REDACTED]
Sent: Monday, 12 September 2016 5:48 PM
To: DPE PS Wind Energy Mailbox
Subject: Clean energy

Categories: Yellow Category

Please encourage clean energy by cutting the excessive red tape for wind farms.
We need to encourage clean energy and not fossil fuel which will increase global warming.
The earth is in danger of overheating and needs all the help possible and wind farms will help unlike fossil fuel.

Thank Margaret Van Kleeft
[REDACTED] Suffolk Park 2481
Sent from my iPhone

Caleb Ball

From: Marg Kelly [REDACTED]
Sent: Monday, 12 September 2016 7:44 PM
To: DPE PS Wind Energy Mailbox
Subject: Wind energy submission

Categories: Yellow Category

TO WHOM IT MAY CONCERN

I wish to point out that we live in a day strict with significant wind resource and would be very supportive of a wind farm development in our area. I feel it is socially responsible to utilize wind and solar at the expense of coal.

A 1km buffer zone is more than adequate for permanently occupied houses. **The visual impact section of the Framework places unreasonable restrictions on how close turbines can be to residences - in some cases, up to 8km away. It has been proven that there are not adequate emissions to place a tower any further away from a residence. Hay sheds and silos are visually more impacting than a wind tower.**

Regards,

William Kelly
Rugby NSW 2583

Caleb Ball

From: Peter Page [REDACTED]
Sent: Monday, 12 September 2016 7:59 PM
To: DPE PS Wind Energy Mailbox
Subject: Submission on Planning Framework for Wind Farms NSW

Categories: Yellow Category

Dept of Planning NSW
Submission on Planning Framework for Wind Farms.

Dear Sir or Madam,

Please accept this, my submission on the Planning Framework for Wind Farms in NSW. I am a private citizen who believes regulations should encourage far greater development of the wind farm sector in NSW and remove what I consider to be undue restrictions.

It is a welcome development that the government is moving to replace the current draft guidelines with the new Framework.

I believe the consideration of "visual impact" in the Framework is disproportionately over-emphasised. The importance of this should be de-emphasised and brought more into line with the standards already established in Victoria and Queensland. Regardless of height turbines should not be considered unacceptably prominent at distances exceeding 1.5kms from dwellings. Visual impacts should not necessarily override or trump consideration of other community benefits and landowner benefits.

Community consultation on visual impact should not be required until detailed planning has been completed by the proponent and there is a well advanced idea of the scale, location and precise arrangement of the turbines relative to dwellings and other features in the landscape.

The scrapping of buffer zones is welcomed as is the emphasis on benefit sharing and community consultation. I recommend the Proximity Rent Model utilised at Coonooer Bridge Wind Farm.

It should be within the power of a landholder to unilaterally decide to establish wind farm turbines on his or her own land. It should not be within the power of communities and individuals to veto wind farm developments which satisfy the Planning Framework.

Thanks for the opportunity to comment.

Yours sincerely,

Peter Page

[REDACTED]
Redfern NSW 2016

Caleb Ball

From: Sally Claydon [REDACTED]
Sent: Monday, 12 September 2016 8:14 PM
To: DPE PS Wind Energy Mailbox
Subject: Best deal for wind energy

Categories: Yellow Category

Saving our planet via renewable energy is more important than how wind turbines look - not that they look bad anyway!!!

Please make/allow as many new wind turbines as possible in Australia.

Sent from my iPhone

NSW Wind Energy Planning Framework

Community Power Agency submission to NSW Department of Planning and Environment's Wind Energy Planning Framework

22 September 2016

The Community Power Agency welcomes the chance to provide comment on the Draft NSW Wind Energy Planning Framework.

The move toward legislating the Framework will be helpful to create certainty around wind energy development, which has struggled in recent years due to policy uncertainty at both state and federal level. Unclear policy frameworks around wind energy have slowed the approvals process for new wind farms as well as fostered conditions of ambivalence and caution towards wind farms in the community, at times contributing to or exacerbating conflicts. We welcome greater certainty for communities, developers and regulators in the planning process for wind farms.

We would like to start by acknowledging the overwhelming support for the uptake of wind energy in NSW (OEHL, 2014) and the significant contribution that wind farms can make both to carbon reduction and transitioning to clean and low-impact energy sources, as well as to bolstering the economic viability of regional communities.

About us

The Community Power Agency is a not for profit organisation that supports communities across Australia to be able to participate in and benefit from renewable energy projects. Often, this is through community-owned renewable energy initiatives, but also through various forms of community-developer partnerships. To help grow a vibrant 'community energy' sector, the Community Power Agency undertakes consultancy, research, resource development, training and advocacy.

We have particular expertise in the areas of community engagement and benefit sharing, having worked with communities, NGOs, developers and state governments on these issues, especially in the context of wind energy. We also have expertise in policy research and development to support the rapid uptake community energy and renewable energy more generally. In particular, we are familiar with the community and commercial energy policy contexts in Germany, Denmark, UK and Scotland, as well as Australia.

Context

The comments presented here are informed by Community Power Agency's experience, in particular three relevant projects:

1. **Enhancing Social Outcomes in Wind Development: Evaluating community engagement and benefit sharing in the wind industry**

This is a yearlong research project we have initiated in partnership with the Clean Energy Council and Embark, funded by 11 wind energy developer companies and one transmission business. This research seeks to evaluate current practices and co-develop recommendations for realising better social outcomes through improved community engagement and benefit sharing practices. The methodology involves a combination of 25 interviews, a national survey, a review of community engagement plans for wind farms from across Australia and an international literature review, as well as iterative anonymous 'discussions' with a panel of 20 different stakeholders involved in wind development. The Federal Wind Commissioner and Nina Hall from CSIRO???? are Strategic Advisors to the study.

In this submission I draw from my preliminary thoughts as informed by this study. However, the views represented in this submission are my own, and are not necessarily synonymous with the research findings (which would be premature to report).

2. **ACT Government's Renewable Energy Auction**

Community Power Agency and Embark were commissioned to write the ACT's 'Best Practice Guidelines for Community Engagement in Wind Development' and subsequently Community Power Agency participated in reviewing the Community Engagement criteria of all applications made to the Auctions (of which there have now been 4). While respecting the confidentiality and sensitivity of this material, the review process provides a birds-eye view of current practices of community engagement and benefit sharing in the wind industry in Australia and the outcomes of these various approaches.

3. **Community Power: Understanding the contribution of community-owned wind energy projects in small regional communities**

Jarra Hicks, a Director of the Community Power Agency, is nearing the completion of her PhD, which investigates the outcomes and impacts from community-owned wind energy projects in local communities. In particular, her thesis investigates the role that different community engagement practices, legal structures and economic arrangement have in the realisation of different outcomes. Many of the findings from her research are relevant here.

Feedback on 'Wind Energy: Assessment Policy'

Objectives

We note that three of the four stated objectives (section 1.2, p. 2) relate to communities: increasing community understanding of the wind development process; promoting effective engagement and input; and encouraging benefit sharing. We strongly commend these objectives as they promote conditions that will create positive relationship between communities and wind farm developments and, thereby, increase the social conditions conducive to increased uptake of wind energy.

