



Mr Richard Wynne
Minister for Planning
C-/ PO Box 500
East Melbourne VIC 8002
Via email: stateplanning.services@delwp.vic.gov.au

Dear Minister,

Pyrenees Shire Council submission - Stockyard Hill Wind Farm and associated projects

1. Pyrenees Shire Council welcomes the opportunity to make a submission regarding the following planning applications:
 - 1.1 Application to amend PL-SP/05/0548-1 – Amendment to existing permit (Stockyard Hill Wind Farm)
 - 1.2 Use and development of a quarry (PA2499-16)
 - 1.3 Removal of native vegetation and access to Road Zone 1 (External overhead powerlines – Shire of Pyrenees, PA1600101).

Overview

2. Council recognises that the Stockyard Hill windfarm provides a number of economic social and environmental benefits to the state, and the region, and provides overall support for the development subject to consideration of the range or potential impacts. Council's view is that these impacts can be addressed on the whole through appropriate and careful consideration of permit conditions. In this context, Council provides the following comments on the planning applications:

Exhibition Period

3. On 12 October 2016, Council wrote to the Minister for Planning seeking an extension of the exhibition period from the statutory minimum four weeks, to eight weeks. Council also sought the deferral of panel hearings until February 2017.
4. Given the 2016 Council elections fell on Saturday 21 October 2016, Council has been operating under caretaker provisions for all but one week of the applications' exhibition period. This has limited Council's opportunity to seek community views, and prevented any elected Councillors from participating in Council's immediate response.
5. Council also considers the four-week exhibition period to have constrained community members seeking to respond to the planning applications, particularly given the scale of the project and complexity of the issues involved. In Council's view, this is an issue of fairness and natural justice.
6. As of 27 October 2016, Council has not received a decision regarding its request. This submission is therefore a preliminary submission to the panel, which Council reserves its right to further augment throughout the process.
7. Council considers the applications individually raise the following issues:

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Benefits

8. Council acknowledges the benefits of a large scale renewable energy project as detailed in the application which include:
 - 8.1 Environmental benefits of wind energy and particularly the displacement of CO₂ emissions.
 - 8.2 Generation of jobs during construction and in the operation of the windfarm.
 - 8.3 Generation of additional revenue to supplement farming income and without significant displacement of existing agricultural activity.
 - 8.4 Generation of additional rate revenue to Council.
9. Overall these benefits have the potential to provide a positive impact on the local economy.

Whole of project issues

- 10 A key issue that Council's submission raises is the potential costs to the Pyrenees Shire community through potential impacts on Council's local road network and permit enforcement responsibilities.
11. Given this project is of state significance, it should not place an undue burden on the Pyrenees Shire community. It is therefore vital that costs, particularly those relating to road infrastructure and planning permit compliance, are appropriately managed.
12. Council in principle supports the use of on-site resources to support construction. However, any use of or potential impacts on groundwater must be managed to ensure farms that depend on bore water have ongoing supplies. Council's submission also raises specific issues regarding the proposed quarry.

Windfarm permit amendment issues include:

13. Enforcement mechanisms for permit conditions.
14. Processes for community engagement and reporting of issues regarding the operation of wind energy facilities.
15. Monitoring of operations.

Quarry application key issues include

- 16 Whether the quarry should be considered as an ancillary use to the wind energy facility, on the basis that the proponent has undertaken it would only be used in association with the construction of the wind energy project.
17. On-site configuration.
18. The impact of heavy vehicle movements from the quarry to wind turbine sites during construction.

External overhead powerlines

19. Council considers this to be an application that facilitates the wind energy facility. Council expects that DELWP and VicRoads will assess the principal issues appropriately.



Council policy context

20. Council acknowledges it has limited powers regarding the assessment of these applications. However, Council's strategic and operational interest is informed by relevant policies in:

- 20.1 *Pyrenees Shire Council Plan 2013-2017 ('the Council Plan'),*
- 20.2 *Healthy and Well Pyrenees 2013-2017 ('Council's Health and Wellbeing Plan')*
- 20.3 *Pyrenees Growth Strategy 2015-2019.*

21. The Council Plan includes the following policy directions that directly influence its assessment of this proposal:

- 21.1 Direction 1.7 – Work with state government departments and the MAV to bring about improvements in guidelines and regulations regarding wind farm development.
- 21.2 Direction 2.1 - Ensure Council assets and infrastructure support current and future service provision.
- 21.3 Direction 3.1 - Maintain and enhance the road network in line with the Road Asset Management Plan level of service.
- 21.4 Direction 5.5 Encourage environmental best practice and the reduction of resource and energy consumption.
- 21.5 Direction 5.6 – Support the development of renewable energy projects in appropriate areas. (This policy is reflected in the *Pyrenees Growth Strategy*).
- 21.6 Direction 5.7 – Minimise the transportation impacts of industry on infrastructure and the environment.

