

Chapter 13: Development Plan Assessment

Planning Assessment

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13. Planning Assessment

13.1 Introduction

This Development Application is submitted pursuant to Section 49 of the Development Act 1993 and is to be assessed by the Development Assessment Commission acting as the Relevant Authority. That assessment must have regard to the provisions of the Development Plan for the Mid Murray Council. The Development Plan issue in force at the time of lodgement is that dated 19 April 2012.

A detailed assessment of the proposal against the Development Plan has been undertaken by Nolan Rumsby Planners. The following provides a summary of the Nolan Rumsby Planners' report. The full report is presented as Appendix A.

13.2 Relevant Supporting Information

The planning assessment has been informed by expert reports having regard to matters of a technical and scientific nature. Such reports, as contained within this application report, comprise:

- Landscape Character and Visual Assessment Report, prepared by Wax Design and Brett Grimm Landscape Architects (BGLA)
- Flora and Fauna Assessment, prepared by EBS Ecology
- Avifauna and Raptor Nest Assessment, prepared by EBS Ecology
- An Assessment of Bats at the Proposed Keyneton Wind Farm, prepared by EBS Ecology
- Noise Impact Assessment, prepared by Vipac Engineers and Scientists Ltd
- Cultural Heritage Site Assessment, prepared by Australian Cultural Heritage Management (ACHM)

Investigations undertaken by Pacific Hydro addressing traffic management, shadow flicker, electromagnetic interference and aviation impacts were also taken into consideration in the assessment.

13.3 Approach

In assessing the merits of the proposal, Nolan Rumsby Planners undertook a detailed inspection of the subject land and locality, including forming their own views as to the key landscape elements contributing to the visual amenity of the area. The consultants were further informed by the detailed Landscape Character and Visual Assessment Report prepared by Wax Design and BGLA.

The Planning Assessment considered State Government Policy at both the strategic level and 'on ground' having regard to:

- South Australia's Strategic Plan 2011

- Strategic Infrastructure Plan for South Australia 2004/5 – 2014/15
- Renewable Energy Plan for South Australia 2011
- The Planning Strategy – Murray and Mallee Region Plan 2011
- Statewide Wind Farms DPA. 2011
- Mid Murray Development Plan 19 April 2012

13.4 Framework for Assessment of Wind Farms

The Statewide Wind Farm DPA is incorporated into the Mid Murray Development Plan and represents current State Government Policy with respect to the assessment of wind farm proposals. The DPA identifies assessment criteria and details the investigations and rationale which lead to those criteria being adopted. The key objectives and principles of development control, as per the Mid Murray Development Plan, provide for:

13.4.1 Council Wide

Objectives

- 98: *Location, siting, design and operation of renewable energy facilities as essential infrastructure that benefits the environment, the local community and the State.*
- 99: *The development of renewable energy facilities, such as wind farms and ancillary development, in areas that provide the opportunity to harvest natural resources for the efficient generation of electricity, accepting that such facilities will often need to be sited in visually prominent locations.*
- 100: *Location, siting, design and operation of renewable energy facilities to avoid or minimise adverse impacts on the natural environment.*

Principles of Development Control

- 401: *Renewable energy facilities, including wind farms and ancillary developments, should be located in areas that maximise efficient generation and supply of electricity.*
- 402: *Wind farms and ancillary development such as substations, maintenance sheds, access roads, wind monitoring masts and connecting power-lines (including to the National Electricity Grid), should be sited, designed and operated to:*
- (a) *manage the visual impact of the development by achieving the following:*
- (i) *a setback of at least 1 kilometre of a wind turbine from a dwelling that is not*

- associated with the development;*
- (ii) vegetated buffers to mitigate short to medium range visual impacts;*
- (iii) regular spacing of wind turbines in open/flat landscapes where vegetation is orderly;*
- (iv) irregular spacing in hilly/rugged landscapes where vegetation is varied;*
- (v) ensure that blades on wind turbines rotate in the same direction;*
- (vi) ensure that all wind turbines have uniformity in terms of colour, size and shape;*
- (b) avoid or minimise the potential for adverse impact on areas of native vegetation, conservation, the natural environment, geological, tourism or built or natural heritage significance;*
- (c) avoid or minimise the following impacts on nearby property owners and/or occupiers, road users and wildlife:*
 - (i) shadowing, flickering, reflection or blade glint impacts;*
 - (ii) excessive noise;*
 - (iii) interference with television and radio signals;*
 - (iv) modification of vegetation, soils and habitats;*
 - (v) striking of birds or bats.*

403: Renewable energy facilities, including wind farms and ancillary development, should be designed and sited so as not to impact on the safety of water or air transport and the operation of ports, airfields and designated landing strips.