However, we do not feel that the policy goes on to adequately address these objectives, as will be explained in the 'Community Engagement' and 'Benefit Sharing' sections below.

Strategic Context

We believe the merits of wind development and the potential opportunities for local communities, the state (NSW), Australia and the planet have not been articulated strongly enough in the strategic context. If the assessment process is not cognizant of these benefits, we fear that the threshold at which objections outweigh potential positive impacts will be too low. We suggest the inclusion of strategic contexts that recognise and are able to assess:

- The potential to contribute income streams into rural and regional communities;
- The positive impact of the development to the pursuit of carbon emissions reductions and in addressing climate change, beyond the merits embedded in national or state targets;
- The potential rural and regional benefits associated with increased job opportunities; and,
- The potential to contribute to a stable and growing renewable energy industry.

Further, we advocate that the strategic context be allowed to take into account local strategic development goals which might include aspirations for renewable energy growth in there are. For example, a number of local government areas have recently declared a desire to become 100% renewable (e.g. Uralla, Byron Bay, Lismore).

Key Issues for Wind Development

We are pleased to see the Department include reference to the importance of effective community consultation and benefit sharing between wind farms and the communities in which they operate with in the objectives of the policy. However, we fear the relative importance of these factors to the realisation of positive community and planning outcomes has been down played and that the influence of visual amenity and noise has been giving unqualified attention. This is particularly evident in Section 3: Key Issues for Wind Development (p. 6).

While visual impacts are a factor in community acceptance of wind farms (Wolsink 2007a; Wolsink 2007b), a greater body of research indicates that significant determinants of the relationship between the public and wind turbines is perceptions of procedural and distributive justice (Gross 2007; Barry and Ellis 2011; D'Souza and Yiridoe 2014). Particularly, research indicates that where local people feel genuinely heard and involved in a nearby wind development and if they believe the benefits of the development are being shared fairly, then there is overwhelming support for wind farm developments (Devine-Wright 2011b; Devine-Wright 2011c; Devine-Wright 2011a; Warren and McFadyen 2010; Bell et al. 2013; D'Souza and Yiridoe 2014; Fast and Mabee 2015; Haggett 2011; Hall, Ashworth, and Shaw 2012; Gross 2007; Hicks 2016). In Australia, this concept is backed up by the experience of corporate wind farms such as Coonooer Bridge and Kiata (both are recent developments in Victoria that have received very high levels of local support) and community-owned wind farms such as Hepburn Wind and Denmark Community Wind.

As such, we recommend the Wind Farm Guidelines more strongly incorporate key issues surrounding community participation and involvement, beyond the limited consultation required for planning approval (e.g. establishment of Community Consultative Committee) or the single-issue consultation currently advocated around visual impacts. Research is inconclusive on whether legislating certain community engagement practices is useful for not and tends to err on the side of this form of regulation being too restrictive and not allowing for enough circumstantial responsiveness. Likewise, industry would prefer a lighter touch on policy around community engagement. However, better practice could be encouraged through making stronger suggestions around the forms of engagement that would be seen as desirable and would be viewed favourably in the planning process. For example:

- evidence of responsiveness to feedback and the ways in which project design was changed *and* how these changes reported back to the community (we note aspects of this are covered in section 4.3.1 of the Policy);
- evidence of group deliberation and commonly developed solutions to issues and how these were implemented;
- evidence of local partnerships that have been created through the development process;
- evidence of proactive education programs with local and regional groups;
- evidence of support from a broad range of local stakeholders & community members, including project neighbours.

We also recommend the consideration of key issues surround benefit sharing, beyond what is currently covered under section 5.3.4 of the proposed Policy namely community enhancement funds and negotiated agreements. Additional benefit sharing mechanisms that could be encouraged include:

- neighbour benefit payments (as per Erst & Young, 2015 report for the NSW Government)
- offering the local community the opportunity to co-own or co-invest in the project;
- gifting shares in the wind farm company to all neighbours of the project;
- developing training partnerships with local institutions;
- prioritising use of local contractors and local financial institutions for financing;
- creating local jobs wherever possible;
- road and communications upgrades dovetailed into the development process;
- creation of local scholarships.

While creating regulation on these issues might not be the most feasible or productive way forward, we believe the NSW Government has a strong role to play in norm setting throughout its Framework document. The inclusion of additional benefit sharing mechanisms in more detail (e.g. in section 5) in the policy that, while not required, would be viewed favourably in planning approvals processes, would help encourage better practice.

On other matters, we commend the Framework's treatment of the issue of health. The references to the scientific research of the National Health and Medical Research Council and NSW Health Department we believe is the right approach. However, we would inclusion of a reference to the findings of these bodies that there is no evidence of a wind turbines causing adverse impacts on health. As it stands, the reference to the matter on p.6 is ambiguous.

Community Consultation

In addition to the comments on community engagement above, we commend the inclusion of an encouragement to do early community consultation to feed into the Preliminary Environmental Assessment stage (section 4.2 and section 5). We encourage a direct reference to report on progress made in negotiations with site neighbours as well as landholders. Research has proven that

neighbours are the most likely people in a local community to oppose a wind farm development, not simply for visual impact reasons, but also for perceptions of distributive fairness associated with financial benefit (Hall, Ashworth, and Shaw 2012; Gross 2007). This is also pertinent to section 4.3.2.

We strongly recommend the inclusion of neighbouring landowners and members of the public of nearby settlements as key parties to consult (section 5.2)

The example consultation model provided in section 5.4 sets a very low standard with regards to community engagement and benefit sharing. We would like to see the points raised above (under “Key Issues”) reflected here.

We would encourage the early consultation process recommended for visual assessment be extended to include getting community feedback on other aspects of project design, such as the structure and operation of the community consultative committee and the community enhancement fund, plans for benefit distribution, plans for communications during construction, plans for attending key local events, means of building important local partnership, etc as well as turbine number and siting.

Benefit Sharing

In addition to the points raised on benefit sharing above, we note that there is a dominance of language of ‘compensation’ throughout the document. We believe this would be better framed in terms of distributive justice and benefit sharing: making sure the people who are closest to the development and most affected by it should be the ones getting the most benefit, being a good neighbour, bringing a valuable contribution to a community. This is a subtle difference in terminology, but one that discourages (rather than encourages) the perception of wind farms as a negative imposition and the provision of benefit sharing mechanisms as an attempt to buy support.

The use of multiple and contextually appropriate means of benefit sharing has been shown by many researchers to have a positive impact on people’s support for nearby wind farms (Howard 2015; Bidwell 2013; Fast and Mabee 2015; Walter 2014; Gross 2007; Aitken 2010; Hall, Ashworth, and Shaw 2012; Erst & Young 2015; WWEA 2016; WISEPower; Hicks 2016). We feel, therefore, that an increased emphasis on benefit sharing through multiple means as negotiated through transparent local consultation should be more strongly encouraged in the Framework. Not only does this increased benefit sharing increase the social acceptance of wind development, it also supports regional NSW communities (e.g. increased financial benefits and increase sense of agency) – an aim well-aligned with Government aims.