22. Further to the above, Council's Health and Wellbeing Plan commits Council to play an advocacy role in ensuring information regarding wind energy facilities development proposals is communicated to the community, and to continue to monitor research on wind energy facility impacts. Council also commits to:

- 22.2 Using its "best endeavours (within its legal and technical capacities) to achieve Government interaction in the best interest of its residents".
- 22.3 Act as a "spokesperson for...local communities".

23. Given this strategic context, Council sees in-principle benefits from the use of an on-site quarry to reduce road transport of construction materials and the use of on-site resources for construction works, where it is sustainable to do so.

24. Council recognises the benefits to its region and the state of Victoria that stem from appropriate wind energy facility development, and that technological advances may necessitate changes to operations.

25. Council recognises that there is a range of views regarding wind energy facilities in the Shire and these specific planning applications.

26. Council's submission will address a range of matters that warrant further exploration through the panel process.

Planning systems and process

Pyrenees Shire Council

27. Council has questioned why the quarry application has not been considered as

an ancillary item to the wind energy facility. This would allow the project to be assessed as a larger, integrated development and reflect the proponent's commitment that the quarry would only operate in association with the Stockyard Hill Wind Farm.

28. Council, with the proponent's support, had requested that the Minister for Planning call in the quarry application to allow it to be assessed alongside the wind energy facility. Council appreciates the granting of this request.
29. The application suggests that the quarry would be closed and the site rehabilitated once wind energy facility construction is complete.
30. Before the Ministerial call-in, Council had completed a pre-assessment of the quarry proposal. Subsequently, further information was sought from the proponent. The initial further information letter and the proponent's response have been provided to the Department. Council considers the issues raised in the further information request remain broadly relevant.
31. If the quarry is to be approved as a separate application, Council asks the panel to consider how the association with the wind energy facility would be addressed and enforced via permit conditions.

Traffic and road maintenance

32. This project presents particular impacts relating to heavy loads on local roads that are not necessarily designed to accommodate them.
33. Council expects that roads and associated infrastructure will be managed to maintain community service levels without transferring cost burdens on to the Pyrenees Shire community.
34. Asset maintenance and renewal is a particular challenge for Council and is inherently linked to Council's long term sustainability.
35. Council considers that the Stockyard Hill Wind Farm and its associated projects will have particular impacts on sections of the road network that Pyrenees Shire Council is responsible for.
36. Council has severely limited capacity to address any road maintenance issues arising from large scale projects, while keeping rates affordable and managing its asset renewal.
37. Council considers traffic impacts must therefore be managed in a way that:
 - 37.1 Does not transfer cost to the community.
 - 37.2 Does not unreasonably reduce service levels provided to residents and ratepayers.
 - 37.3 Does not cause undue amenity impacts (for example, from dust associated with gravel road wear).
 - 37.4 Acknowledges the impacts on road conditions from each individual project and the wider development as a whole.
38. While the proposal of an onsite quarry will reduce heavy vehicle transport of construction material, Council still considers there will be impacts from:
 - 38.1 The transport of construction material and machinery on local roads throughout the precinct.
 - 38.2 The transport of crushed rock from the quarry to turbine sites and on-farm roads during the construction phase.
 - 38.3 Potential heavy vehicle movements related to maintenance work on wind turbines.
39. This issue is due in part to the depth of road pavement and the capacity of local roads to carry repeated heavy vehicle movements and the deterioration of roads under heavy loads; rather than solely numbers of vehicles.
40. Council notes that arterial roads are designed to carry heavy loads, whereas many local roads are not suitable due to lower construction standards.
41. The local road network in the project area comprises a mix of unsealed and sealed roads, with varying load capacities. Council's 2010 submission to the initial planning permit application for the Stockyard Hill Wind Farm noted that local

roads in the area are typically constructed on top of highly reactive clay and that some sealed roads have minimal widths.