13.5 Zoning

The subject land is located entirely within the Rural Zone and, further, within the Marne Watercourse (Policy Area 13) and the Hills Policy Area (Policy Area 14). The Development Plan provisions applying to the relevant zone and both policy areas specifically reference Wind Farms as an envisaged land use. Applications for Wind Farm developments are to be assessed against the Council (and State) Wide criteria detailed above and having regard to the Desired Character Statements and specific objectives and principles of development control.

Key provisions relevant to an assessment of Wind Farms include:

13.5.1 Rural Zone

Wind farms and ancillary development are an envisaged form of development within the zone. Such facilities may be of a large scale, comprise a number of components and require an extended and/or dispersed development pattern. These facilities will need to be located in areas where they can take advantage of the natural resource upon which they rely and, as a consequence, may be located in visually prominent locations.

Other than where qualified by the provisions for the Policy Areas, the following forms of development are acceptable in the Rural Zone:

- *wind farms and ancillary development.*

Principles

20: *Wind farms and ancillary development should be located in areas which provide the opportunity to harvest the wind resource for the efficient generation of electricity and as result it is appropriate for such development to be located:*

- (a) in visually prominent locations in the landscape;*
- (b) close to roads and not to be subject to the setback requirements of other forms of development.*

21: *The visual impact of wind farms and ancillary development should be managed in accordance with the Renewable Energy policies contained in the Council-Wide section.*

13.5.2 Marne Watercourse (Policy Area 13)

Principles

2: *Development should preserve and enhance the character and amenity of the River Marne and River Somme and its environs, accepting that wind farms and ancillary development may need to be located within such areas and that the visual impact of the development will need to be managed*

10: *Development should maintain and enhance the natural character and beauty of land within the locality, accepting that wind farms and ancillary development may need to be located within landscape areas or areas of scenic amenity and that the visual impact of the development will need to be managed.*

11: *Buildings should not be sited on prominent ridgelines or in locations that would detract from views obtained from any primary or secondary arterial roads or scenic routes, or in locations requiring unnecessary removal of natural vegetation or excessive amounts of excavation, accepting that wind farms and ancillary development may need to be located within landscape areas or areas of scenic amenity and that the visual impact of the development will need to be managed.*

13.5.3 Hills Policy Area 14

Objectives

- 1: *Retention of the open rural character as derived from large land holdings used for primary production and dispersed isolated built form, accepting that wind farms and ancillary development may need to be located within such areas and that the visual impact of the development will need to be managed.*
- 2: *No building development on the eastern face of the Mount Lofty Ranges, unless required to facilitate the development of wind farms and ancillary development.*

Principle

- 3: *Dwellings and non-rural buildings shall not be located where they are prominently visible from a public road without extensive screening first established, accepting that wind farms and ancillary development may be of a large scale, comprise a number of components and require an extended and/or dispersed development pattern. These facilities will need to be located in areas where they can take advantage of the natural resource upon which they rely and, as a consequence, may be located in visually prominent locations.*

Having regard to the relevant provisions of the Rural Zone and both relevant policy areas, and within the framework of the existing and desired character expressed for those areas, Nolan Rumsby Planners concluded that the proposed Wind Farm development represents an appropriate, and desired, land use.

13.6 Impacts

Council Wide Objectives 98, 99 and 100, and principles 401, 402 and 403 identifies the key elements directing the siting, design and operation of Wind Farms so as to, variously, manage, avoid or minimise adverse impacts.

Where those tests require a subjective assessment, Nolan Rumsby Planners have undertaken their own analysis and considerations, informed as appropriate by other experts in those fields. Where those tests require expert assessment at a technical or scientific level, the consultants have reviewed the specialist consultant reports of others and, being satisfied with their methodology, proven expertise and opinions, have accepted their findings. These reports are contained within this application from Appendix B to G.

13.7 Summary

The Planning Assessment has considered the proposed Wind Farm against the Development Plan as a whole and in the context of Statewide policy directions. It concludes, having regard to the opinions (expressed in detailed reports appended to this application) of experts in other fields, that the proposed development appropriately satisfies the criteria laid out by Section 49 of the Act and, in particular, has appropriately addressed the relevant provisions of the Mid Murray Development Plan.

Chapter 13 Figures

Figures 13.1: Zoning Map

Figures 13.2: Policy Areas Map