Additionally, we encourage the inclusion of a reference to the fact that benefit sharing done in isolation and offered too late is likely to be perceived as an attempt to buy support. Rather, benefit sharing needs to be tied to early and genuine community engagement and participation.

We are concerned that the main benefit sharing mechanism specifically referenced in the document is Negotiated Agreements. This implies that striking one-on-one financial agreements with hosts and others (e.g. those best able to assert their dissent) is and should be standard practice and an unproblematic means of distributing benefits. We find this highly problematic as this is not transparent as well as being inequitable and is extremely likely to lead to local conflict.

Again, we note the example consultation model provided in section 5.4 sets a very low standard with regards to community engagement and benefit sharing. We would like to see the points raised above (under “Key Issues”) reflected here.

Feedback on the Visual Assessment Impact Bulletin

This document is highly complex and it places unwarranted restrictions on wind development. While we feel aspects of the Bulletin are well conceived and appropriate, we fear that overall it will place a high burden on developers in the planning process and require things of them that no other form of development is subject to.

We welcome the ability to assess the cumulative impact of wind turbines and multiple wind developments in an area. Our experience that people do have different responses to the presence of some turbines in a landscape versus a landscape dominated by turbines. Although it is worth noting that some research also indicates that increased familiarity with wind turbines generally increases support for wind development (Devine-Wright 2005).

We also welcome mechanisms that enhance the ability of nearby residents to get a better sense of visual impacts and provide feedback on this early in the development process.

However, we note the assessment of visual impact is highly problematic for at least two reasons:

1. The research into the factors that influence public responses to wind turbines (summarised above) does not warrant such a particular emphasis on visual assessment over other factors, such as benefit sharing and community engagement; and,
2. Both personal responses to and the assessment of visual impacts is highly subjective.

It is problematic that the Framework including the bulletin starts from the assumption that the visual presence of wind turbines is necessarily perceived at a negative impact. Personal perceptions of wind turbines in the landscape is mediated by a complex mix of historical, psychological, cultural and experiential factors (Devine-Wright 2011b; Devine-Wright 2011c). Further, both research and industry experience point to the ability of people's perception of wind turbines to change according to their perception of: the trustworthiness of the developer; the fairness of the process; and the benefit of the wind farm to them and their community. The presence of wind turbines in a landscape can be a symbol with positive associations: a source of personal and community income and resilience, local jobs, sustainability, action on climate change and (in the case of projects with high degrees of local involvement) even empowerment (Warren and McFadyen 2010; Haggett 2011; Hicks 2016). People have been reported to remove screening to be able to better see turbines (Hicks 2016). In this context, viable 'mitigation options' might well be better community engagement practices and benefit sharing, although both of these would be best initiated from the outset of a project, as people are first forming opinions of the proposed development.

The multifaceted nature of the relationship between the public and wind turbines needs to be analysed and understood for the factors that contribute to positive social attitudes to wind farms – these are what need to be addressed, or at least allowed for, in the planning Framework rather than a narrow over reliance on visual assessment.

Given the above, we are uncertain that all the extra requirements placed on a developer to assess visual impact will necessarily yield the desired benefits stated in the Objects of the policy. Further, we are concerned that they could adversely affect them.

The recent and ongoing federal and state policy uncertainty (e.g. no guarantees that the RET will be extended beyond 2020) has created difficult financial pressures on companies. We are concerned that in this difficult financial operating environment, an increased planning burden in one area might mean a withdrawal of resources directed at other areas. Given community engagement and benefit sharing mechanisms are much less strongly stipulated in the framework, we are concerned that these may 'loose out'. We have already seen the policy contexts (RET uncertainty) trigger a cut-back of staff in wind developer companies, particularly in areas perceived as being more disposable, such as communications and community engagement.

Other comments

In line with the Clean Energy Council and the Australian Wind Alliance, we support the standardisation of assessment requirements with other industries, the reduced assessment timeframes, and the decision to adopt the proven South Australian EPA 2009 noise guidelines.

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Caleb Ball

From: Robin Gardner [REDACTED]
Sent: Monday, 12 September 2016 9:16 PM
To: DPE PS Wind Energy Mailbox
Subject: Future of Wind Energy in NSW

Categories: Yellow Category

Dear Sir,

I have just returned from a trip mostly around the western half of the country and twice diverted many km to view two large wind farms, one in WA and one in SA.

Far from being visually unattractive I see the production of clean power and the absence of health damaging very fine particles and gases (from coal burning plants) and no damaging production of greenhouses gases (from coal and gas fired plants). The health benefits need also to be considered.

The visual appearance of the gaseous output from coal and gas fired plants and the visual impact of these massive operations with all their supporting mining, transport and infrastructure far exceeds that of wind turbines.

It seems illogical for windfarms to be subject to a greater visual impact hurdle than those for a tall building, a communications tower or a transmission line and generally the latter are more intrusive and less elegant than a wind generator.

There should be a significant benefit from the installation of a wind farm to the immediate and adjacent landowners and to the local communities as well as ongoing employment which should not be ignored in the assessment of a project.

I believe I am independent as I am retired and have never worked for a wind farm operation or any business supplying or servicing such activities.

Regards

R.J.Gardner BSc, MBA, CPA

Caleb Ball

From: Sue Bradley [REDACTED]
Sent: Tuesday, 13 September 2016 5:07 AM
To: DPE PS Wind Energy Mailbox
Subject: Wind energy framework proposal

Categories: Yellow Category

The framework's purpose of securing the benefits of wind farm development for NSW is not articulated strongly enough.

Europe is so far ahead of Australia that we are in danger of falling behind in a potentially very lucrative industry. Australia and importantly NSW should be leading the field.

Visual impact objections are scare mongering by a Federal party that is beholden to the coal industry don't let NSW be dragged down by its links to the federal liberals who have NO vision for the future. In places where whole communities are supplied by renewables wind is an important contributor and these communities feel proud and empowered but such developments.

Let NSW be a leading light in facilitating the development and embrace renewable energy and NOT support stranded assets such as coal

Yours sincerely
Sue Bradley

Caleb Ball

From: Robin Pomfret [REDACTED]
Sent: Tuesday, 13 September 2016 6:46 AM
To: DPE PS Wind Energy Mailbox
Subject: the future of wind energy in NSW

Categories: Yellow Category

Because the NSW government does not have a legislated target for the development of renewable energy in the state, the extent to which the Framework needs to deliver projects to meet this target is unclear. This leads to a situation where amenity issues such as 'visual impact' can be seen as more important than the bigger goal of building renewable energy to reduce emissions.

The visual impact section of the Framework places unreasonable restrictions on how close turbines can be to residences - in some cases, up to 8km away.

It is not clear that the benefits of an individual turbine in terms of emissions reduction, local economic benefits, etc are sufficiently considered against perceived visual impact.

Wind turbines are clearly a prominent feature of the landscape but many people - probably the majority - view them as a positive addition to the landscape. Visual impact is a subjective measurement and one that shouldn't be allowed to overshadow the benefits of wind farm development.

Sarah Moles
[REDACTED]
North Branch Qld 4370

To: windenergy@planning.nsw.gov.au

13th September 2016

Dear sir / madam,

Thank you for the opportunity to comment on the future of wind energy in NSW.

