Wind Energy Framework

Frequently Asked Questions

December 2016

Overview

Why has the Government released a new Wind Energy Framework?

- The NSW Government, through its climate change policy, has an aspirational long term objective of achieving net zero emissions by 2050 and is committed to playing its part in achieving the national Renewable Energy Target.
- The Wind Energy Framework will position NSW to harness our State's abundant natural resources and generate clean energy, while providing regional investment and jobs.
- This Framework has been developed in response to concerns from community and industry about uncertainty in the application of the draft 2011 wind farm guidelines, and the delays in assessing projects.
- The Framework will provide greater clarity, consistency and transparency for industry and the community regarding both assessment and decision-making on wind energy projects.
- This new Framework delivers on the Government's commitment in the *NSW Renewable Energy Action Plan 2013* to implement wind energy planning guidelines in NSW.

What consultation has been undertaken?

- The Framework was publicly exhibited from 3 August until 16 September 2016. The Department conducted community information sessions in Yass, Crookwell, Glen Innes and Mudgee.
- A broad range of stakeholders including the general public, local communities, industry and special interest groups submitted more than 1900 submissions.
- The issues arising from submissions and the community information sessions informed a range of improvements to the Framework.
- We have widely consulted on the Framework, including discussions with key environmental groups, industry, Councils, other states and the Australian National Wind Farms Commissioner.

What changes have been made to the Framework since public exhibition?

- The Framework has been clarified and improved in response to the feedback received to ensure that it achieves the right balance between safeguarding the interests of local communities while attracting investment in renewable energy so that NSW can play its part in facilitating a clean energy future.
- The amendments include refinements to the visual assessment methodology and provisions surrounding bushfire protection, benefit sharing and negotiated agreements.
- A key area of improvement has been to enable communities to be engaged when there are real opportunities to influence projects and decisions, such as the early siting and design stage.

What is the focus of the Framework?

- The new Framework is focused on improving outcomes by requiring proponents to engage with the community and consider issues early in order to drive better siting and design.

- The Framework provides for meaningful and effective community and stakeholder engagement throughout the development assessment process, from the outset at the design stage, through the assessment process and when projects are being constructed and operated.
- The Framework applies a merit-based approach to the assessment of wind energy projects, which is focused on the issues unique to wind energy, particularly noise and visual impacts.
- The Framework is also intended to drive greater accountability, ensuring that conditions are complied with and allowing for adaptive management.
- For all other matters, wind energy projects will be subject to the same assessment framework as other categories of State Significant Development (SSD).
- The Framework is designed to be flexible and responsive to emerging issues, to reflect new evidence or changes in technology.

Does the Framework change how the community will be consulted for wind farm applications?

- Meaningful engagement with local residents is required throughout the development application process. Issues that applicants are required to address include access, community benefit mechanisms and mitigation measures to address noise and visual impacts.
- A proponent's Environmental Impact Statement must describe the community consultation undertaken, including the issues raised, and how these issues have been addressed in the design of the project.
- A Community Consultative Committee will be established for all proposals as required by the Standard SEARs.

To what applications will the Framework apply?

- The Framework will apply to new large-scale wind energy proposals that are State Significant Development (SSD), including modification applications. It will not apply to non-SSD proposals such as local or regional development.
- The Framework will not apply retrospectively to approved projects.

What are the key documents for the Framework?

- The key documents comprising the Framework are:
  - *Wind Energy Guideline*
  - *Wind Energy: Noise Assessment Bulletin*
  - *Wind Energy: Visual Assessment Bulletin*
  - *Standard Secretary's Environmental Assessment Requirements (SEARs).*

What about property values?

- The NSW Government acknowledges that potential impacts on property values from wind energy development are a concern to some community members.
- An independent report commissioned by the NSW Office of Environment and Heritage, the *Review of the Impact of Wind Farms on Property Values* (Urbis 2016), concludes that the available data does not

demonstrate that wind farms significantly impact the property values of rural properties used for agricultural purposes.

- The report is available on the Department's website along with the other Framework documents, or the website of the Office of Environment and Heritage.
- The findings of this latest report are consistent with those of the 2009 study, *Preliminary Assessment of the Impact of Wind Farms on Surrounding Land Values in Australia,* undertaken by the NSW Valuer General.

Wind Energy Guideline

- The *Wind Energy Guideline* provides an overview of the assessment process, strategic context, statutory controls, and the key assessment issues relevant for wind energy proposals.