- 42 Council expects that this project will manage detrimental impacts caused by heavy transport on the local road network associated with this project, in a way that is responsive to local conditions and community need.
- 43 While this preliminary submission does not include a list of specific projects, upgrades and maintenance requirements will include road drainage assets (such as bridges and culverts) as well as road surfaces (gravel, resheeting and road seals).
- 44 Where road surfaces are changed or upgraded, flow-on impacts such as drainage will need to be addressed.
- 45 Council conducts regular surveys of road conditions, with the last completed in 2016. Council expects that roads used as part of the Stockyard Hill Wind Farm construction where upgrades are not required, must be maintained at a standard commensurate with current conditions and within the parameters of Council's Road Management Plan.
- 46 For the above reasons, Council seeks to be included in formulating appropriate permit conditions in respect of traffic management, should a permit be granted.

Timing of road and construction works

- 47 Council considers that infrastructure upgrades will be necessary on a number of roads before the development is commissioned.
- 48 Owing to local conditions, Council requests that upgrades on local roads be done in traditionally drier times and have regard to periods of peak agricultural activity (such as grain harvest) so as to minimise the impact on the farming sector.

Specific works proposals

- 49 Council notes proposals (see pages 23-24 of the proponent's planning submission in support of its application to amend PL-SP/05/0548-1) to remove seals from a number of local roads during the construction period (including Stockyard Hill Road and Mt Emu Settlement Road), with seals to be reinstated after works are complete. Some of the affected roads function as regional collector roads. Council considers that these proposals should be subject to direct engagement with properties that use these sections of roads, including properties on abutting roads.
- 50 Council notes the proponent's approach of constructing roads within participating properties to minimise use of the road network and minimise onsite vegetation clearing. Council is generally supportive of this approach where it is done with the agreement of host properties.

Quarry proposal

51. Council recognises that, while an on-site quarry should reduce greenhouse gas emissions and impacts on major roads relating to transport of construction materials, impacts on local roads would still need to be managed. If the quarry is not seen as ancillary to the wind energy facility, permit conditions must confirm the requirement for its decommissioning and site rehabilitation after wind energy facility construction is complete.
52. Council in principle supports the use of an on-site quarry as a means of reducing impacts on roads and greenhouse gases generated through transport of construction materials.
53. However, it is vital that impacts of the quarry are appropriately managed in their own right and with an understanding that quarries have particular environmental and amenity impacts.
54. Council therefore sees the panel process and permit conditions as vital in

- providing clarity for the community in respect of the use, life, and process for expansion of activity beyond serving the windfarm development should that be proposed in future.
55. The issues raised in Council's further information request stand, as do Council's comments in point 17 of this submission in relation to the quarry and its potential impact on local roads.
 56. Council requests the panel to consider traffic impacts on local roads from the quarry in their own right.
 57. Council also considers that additional detail regarding the on-site layout of the quarry should be provided to better understand its operation and potential landscape impacts.
 58. While Council notes that a work authority has been granted for the quarry, it does not believe that this is a substitute for, or overrides, any requirements of the Pyrenees Planning Scheme; including the SPPF, LPPF, Farming Zone and specific policies at Clause 52.09.

Further use of onsite resources

59. Council notes proposals to tap groundwater supplies in the area for construction works. While this would minimise greenhouse gas and infrastructure impacts from water carting, it must be done in a sustainable manner.
60. Council brings to the panel's attention the importance of groundwater supplies to many farms in the area. Any use of groundwater must therefore be conducted with consent from Southern Rural Water and with a focus on preserving local access to bore water supplies, and considers future demands on water supplies for agriculture and other activities.

Permit enforcement and responsiveness to noise issues

61. Council lacks the resources and specialist expertise to monitor and enforce compliance with wind energy facility permit conditions. This issue may present significant costs to Council and the community.
62. Many existing wind energy facility permits specifically nominate the Minister for Planning as the enforcement authority for several conditions, including noise monitoring.
63. The proposed amended permit conditions retain uncertainty over enforcement responsibilities.
64. Council does not propose to address the considerable body of debate and research around wind farm noise impacts in its submission.
65. Council has a particular interest in advocating for its community, which in this instance involves seeking:
 - 66.1 Access to clear and transparent processes for reporting and handling of complaints and issues regarding wind farm operation.
 - 66.2 Appropriately resourced bodies that are able to work with proponents to ensure compliance with permit conditions.
66. Responsibilities around the enforcement of permit conditions relating to wind energy facilities have been extensively discussed. Amendments to the *Planning and Environment Act* passed in 2013 have potentially placed a particular and unreasonable onus on local government to enforce complex permit conditions, particularly around noise.