The replacement of the Draft Guidelines for wind farms with the new Planning Framework is a welcome development.

In my opinion, the Framework places undue emphasis on the visual impacts of wind farms. It is said that 'beauty is in the eye of the beholder' and I personally find wind farms and individual turbines aesthetically pleasing.

The fact that unconventional gasfields come with vast amounts of ugly infrastructure has, regrettably, not been a factor in their rapid expansion across thousands of hectares of Queensland's rural landscapes. Nor has this been a constraint to government enthusiasm for the CSG industry in the Pilliga forest of NW NSW.

There is no evidence to support claims that noise from wind farms causes health problems. However, there are scores of documented cases from the US of serious physical and mental health impacts among communities forced to live in gasfields. I am personally acquainted with Queensland families living less than 1 km from gaswells whose lives they describe as 'living hell'. It is appalling but significant that their health concerns are at best trivialised, and at worst ignored, by the Queensland government.

If Australia is to avoid the most severe consequences of climate instability, we need to take urgent action to replace fossil fuels with clean, renewable energy systems. An added benefit would be the creation of many new, long-term jobs in a fast growing segment of our economy.

I hope the NSW government recognises the huge opportunity that wind farms present for the state economy and environment. I hope that it is embraced and given the incentives and other support needed to ensure our journey to a low carbon future accelerates as soon as possible.

Yours sincerely



Caleb Ball

From: Pamela Reeves [REDACTED]
Sent: Tuesday, 13 September 2016 9:30 AM
To: DPE PS Wind Energy Mailbox
Subject: Submission for Planning Framework for wind farms

Categories: Purple Category

I welcome the changes that improve the current draft guidelines but I think it is important the NSW government set a target for the development of renewable energy in the state as the ACT and Victorian governments have done.

There are some positive aspects in the framework including the encouragement of benefit-sharing and promoting community engagement with rural communities. Also the noise guidelines bring NSW into line with other states.

However, I have concerns with the high weighting placed on visual impact and how visual impact will be assessed. Visual impact is a subjective measurement and one that shouldn't be allowed to overshadow the benefits of wind farm development. I believe that this focus on visual impact obscures the fact that wind farms have a very small footprint and don't create dust or smell and have minimal noise.

The visual magnitude measurement that 'red-flag' turbines close to a residence should be eased. In Victoria a turbine of any height would be allowed at 1km from a residence and in Queensland it is 1.5km.

There needs to be definitive recognition in the Framework of a landholder's right to install turbines on their land.

Under this Framework, wind farm projects are being subjected to additional restrictions that are not applied to other State significant Developments.

I think it is important for community engagement, consultation and where appropriate, negotiation of benefit-sharing arrangements with neighbouring landholders. Experience overseas shows that this is the best way to encourage residents to support these types of projects because they can see the benefits to them and the community. It is important that at all stages of the development process, the community and individuals have the right to negotiate with developers, but not to veto turbines or projects.

The equitable distribution of financial benefits of wind farms throughout a local community is critical for ongoing community cohesion after a wind farm is built. I believe there is room for improvement on the current model.

I think the approach taken at Coonooer Bridge Wind Farm, which resembles the Proximity Rent Model outlined in [Benefit Sharing Models for Wind Farms in NSW](#), recently commissioned by the NSW Government

Thank you

Pamela Reeves
[REDACTED] Gladesville NSW 2111

Caleb Ball

From: Brian and Alison Charlton [REDACTED]
Sent: Tuesday, 13 September 2016 10:20 AM
To: DPE PS Wind Energy Mailbox
Subject: wind energy planning framework

Categories: Purple Category

Felicity Greenway

Director

Dear Felicity

I strongly object to the use of the terms 'noise' and 'impact' in two of your headings. It appears that these have been suggested by the coal lobby.

Why did you not use the words 'perceived sound' and 'effect' instead ?

in fact, because these expressions would have already influenced your electorate, and because there is now no time available to make this irrational bias known for a rational decision to be made, the only solution seems to be to publicize these errors and to extend the time available to reconsider the questions.

Regards Brian Charlton

Caleb Ball

From: Peter Youll [REDACTED]
Sent: Tuesday, 13 September 2016 10:35 AM
To: DPE PS Wind Energy Mailbox
Subject: Planning Framework for wind farms in NSW

Categories: Purple Category

Dear people

I am relieved to note that the proposed framework has dismissed the imaginary health effects of wind farms as a consideration, however this seems to have been replaced by an almost equally subjective and personal consideration - visual impact.

The proposed conditions, including the cumulative effect of wind turbines up to 8km away on "visual impact" are way too restrictive. Compared to the lack of restrictions placed on the visibility of coal mines and the everlasting mountains of waste they generate, this proposal is preposterous.

Land owners do not have the right to an unchanging view, and are unable to object to other types of development on neighbours properties based on such considerations. The conditions placed on the location of wind turbines, particularly given the tiny amount of land they occupy, the beneficial effect they have and the fact they can be removed without leaving a permanent mark, should be little different to those placed on other land developments within sight of neighbours.

No doubt the vast majority objections based on visual impact could be readily assuaged by nominal annual payments to those who claim to be adversely affected, as is permitted in the framework.

Thank you for your attention.

Peter Youll
[REDACTED]

Caleb Ball

From: shane shane [REDACTED]
Sent: Tuesday, 13 September 2016 6:43 PM
To: DPE PS Wind Energy Mailbox
Subject: Wind Turbines

Categories: Purple Category

The roadblocks you are putting in the way of windpower makes one think that you are not remotely interested in clean baseload energy. Your distance stipulations are completely ludicrous. Why are they more stringent than other states in Australia. Why don't you go to Scandinavia or any other country that has wind power and I guarantee you will be surprised at how little impact the wind turbines have on the surrounding countryside? Or does the coal industry have that great a hold on this government and committee?

Caleb Ball

From: Mik Aidt [REDACTED]
Sent: Wednesday, 14 September 2016 1:27 AM
To: DPE PS Wind Energy Mailbox
Subject: Submission re: New Wind Energy Planning Framework

Categories: Purple Category

Dear NSW Government

Here is my feedback on your new Wind Energy Planning Framework

Is what averts disasters not beautiful?

In many people's eyes it most certainly is.

Who was having concerns about 'visual impacts' when Australia's energy and electricity infrastructure was built?

Daily I pass two refineries on my way to work – plus a chaotic inferno of awful-looking electricity wires scarring landscapes and city streets. Who in the 1960s said that Australia's coal fired power stations couldn't be built because they look ugly - or even "utterly offensive"?

No one!

Why? Because we needed the energy these ugly constructions provided to us.
So we were prepared to accept a level of pollution both to our lungs and to our eyes.

Now we need to get a massive amount of wind turbines up. This is what our scientists warn us about: we are in a hurry – and we don't really have a choice.

In the time of an escalating climate emergency (some hints here: <http://climateemergencydeclaration.org/climate-emergency-campaigning-workshop-on-11-september-2016>) we *urgently* have to transition away from burning fossil fuels and instead start harnessing the wind and the sun.