What is an 'associated' or 'non-associated' property'?

- An 'associated property' is a property where the owners and occupiers of land have agreed to host a wind turbine or related facility, or to provide access during construction and/or maintenance, or where a landowner has an agreement in relation to the proposal (sometimes known as a 'negotiated agreement').
- 'Non-associated properties' are those owners and occupiers of land that have not reached a financial or in-kind agreement in relation to the proposal.

What are 'negotiated agreements'?

- In certain circumstances, it may be appropriate for proponents and landholders to negotiate agreements regarding the management of certain impacts. It is up to proponents and landholders to agree what is appropriate to manage impacts (including at different stages of the project's life) in their particular circumstances.
- Proponents must ensure that landowners are properly informed of the implications of entering into such agreements, and have a good understanding of the scale and nature of the predicted impacts, through the provision of relevant noise and visual impact analysis.
- Attachment B of the *Wind Energy Guideline* includes guidance material on negotiated agreements.

How is the decommissioning of wind turbines addressed?

- The NSW Government's policy is that a wind energy project owner or operator, and not the 'host' landholder, should be responsible for decommissioning and rehabilitation at the end of life of a wind energy project or a particular turbine.
- Proponents and host landowners should consider decommissioning, refurbishment and rehabilitation when negotiating landowner agreements.

What about hazards and risks – aviation and bushfire?

- Hazards and risks associated with a wind energy project, such as aviation safety and bushfire hazards, form part of the standard SEARs and are considered in the assessment process for each project.
- All State significant wind energy projects are required to develop asset protection and bushfire response procedures, in consultation with the Rural Fire Service.

- Wind energy developers are required to work with the Civil Aviation Safety Authority and the Royal Australian Air Force Aeronautical Information Service and may be required to prepare an aeronautical impact assessment as part of the project.

Wind Energy: Noise Assessment Bulletin

- The *Wind Energy: Noise Assessment Bulletin* sets noise limits and a methodology for assessing noise levels. The Noise Bulletin proposes to adopt the *South Australian EPA's 2009 Noise Guidelines* with some variations appropriate to NSW.
- These variations include a stricter base noise criteria and guidance on special noise characteristics such as tonality (audible tonal sounds from wind turbines generally related to the rotational machinery) and low frequency noise (sounds that are present in all types of environmental noise).
- The noise limits that will apply outside all non-associated dwellings will be 35 decibels (dB) or background noise plus 5dB - whichever is greater, averaged over a 24-hour period. This is consistent with the noise limits applying to other forms of major development in rural areas, such as coal mines.
- These limits strike a balance between the community and industry and formalise existing noise limits applied in NSW.

How does noise from wind turbines differ from other types of noise?

- The Framework recognises the unique aspects of noise from wind energy projects and gives special consideration to these characteristics.
- The impacts from wind energy projects are unique in three key ways:
  - wind turbines operate under very different conditions to other industrial noise and the noise level from each wind turbine rises as the wind speed at the site increases. However, an increase in wind speed typically results in an equal or greater increase in background noise at receiver locations due to aerodynamic and foliage noise which may mask the turbine noise;
  - the height of the noise source is higher compared to other sources such as roads, railways, mines and most industrial facilities. As a result, there is less opportunity to shield the wind turbine noise; and
  - in rural areas, farming and agricultural activities can generate significant noise from sources such as road traffic and farm machinery. While noise from wind turbines is not likely to be the dominant noise, the characteristics of wind energy development noise are perceived as being different to other noise sources.

How will noise from wind turbines be measured?

- The *South Australian EPA's 2009 Noise Guidelines* will form the basis for assessing wind turbine noise. These Guidelines set out the methodology that proponents must follow when predicting noise levels at individual dwellings and other sensitive locations.
- Additional guidance for assessing 'special' noise characteristics, such as tonality and low frequency (which includes infrasound) is provided in the Bulletin.
- If a wind energy project is approved, the noise analysis undertaken in the EIS must be validated on the ground after the turbines are constructed.

What about the health impacts of wind energy projects?