67. This issue is noted in the 2014 *Senate Select Committee's inquiry into wind Farms'* interim report, which at section 143 states:
"Local councils have themselves acknowledged they lack the technical

knowledge, expertise, workforce or financial resources to properly deal with ... the on-going compliance and monitoring of (wind farm permit conditions). Furthermore, where legal challenges are mounted by either residents or wind turbine proponents, the astronomical costs incurred ultimately fall on their ratepayers. The financial burdens are particularly acute for smaller shire councils."

68. In recognition of these issues, Recommendation 8 of the *Senate Select Committee's* final report states:

"The committee recommends that all State Governments consider shifting responsibility for monitoring wind farms in their jurisdiction from local councils to the State Environment Protection Authority."

69. As specified in *Policy and planning guidelines for development of wind energy facilities in Victoria* (2016), local councils have been designated as the responsible authority for planning permit enforcement *unless a permit names another body.*

70. Council notes and supports that the current permit for the Stockyard Hill Wind Farm nominates the Minister for Planning specifically as the enforcing authority in several conditions, including those relating to noise. This is consistent with other permits for wind farms now operating in the Pyrenees Shire.

71. The proponent's proposed revised conditions include inconsistencies as to who the responsible authority is for the enforcement of a number of conditions, particularly those relating to noise monitoring and noise complaint handling (refer pages 88-93 of the proponent's planning submission in support of its application to amend PL-SP/05/0548-1).

72. Council does not have the resources or particular in house expertise to monitor particular planning conditions relating to wind energy facilities. While this is not a new issue in Victoria, it is an issue that has particular implications for a small rural shire such as Pyrenees, and its ability to serve its community. This is further magnified given the number of wind energy facilities Pyrenees Shire currently hosts, and the recognised state significance of these projects.

73. Council therefore reiterates its request in its 2010 submission regarding the Stockyard Hill Wind Farm permit that statewide expertise is established, with appropriate technical resources, to support compliance with wind farm permit conditions and the handling of enforcement matters across the state.

74. Such a step would:

75.1 Provide clarity for the wind energy industry as to authorities' expectations.

75.2 Remove significant costs and risks facing local governments relating to permit enforcement and potential legal challenges.

75.3 Provide a consistent approach to the handling of community queries and concerns.

75. Overall, a state-wide approach would achieve benefits for communities, foster a more collaborative relationship between local and state governments and provide benefits for the renewable energy industry.

Noise monitoring

76. Council retains its position, expressed in its 2010 submission regarding the initial Stockyard Hill permit, that background noise levels within a 5km radius must be established and made publicly available before construction commences. This position remains relevant given the larger size of turbines proposed as part of the permit amendment.

77. Council also recommends that both day and night time noise monitoring is conducted, at different times of the year, to allow for typical annual variations in atmospheric conditions.

78. Given the complexity of issues around noise monitoring and permit enforcement, Council reserves its right to further augment its submission in these areas.

Community engagement and other amenity issues

79. Council is aware from community feedback of a range of views in the community regarding these applications. Council does not propose to summarise these views as part of this submission and has encouraged community members to address any issues they may wish to raise directly to the panel.

80. Council reiterates, in the context of its representative role, the importance of a transparent and responsive process to address issues relating to the operation of wind farms including noise complaints.

81. Council notes and supports a number of measures that have been proposed in the application to amend PL-SP/05/0548-1 that will reduce community and amenity impacts. These include:

82.1 the proposal not to use aviation lights on turbines (which has been a concern at other windfarms within the shire).

82.2 The substantial reduction in on-site power lines on host properties that the proposal has allowed for.

Summary

82. Overall Council is supportive of the proposed wind farm development, subject to appropriated permit conditions being developed which address the management of impacts and issues identified.

83. Council recognises the significant environmental, social and economic benefits of the project.

84. Given the Stockyard Hill Wind Farm is a project of state significance, Council requests the panel makes its recommendations with a view to ensuring the Pyrenees Shire community does not have to bear significant/unreasonable costs associated with the development, use and ongoing operation of the facility.

85. Council has an interest to ensure there is no undue deterioration of local roads, and clarity in respect of permit compliance of conditions relating to local roads.

86. Council seeks an equitable approach across government to ensure compliance with permit conditions relating to wind energy facilities, given the statewide significance of these projects.

87. Council will present more detailed information at the panel hearing.

Yours sincerely



Jim Nolan
Chief Executive Officer

Pyrenees Shire Council