Politicians and their allies in the fossil fuel industry are kidding themselves as they ignore the danger we are confronted with.

In such critical times I have no other word for it than *madness* to be using an argument such as 'visual impact' or 'visual pollution' to delay the necessary energy transition. It is putting everyone in this nation at risk, it is a matter of national security - and then you think you have the luxury to discuss aesthetics and personal taste?

As can be experienced in countries such as Denmark, (<http://www.climatesafety.info/inspiration-from-denmark/#wind>) wind turbines are perceived by many people as being beautiful - and even more so when we experience the benefits they provide.

So what is all this nonsense with your so-called 'visual impacts' taking up so much room and attention in this framework?

'Visual impact' is a completely subjective criteria and has no place in any Planning Framework which takes the current climate emergency seriously. You give it much too much importance in the decision-making

process. The danger is that consideration of ‘visual impact’ will outweigh the goal of facilitating more wind energy development in NSW and reduce the benefits to local communities and to the environment.

Instead, you should do like in Denmark, where it is mandatory and part of the wind turbines' legal framework that locals **MUST** have a certain percentage ownership in new wind turbines. When the local community has stakes and economic benefits from the wind turbines, the (fossil fuel industry sponsored) discussion about 'visual pollution', wind turbine syndromes and other myth suddenly disappear. That is the only thing that really matters.

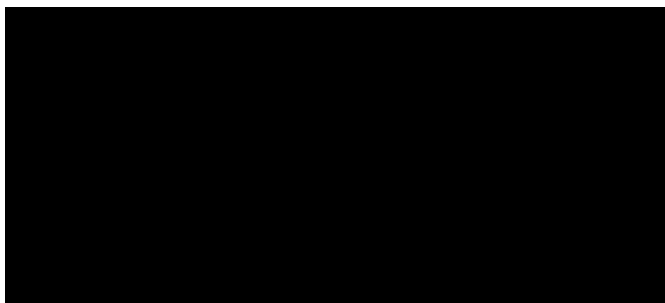
I thank you for the opportunity to submit this comment.

With regards,
Mik Aidt

-

Mik Aidt

Journalist / Web Editor / Radio Producer / Musician



“Participation – that’s what’s gonna save the human race.”

Pete Seeger, American singer



Caleb Ball

From: [REDACTED]
Sent: Wednesday, 14 September 2016 10:54 AM
To: DPE PS Wind Energy Mailbox
Subject: Submission on the New Wind Energy Planning Framework

Categories: Green Category

Dear Sir/Madam,

Thank you for the opportunity to comment on the New Wind Energy Planning Framework. I generally support a new Framework that provides greater certainty and guidance on the assessment of wind energy projects in NSW.

With increasing CO2 levels causing warming of the Earth's atmosphere and oceans, the breakup of ice sheets, glacial retreat, sea level rise, and ocean acidification, it is clear that we urgently need improved action in NSW to transition away from fossil fuels and increase our investment in renewable energy.

Wind energy will play an important role in that transition, so it is important that the New Wind Energy Planning Framework encourages investors to develop wind energy projects in NSW.

There are a number of positive aspects to the new Framework including an increased emphasis on community engagement and consultation; a shift away from arbitrary, strict buffer zones; and confirmation that wind turbines do not cause adverse impacts on health.

However I am concerned that the new Framework puts too high an emphasis on the visual impacts of wind turbines. I do not agree that the visual impacts of wind energy projects are that much more significant than other major projects, such as open cut coal mines or high-rise residential buildings, that they warrant a more stringent assessment. This could act as a deterrent for investors in NSW.

Wind energy has significant benefits to the people of NSW and I urge the NSW government to ensure its new Framework promotes investment in wind energy here in NSW and is finalised in a timely manner.

Yours faithfully, sally mcglashan 2577

Caleb Ball

From: [REDACTED]
Sent: Wednesday, 14 September 2016 10:55 AM
To: DPE PS Wind Energy Mailbox
Subject: Submission on the New Wind Energy Planning Framework

Categories: Green Category

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Wind energy has significant benefits to the people of NSW and I urge the NSW government to ensure its new Framework promotes investment in wind energy here in NSW and is finalised in a timely manner.

Yours faithfully, Wendy Rix 2257

Caleb Ball

From: [REDACTED]
Sent: Wednesday, 14 September 2016 10:55 AM
To: DPE PS Wind Energy Mailbox
Subject: Promote Investment in Wind Energy

Categories: Green Category

Dear Sir/Madam,

Thank you for the opportunity to comment on the New Wind Energy Planning Framework. I generally support a new Framework that provides greater certainty and guidance on the assessment of wind energy projects in NSW.

With increasing CO2 levels causing warming of the Earth's atmosphere and oceans, the breakup of ice sheets, glacial retreat, sea level rise, and ocean acidification, it is clear that we urgently need improved action in NSW to transition away from fossil fuels and increase our investment in renewable energy.

Wind energy will play an important role in that transition, so it is important that the New Wind Energy Planning Framework encourages investors to develop wind energy projects in NSW.

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Wind energy has significant benefits to the people of NSW and I urge the NSW government to ensure its new Framework promotes investment in wind energy here in NSW and is finalised in a timely manner.

Yours faithfully, Druscilla Morgan 2713

Caleb Ball

From: [REDACTED]
Sent: Wednesday, 14 September 2016 10:55 AM
To: DPE PS Wind Energy Mailbox
Subject: Submission on the New Wind Energy Planning Framework

Categories: Green Category

Dear Sir/Madam,

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Wind energy has significant benefits to the people of NSW and I urge the NSW government to ensure its new Framework promotes investment in wind energy here in NSW and is finalised in a timely manner.

Yours faithfully, Rochelle England 2304

Caleb Ball

From: [REDACTED]
Sent: Wednesday, 14 September 2016 10:54 AM
To: DPE PS Wind Energy Mailbox
Subject: Submission on the New Wind Energy Planning Framework

Categories: Green Category

Dear Sir/Madam,

Thank you for the opportunity to comment on the New Wind Energy Planning Framework. I generally support a new Framework that provides greater certainty and guidance on the assessment of wind energy projects in NSW.

With increasing CO2 levels causing warming of the Earth's atmosphere and oceans, the breakup of ice sheets, glacial retreat, sea level rise, and ocean acidification, it is clear that we urgently need improved action in NSW to transition away from fossil fuels and increase our investment in renewable energy. Yours Sincerely ,Arthur Mckerron.

Wind energy will play an important role in that transition, so it is important that the New Wind Energy Planning Framework encourages investors to develop wind energy projects in NSW.

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Wind energy has significant benefits to the people of NSW and I urge the NSW government to ensure its new Framework promotes investment in wind energy here in NSW and is finalised in a timely manner.

Yours faithfully, Arthur Mckerron 2232

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Sent: Wednesday, 14 September 2016 10:55 AM
To: DPE PS Wind Energy Mailbox
Subject: Submission on the New Wind Energy Planning Framework

Categories: Green Category

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Wind energy has significant benefits to the people of NSW and I urge the NSW government to ensure its new Framework promotes investment in wind energy here in NSW and is finalised in a timely manner.