- The NSW Government's position on potential impacts of wind energy development continues to be informed by the scientific findings of the National Health and Medical Research Council (NHMRC) and the advice of NSW Health. The current position of the NHMRC is that there is no consistent evidence supporting a link between wind energy developments projects and adverse health outcomes in humans relating to infrasound.
- The NSW Government will continue to monitor contemporary scientific research outcomes to ensure its position reflects robust evidence on any health effects, including any advice released from the National Wind Farm Commissioner and the Independent Scientific Committee on Wind Turbines.

Wind Energy: Visual Assessment Bulletin

- The *Wind Energy: Visual Assessment Bulletin* provides an innovative, transparent methodology for assessing visual impacts at individual dwellings, key public viewpoints and the broader visual catchment.
- The Visual Assessment Bulletin introduces ground-breaking preliminary assessment tools designed to improve site selection and design, by identifying sensitive landscapes and turbine locations prior to the formal application stage.
- These tools do not rule proposals in or out, but provide early guidance on potential impacts and where assessment should be focused in the EIS.
- The Bulletin also sets out clear visual performance objectives for transparently evaluating the impacts during the formal application stage.
- The visual assessment process is broken into two main phases in the Bulletin:
  - Preliminary Environmental Assessment phase; and
  - Assessment and Determination phase (including preparation of the EIS)

What are the preliminary assessment tools?

- As part of the preliminary environmental assessment phase, proponents will be asked to apply two preliminary assessment tools to assist in identifying proposed turbines that require further consideration in the EIS. The tools apply to both residential and key public viewpoints, and have been developed to identify turbines that require further consideration in terms of 'visual magnitude' and 'cumulative impact'.
- The tools do not provide a 'yes' or 'no' answer as to whether particular turbines are acceptable, but rather an early indication of where assessment and consultation with potentially affected landowners needs to be focused.

What are the key aspects of Visual Assessment in the EIS?

- The Visual Assessment Bulletin requires a Visual Baseline Study to be undertaken as part of the EIS. Visual performance objectives also apply as part of the EIS so the project can be evaluated in a consistent and transparent manner.
- The Baseline study will establish 'visual influence zones' to which the performance objectives correspond.
- The performance objectives are not determinative, but instead provide guidance about the potential level of impact and the desired approach for each visual influence zone and visual parameter.

How must applicants consult with the community regarding visual impacts?

- The Visual Assessment Bulletin requires applicants to consult with the community in the early stages of a project. Early consultation will establish the key landscape values of the area, areas of scenic quality and key viewpoints valued by the community. Early consultation will also focus on access routes, and should include discussion about issues for landowner agreements.
- The Visual Assessment Bulletin also requires proponents to consult with the community throughout the preparation of the EIS to verify the findings of the community consultation undertaking at the scoping and design stage. This consultation should include consultation with highly affected landowners.

How have the preliminary assessment tools been developed?

- The preliminary assessment tools draw on a combination of Scottish, UK, US and Australian visual assessment procedures and research over the last forty years. The graph that forms part of the visual magnitude tool is a result of calculations including the range of visibility distance zones, and is based on research done by the US Bureau of Land Management along with outcomes of NSW assessed wind energy project applications.

Standard Secretary's Environmental Assessment Requirements

- Standard Secretary's Environmental Assessment Requirement (SEARs) are streamlined assessment requirements for the key issues in wind energy proposals, cross-referenced to the Assessment Bulletins for Noise and Visual Assessment, and other policies and guidelines.
- Project specific SEARs will still be applied as needed.
- Reform work is also underway around simplifying conditions of consent.

Who is in charge of monitoring compliance?

- The Department of Planning and Environment's regional compliance teams are responsible for monitoring compliance with the conditions of consent for approved wind energy projects, including following up suspected breaches reported by members of the public. The general email for reporting suspected breaches is compliance@planning.nsw.gov.au
- The compliance teams can be contacted on:
  - Metropolitan team: 02 9228 6403
  - Northern team: 02 6575 3405
  - Southern team: 02 6229 7909
- The compliance team also undertakes periodic audits of approved or operating wind farms.
- Additionally, proponents are required to establish and operate a complaints handling system which is required through a condition of consent as part of the approval of a project.
- The Environment Protection Authority (EPA) is responsible for regulating the environmental impacts from the operation of wind turbines. The EPA's pollution hotline is 131 555

Where can I find out more?

- Call our Information Centre on 1300 305 695
- If English isn't your first language, please call 131 450. Ask for an interpreter in your language and then request to be connected to our Information Centre on 1300 305 695
- Email information@planning.nsw.gov.au