Yours faithfully, ellen rubbo 2251

Caleb Ball

From: [REDACTED]
Sent: Wednesday, 14 September 2016 10:56 AM
To: DPE PS Wind Energy Mailbox
Subject: Submission on the New Wind Energy Planning Framework

Categories: Green Category

Dear Sir/Madam,

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Yours faithfully, John Oakley 2448

Caleb Ball

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Sent: Wednesday, 14 September 2016 10:56 AM
To: DPE PS Wind Energy Mailbox
Subject: Submission on the New Wind Energy Planning Framework

Categories: Green Category

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Yours faithfully, Peter Marshall 2653

Caleb Ball

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Sent: Wednesday, 14 September 2016 10:56 AM
To: DPE PS Wind Energy Mailbox
Subject: Submission on the New Wind Energy Planning Framework

Categories: Green Category

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Yours faithfully, Catherine Selden 2062

Caleb Ball

From: [REDACTED]
Sent: Wednesday, 14 September 2016 10:54 AM
To: DPE PS Wind Energy Mailbox
Subject: Submission on the New Wind Energy Planning Framework

Categories: Green Category

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Yours faithfully, Leo Bunyan 2550

Caleb Ball

From: [REDACTED]
Sent: Wednesday, 14 September 2016 10:56 AM
To: DPE PS Wind Energy Mailbox
Subject: stop subsidising unviable logging industry

Categories: Green Category

Dear Sir/Madam,

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Yours faithfully, Kim Bowman 2157

Caleb Ball

From: [REDACTED]
Sent: Wednesday, 14 September 2016 10:57 AM
To: DPE PS Wind Energy Mailbox
Subject: Submission on the New Wind Energy Planning Framework

Categories: Green Category

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Yours faithfully, Graeme Robinson 2035

Caleb Ball

From: [REDACTED]
Sent: Wednesday, 14 September 2016 10:55 AM
To: DPE PS Wind Energy Mailbox
Subject: Submission on the New Wind Energy Planning Framework

Categories: Green Category

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Yours faithfully, Graham Warburton 2428

Caleb Ball

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Sent: Wednesday, 14 September 2016 10:55 AM
To: DPE PS Wind Energy Mailbox
Subject: Submission on the New Wind Energy Planning Framework

Categories: Green Category

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Yours faithfully, Ron Emptage 2640

Caleb Ball

From: [REDACTED]
Sent: Wednesday, 14 September 2016 10:58 AM
To: DPE PS Wind Energy Mailbox
Subject: Submission on the New Wind Energy Planning Framework

Categories: Green Category

Dear Sir/Madam,

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Yours faithfully, paul huntingford 2034

Caleb Ball

From: [REDACTED]
Sent: Wednesday, 14 September 2016 10:58 AM
To: DPE PS Wind Energy Mailbox
Subject: Protect the world for our children and grandchildren

Categories: Purple Category

Dear Sir/Madam,

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Yours faithfully, David Asteraki 2088

Caleb Ball

From: [REDACTED]
Sent: Wednesday, 14 September 2016 10:58 AM
To: DPE PS Wind Energy Mailbox
Subject: New Wind Energy Planning Framework

Categories: Green Category

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Yours faithfully, Sylvia Mather NSW 2061

Caleb Ball

From: [REDACTED]
Sent: Wednesday, 14 September 2016 10:57 AM
To: DPE PS Wind Energy Mailbox
Subject: Submission on the New Wind Energy Planning Framework

Categories: Green Category

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Yours faithfully, Justin Bonsey 2075

Caleb Ball

From: [REDACTED]
Sent: Wednesday, 14 September 2016 10:57 AM
To: DPE PS Wind Energy Mailbox
Subject: [REDACTED]

Categories: Green Category

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Wind energy has significant benefits to the people of NSW and I urge the NSW government to ensure its new Framework promotes investment in wind energy here in NSW and is finalised in a timely manner.

Yours faithfully, Karen Reynolds 2454

Caleb Ball

From: [REDACTED]
Sent: Wednesday, 14 September 2016 10:58 AM
To: DPE PS Wind Energy Mailbox
Subject: Submission on the New Wind Energy Planning Framework

Categories: Green Category

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Yours faithfully, Melissa Danks 2204

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Yours faithfully, Angel Scales 2321

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Subject: Submission on the New Wind Energy Planning Framework

Categories: Purple Category

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Yours faithfully, Sonia White 2041

Caleb Ball

From: [REDACTED]
Sent: Wednesday, 14 September 2016 10:59 AM
To: DPE PS Wind Energy Mailbox
Subject: Encourage and support wind power in N.S.W.

Categories: Purple Category

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Yours faithfully, robert roeder 2480

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Yours faithfully, Michael Blockey 2447

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Yours faithfully, paul donnellan 2261

Caleb Ball

From: [REDACTED]
Sent: Wednesday, 14 September 2016 10:59 AM
To: DPE PS Wind Energy Mailbox
Subject: Lauren Horton

Categories: Green Category

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Yours faithfully, LAUREN Horton 2251

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Yours faithfully, Robert Tilley 2064

Caleb Ball

From: [REDACTED]
Sent: Wednesday, 14 September 2016 10:58 AM
To: DPE PS Wind Energy Mailbox
Subject: We want renewable energy. Fracking & coal mines are NOT the way to go.
Categories: Green Category

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Yours faithfully, Margaret Tesoriero {2125}



New Wind Energy Planning Framework

26 September 2016

Submission on the New Wind Energy Planning Framework

*Director, Industry and Infrastructure Policy
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001*

Contact:

Renée Bianchi
President, NSW Young Lawyers

Ross Mackay
*Chair, NSW Young Lawyers
Environment and Planning Law Committee*

Contributors:

Emily Davies, Kristyn Glanville, and Nicole Woods

Coordinators:

Morgan Cowdery and Alistair Knox

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Sydney NSW 200

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NEW WIND ENERGY PLANNING FRAMEWORK

NSW Young Lawyers

NSW Young Lawyers is a division of The Law Society of New South Wales. NSW Young Lawyers supports practitioners in their professional and career development in numerous ways, including by encouraging active participation in its 16 separate committees, each dedicated to particular areas of practice. Membership is automatic for all NSW lawyers under 36 years and/or in their first five years of practice, as well as law students. NSW Young Lawyers currently has over 15,000 members.

The NSW Young Lawyers Environment and Planning Law Committee (**the Committee**) brings together a network of the State's law students and young legal practitioners to discuss a shared interest in our environment. The Committee focuses on environmental and planning law issues, raising awareness in the profession and the community about developments in legislation, case law and policy. The Committee also concentrates on international environment and climate change laws and their impact within Australia.

Summary of Recommendations

The Committee supports the movement towards renewable energy.

Whilst the Committee acknowledges the importance of imposing guidelines and limits to protect the relevant stakeholders from the impacts of wind farms, those guidelines should not be so strict as to discourage the opportunity for renewable energy development.

Fundamentally, the Committee supports clear guidelines for the assessment of the impact of wind farms and commends the greater level of certainty provided by the Department of Planning and Environment (**the Department**) in the new wind energy planning framework, as facilitated by the draft Wind Energy: Noise Assessment Bulletin (**Noise Assessment Bulletin**), the draft Standard Secretary's Environmental Assessment Requirements (**Standard SEARs**) and the Visual Impact Assessment Bulletin (**Visual Assessment Bulletin**). While the Committee is concerned that the framework will be more onerous for proponents, the Committee acknowledges that the greater certainty from a more comprehensive regulatory system will be beneficial for the assessment process. However, the Committee submits that the Noise Assessment Bulletin is nonetheless overly strict in parts.

NSW Young Lawyers
Environment and Planning Law Committee
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NEW WIND ENERGY PLANNING FRAMEWORK

The Noise Assessment Bulletin

Background

The Committee is concerned that the policy justification for adopting what would be some of the strictest noise limits in the world is not clear.¹ For example, one justification provided for departing from the South Australian Noise Guidelines (**SA Guidelines**)² is that NSW has higher population density.³ However, NSW presumably has lower population density than more densely populated countries elsewhere which adopted more relaxed limits. In the absence of any substantial justification, the Committee submits that the case for adopting noise limits beyond international norms is not made out.

Recommendation 1: That, in the absence of a substantial explanation why the noise limit standards adopted internationally are not appropriate in the NSW context, the Department consider adopting similar noise limit standards to those introduced internationally, before adopting the Noise Assessment Bulletin.

Framework for noise assessment

The Committee welcomes measures taken by states to achieve regulatory consistency. However, the Committee is concerned that the stated intention to adopt the SA Guidelines is undermined by the extent to which the SA Guidelines are departed from in substantial ways in the Noise Assessment Bulletin. In the Noise Assessment Bulletin, it is stated that the intent of the Department is that proponents are to adhere to the SA Guidelines, “supplemented” by the provisions of the Noise Assessment Bulletin.⁴ However the departures from the SA Guidelines in the Noise Assessment Bulletin will in fact have the practical effect that wind farm developments which may be approved in South Australia would likely require significant modification to achieve approval in NSW. As such, the extent of regulatory consistency achieved by adopting parts of the SA Guidelines is overstated, as it is largely only the mechanical/methodology provisions being adopted unaltered.

Recommendation 2: That the Noise Assessment Bulletin clearly state that the SA Guidelines are only partially adopted.

¹ See analysis of comparative noise limits at Figure 1 of the Wind Energy: Noise Assessment Bulletin – Draft for Consultation 2016.

² Wind Farms – Environmental Noise Guidelines (SA 2009) available at http://www.epa.sa.gov.au/data_and_publications/all_publications/for_councils/wind_farm_noise.

³ Wind Energy: Noise Assessment Bulletin – Draft for Consultation 2016, page 5.

⁴ Wind Energy: Noise Assessment Bulletin – Draft for Consultation 2016, page 2.

NEW WIND ENERGY PLANNING FRAMEWORK

Determination and post approval regulation

Following determination of a project, the Noise Assessment Bulletin notes that conditions will be imposed to require ongoing monitoring of noise, with the goal that non-compliance is identified and a noise mitigation and management plan adopted.⁵

The Committee notes that if approval is obtained for a State Significant Development (SSD) wind energy project, the proponent will also require an Environmental Protection Licence (EPL), administered by the Environment Protection Authority (EPA).⁶ This may create opportunities for conflicting compliance requirements if not properly managed.

Recommendation 3: That the EPA clarify the standard conditions likely to be imposed upon wind energy EPLs, to assist proponents considering an SSD project.

Recommendation 4: That the EPA and Department ensure that compliance requirements are streamlined to minimise the extent of regulatory duplication and prevent conflicting requirements.

Noise limits and objectives

The SA Noise Guidelines establish both a lower base noise limit and a higher base noise limit for non-associated residences, with different limits adopted depending on the intensity of farming use, and density of residential uses.⁷ The Noise Assessment Bulletin adopts only the lower base noise level, on the basis that rural land zones in NSW are “often” more densely settled compared to South Australia.⁸

The Committee is concerned that compliance with the lower base noise limit may be unnecessary in some circumstances. The Committee accepts that in rural areas with higher density of rural residential use may warrant the lower base noise limit. However, it is not clear why a higher base noise limit could be adopted for developments located in areas with comparable characteristics to where the SA Noise Guidelines permits a higher base noise limit. If on the merits of a particular development, it becomes clear the higher base noise limit is inappropriate, this can be dealt with during the assessment process.

⁵ Wind Energy: Noise Assessment Bulletin – Draft for Consultation 2016, page 4.

⁶ Wind Energy: Noise Assessment Bulletin – Draft for Consultation 2016, page 3.

⁷ Available at

http://www.epa.sa.gov.au/data_and_publications/all_publications/for_councils/wind_farm_noise.

⁸ Wind Energy: Noise Assessment Bulletin – Draft for Consultation 2016, page 5.

NEW WIND ENERGY PLANNING FRAMEWORK

Recommendation 5: That consideration be given to allowing the higher base noise limit prescribed in the SA Guidelines to apply in appropriate circumstances.

Special noise characteristics

The Committee welcomes the introduction of the assessment of special noise criteria and additional monitoring guidelines in the Noise Assessment Bulletin.⁹

Tonality

Ireland's Guidance Note on Noise Assessment of Wind Turbine Operations at EPA Licensed Sites¹⁰ notes that, after 20 years of commercial wind turbine operation, it has now become unusual for tonal components to be a significant factor in wind turbine noise. The Committee considers that requirements for maintenance and isolation of the nacelle, including manufacturers test data and warranty should be included in the Noise Assessment Bulletin. This would be in line with international best practice.

Recommendation 6: The Noise Assessment Bulletin should include requirements for maintenance and isolation of the nacelle, including manufacturers test data and warranty.

Penalties for special noise characteristics

The Committee submits that the 5dB(A) penalty should be retained for a sustained exceedance, as currently provided for in the 2011 Draft NSW Planning Guidelines, Wind Farms (**the Draft Guidelines**)¹¹ to take account of exceedance during certain seasons. The Committee queries why the penalty of 5dB(A) is not cumulative and considers that further explanation and justification of this is required.

Recommendation 7: Further explanation and justification of why the 5dB(A) penalty is not to be applied cumulatively should be included in the Noise Assessment Bulletin.

Noise monitoring

⁹ Wind Energy: Noise Assessment Bulletin – Draft for Consultation 2016, page 5.

¹⁰ The Guidance Note on Noise Assessment of Wind Turbine Operations at EPA Licensed Sites (NG3), Environmental Protection Agency, Ireland (2011), available at https://www.epa.ie/pubs/advice/noise/Wind_Turbine_web.pdf.

¹¹ Available at <http://www.planning.nsw.gov.au/Policy-and-Legislation/~media/1C3284EB49E244FEA7539B8FFFD3D9BA.ashx>.

NEW WIND ENERGY PLANNING FRAMEWORK

Measurement of wind energy noise at the source of the receiver and intermediate locations from a variety of locations as detailed in the Noise Assessment Bulletin¹² is supported by the Committee as an improvement on the Draft Guidelines as it provides more certainty in measurement data.

The Committee considers that, where it appears impractical to collect 500 valid data points under worst case conditions, data collection for at least six weeks should occur. The Committee also considers that data points should be collected across all seasons to account for variable wind conditions.

Recommendation 8: Where it appears impractical to collect 500 valid data points under worst case conditions for noise monitoring purposes, data collection for at least six weeks should occur.

Recommendation 9: Data points for noise monitoring purposes should be required to be collected across all seasons to account for variable wind conditions.

Noise and health

Following the National Health and Medical Research Council's determination that there is no direct evidence that exposure to wind farm noise affects physical or mental health,¹³ the Committee considers the exclusion of a health impact assessment for wind energy developments under the Noise Assessment Bulletin to be appropriate. In the event advice to the contrary arises regarding health impacts of wind farm noise, the Noise Assessment Bulletin should be reviewed.

Recommendation 10: That the Noise Assessment Bulletin be reviewed in the event that the National Wind Farm Commissioner or the Independent Scientific Committee on Wind Turbines advises that exposure to wind farm noise affects physical or mental health.

Standard SEARS

The Committee submits that the Standard SEARs set out the assessment guidelines for the different forms of noise likely to be generated by wind farms with appropriate clarity.¹⁴

¹² Wind Energy: Noise Assessment Bulletin – Draft for Consultation 2016, page 8.

¹³ See NHMRC Statement: Evidence on Wind Farms and Human Health (2015), available at <https://www.nhmrc.gov.au/guidelines-publications/eh57>.

¹⁴ Standard Secretary's Environmental Assessment Requirements, page 2.

NEW WIND ENERGY PLANNING FRAMEWORK

The Committee notes that one set of guidelines referred to, the Interim Construction Noise Guidelines,¹⁵ remain in interim form. As such, the Committee encourages the Department to issue updated guidelines to that effect.

Recommendation 11: That consideration be given to updating the Interim Construction Noise Guidelines.

The Visual Assessment Bulletin

The Visual Assessment Bulletin expands considerably on the Draft Guidelines. The Visual Assessment Bulletin describes two phases to the visual assessment approach; the preliminary environmental assessment phase, and the assessment and determination phase. The new framework seeks to improve the clarity, consistency and transparency of the assessment process for both the industry and the community. It moves away from the uncertainty proponents often faced under the Draft Guidelines towards a merit-based approach considering visual performance objectives, which relies on Visual Assessment tools that assess visual magnitude and the cumulative impacts of the proposed wind energy development.

The tools are not designed to give proponents a 'yes' or 'no' as to whether the wind farm will be acceptable, but serve to indicate in the preliminary assessment phase (prior to lodgement of the development consent) whether further consideration in the Environmental Impact Statement (EIS) will be required.¹⁶ A preliminary environmental assessment must accompany any request for SEARs.¹⁷ In this regard the Committee commends the use of a more subjective and comprehensive baseline standard as to the visual amenity impacts of the wind farm project which can be used throughout the assessment of the project.

Community consultation also has a greater emphasis in the preliminary assessment phase, moving away from an arbitrary focus on non-host neighbours within two kilometres of a proposed site to a wider consideration of neighbours in the visual catchment. Further, both natural features of the landscape as well as important cultural features are considered to calculate the scenic quality of the site more generally.¹⁸ The Committee commends the emphasis on engagement by the proponent with the community in the Visual Assessment Bulletin, particularly the emphasis on early consultation.

¹⁵ Available at <http://www.epa.nsw.gov.au/resources/noise/09265cng.pdf>.

¹⁶ Wind Energy: Visual Impact Assessment Bulletin – Draft for Consultation 2016, page 5

¹⁷ Wind Energy: Visual Impact Assessment Bulletin – Draft for Consultation 2016, page 2.

¹⁸ Wind Energy: Visual Impact Assessment Bulletin – Draft for Consultation 2016, page 4

NEW WIND ENERGY PLANNING FRAMEWORK

The Visual Assessment Bulletin is more detailed than previous guidelines on visual assessment, which complements the aims of the New Wind Energy Planning Framework generally to provide more transparent, clear and consistent objective guidelines for wind energy developments.

Concluding Comments

NSW Young Lawyers and the Committee thank you for the opportunity to make this submission, and are grateful for the provision of extra time to finalise this submission. If you have any queries or require further submission please contact the undersigned at your convenience.

Contact:



Renée Bianchi

President

NSW Young Lawyers

president@younglawyers.com.au

Alternate Contact:



Ross Mackay

Chair

Environment and Planning Law Committee

NSW Young Lawyers

envirolaw.chair@younglawyers.com.au

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Yours faithfully, kevin ball 2049

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Yours faithfully, Debra Little 2207

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Yours faithfully, Chani Grieve 2454

Caleb Ball

From: [REDACTED]
Sent: Wednesday, 14 September 2016 10:59 AM
To: DPE PS Wind Energy Mailbox
Subject: Wind Power not Coal Mines for NSW

Categories: Green Category

Dear Sir/Madam,

Thank you for the opportunity to comment on the New Wind Energy Planning Framework. I generally support a new Framework that provides greater certainty and guidance on the assessment of wind energy projects in NSW.

With increasing CO2 levels causing warming of the Earth's atmosphere and oceans, the breakup of ice sheets, glacial retreat, sea level rise, and ocean acidification, it is clear that we urgently need improved action in NSW to transition away from fossil fuels and increase our investment in renewable energy.

Wind energy will play an important role in that transition, so it is important that the New Wind Energy Planning Framework encourages investors to develop wind energy projects in NSW.

There are a number of positive aspects to the new Framework including an increased emphasis on community engagement and consultation; a shift away from arbitrary, strict buffer zones; and confirmation that wind turbines do not cause adverse impacts on health.

However I am concerned that the new Framework puts too high an emphasis on the visual impacts of wind turbines. I do not agree that the visual impacts of wind energy projects are that much more significant than other major projects, such as open cut coal mines or high-rise residential buildings, that they warrant a more stringent assessment. This could act as a deterrent for investors in NSW.

Wind energy has significant benefits to the people of NSW and I urge the NSW government to ensure its new Framework promotes investment in wind energy here in NSW and is finalised in a timely manner.

Yours faithfully, Robyne Stacey 2537

Caleb Ball

From: [REDACTED]
Sent: Wednesday, 14 September 2016 10:59 AM
To: DPE PS Wind Energy Mailbox
Subject: Submission on the New Wind Energy Planning Framework

Categories: Green Category

Dear Sir/Madam,

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Wind energy has significant benefits to the people of NSW and I urge the NSW government to ensure its new Framework promotes investment in wind energy here in NSW and is finalised in a timely manner.

Yours faithfully, Jonathon Howard 2642

Caleb Ball

From: [REDACTED]
Sent: Wednesday, 14 September 2016 11:00 AM
To: DPE PS Wind Energy Mailbox
Subject: Make earth last. Submission on the New Wind Energy Planning Framework
Categories: Green Category

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Wind energy has significant benefits to the people of NSW and I urge the NSW government to ensure its new Framework promotes investment in wind energy here in NSW and is finalised in a timely manner.

Yours faithfully, Susan Patsaki 2579