



# DEVELOPMENT CONTROL PLAN Part O Wind Power Generation 2005

Adopted by Oberon Council at its 13 September 2005 Ordinary Meeting  
Clause 9h) amended by Oberon Council at its 11 September 2007 Ordinary Meeting

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## **“General”**

### **O.1 Introduction**

Oberon Shire sits on the Great Dividing Range of NSW and much of it is windy. Oberon is known as much for its valuable natural environment as for its lifestyle and sub-alpine climate.

The wind regime of some locations makes it viable for the installation and operation of commercial wind power generation facilities.

For several years the Oberon Council has consulted with the local community, the wind power industry, SEDA, Department of Infrastructure, Planning and Natural Resources and other local Councils concerning the opportunities and threats due to the likely construction and operation of several wind farms in the Shire and the central tablelands region.

Wind farm installations have had a mixed reception by local communities in other parts of Australia and the world. Some installations have polarised their local communities, whilst others have been thoughtfully planned and well received. It is Oberon Council's intention to keep its community well informed and encourage the well-planned wind farms that will be well received and a positive environmental contribution locally and nationally.

### **O.2 Vision**

The Oberon Council vision for wind generation is:

“To promote well planned and considered development of wind energy development in Oberon that recognises, promotes and enhances the Oberon Shire as a desirable place to live in, invest in and visit.”

In order to manage the potential rapid growth of the wind power generation industry and encourage economic development of the area, the Council has prepared this Development Control Plan. It will sit alongside the Council's existing Development Control Plans that will guide development through the new millennium.

The Oberon Local Environmental Plan 1998, gazetted on 13 March 1998 provides the statutory framework and determines development opportunities to maintain the balance between human made and natural systems. Such a balance is essential if the area is to continue to offer its rare and valued qualities.

### **O.3 Citation**

This plan may be cited as the “Oberon Development Control Plan – Part O – Wind Power Generation 2005” It constitutes a Development Control Plan as provided for by Section 72 of the Environmental Planning and Assessment Act, 1979 and shall apply to land within the Oberon Council area.

### **O.4 Commencement Date**

This plan shall be effective from 13 September 2005 being the date on which it was formally adopted by Council.

## O.5 Application

This plan shall apply, from the commencement date, to development relating to commercial wind power generation in Oberon Council area/shire. NB. Commercial wind power generation includes wind power generation turbine/s, tower/s with a peak capacity of power rated output of greater than **10kW**.

The applicant will need to take this Development Control Plan into consideration when designing the proposed development and preparing the application.

Proposals that are consistent with this Development Control Plan are more likely to be quickly and favourably determined. However, Council recognises that a policy cannot apply equally in every situation. Therefore, a well presented viable proposal that does not comply with the policy will be considered and may be approved by Council, depending on the circumstances following an appropriate rigorous merit assessment.

## O.6 Objectives

The objectives of this plan are in relation to Wind Power Generation proposals:

- To provide development controls and guidelines that will assist in achieving the objectives of the Oberon Local Environmental Plan, 1998 as amended.
- To provide development that will relate well to its surroundings both man made and natural.
- To promote and encourage a high quality of design and amenity.
- To restrict development to the Rural 1(a) zone only.
- To provide for, and require well considered development that is environmentally and economically sustainable.
- To minimise the likelihood of added costs to ratepayers of the Shire as a result of the development.
- To promote sustainable energy.

## O.7 Development Applications

Commercial wind power generation facilities are only permissible in the **Rural 1(a) zone** and require development consent under the provisions of the Oberon Local Environmental Plan. All applications for development consent should be made on the appropriate form available from the Council offices and should be accompanied by the prescribed fees, and three (3) copies of the site plan and building/development plan, a Statement of Environmental Effects or Environmental Impact Statement and a clear concise description of the proposed development. NB. Due to the scale of some developments they may be deemed to be State Significant and the Development Application may be dealt with by the NSW Planning Minister via Planning NSW.

Development consent is required for the installation of wind monitors and associated towers.

**Council staff have delegation to approve temporary wind monitoring towers only after the matter has been referred to the Council. Further, property owners within a radius of two (2) kilometres of wind monitors will be notified upon the receipt of a Development Application for the erection of a temporary wind monitoring tower. The approval summary for the wind monitors will be included in the list of approvals attached to the monthly Council business paper and advertised in the local press.**

All construction work will require a Construction Certificate to be obtained prior to works commencing. The applicant may choose to lodge a Construction Certificate Application with the Development Application.

The Development Application, Statement of Environmental Effects or Environmental Impact Statement and plans should indicate, where applicable:

- a) The location of the property, boundary dimensions and site area. This should include a map of 1:25000 scale showing the location of the proposed development, the route of transmission lines to the electricity grid, the service roads on and to the site, and the proximity to significant features such as housing, environmentally sensitive land, prime crop and pasture land, forests, national parks, heritage items and aircraft facilities.
- b) The site plan or plans showing positions of the proposed wind turbines, site boundaries, native vegetation, the proposed vehicular access points, the location of existing and proposed vegetation and trees on the land, the location and uses of all existing and proposed buildings, power lines, sub-station and fences on the land.
- c) A description of the proposed wind turbine/s, including all relevant details such as number, dimensions, generation capacity, materials and colour.
- d) A landuse description of the adjoining land and/or affected lands and landscape including assessment of the likely future impact. NB. Council will notify all likely affected owners and/or landowners within 2kms, during the development application assessment process. Applicants are encouraged to keep the local community fully informed throughout their design process.
- e) A noise impact statement including the existing background noise data and the predicted likely noise levels due to the wind turbines for all likely noise receivers.
- f) A description of the visual effects including shadow flicker/glinting, photomontages, computer assisted photo simulations or other graphic representations of the appearance of the wind turbines and transmission lines. View shed modelling via the use of a suitable GIS (Eg. "Mapinfo") is encouraged. Steps to be taken to mitigate any possible negative visual effects are to be included.
- g) An evaluation of the electromagnetic radiation and/or interference from the wind turbines and/or transmission lines. This should include human health impacts and on local television and radio reception.
- h) A construction program environmental management plan incorporating the proposed staging of the project, erosion and sedimentation controls heavy vehicle movements, site access including all service roads, transmission towers, substation, underground wiring, weed control, farm impacts and all other works.
- i) A decommissioning and site restoration plan and program.
- j) All of the relevant issues in the **Planning NSW EIA Guidelines and the NSW Wind Energy Handbook** current at the time of the application.

The Development Department staff are available to assist people who need to make an application and to advise on the sort of supporting information that may be needed. It is strongly recommended that Council be contacted before design work is finalised and applications are prepared and lodged.

## **O.8 Amendment of the Development Control Plan**

This Development Control Plan may be amended from time to time following advertisement of proposed amendments and consideration of any submissions. Amendments will, however, need to be consistent with the objectives of the Oberon Local Environmental Plan and the objectives of the relevant zone.

## **O.9 Planning and Environmental Controls**

Council is concerned to ensure that wind power generation facilities and development in the rural 1(a) zone is carried out in a way that protects and promotes agricultural activities and meets the objectives of the Oberon Local Environmental Plan. Council also wishes to ensure that the development achieves maximum benefit for both the developer and the community. To this end, the following general policies apply:

- a) Development should when located on agricultural land, minimise the adverse impact on the future use of “prime crop and pasture land” (as defined in Clause 6 of the Oberon Local Environmental Plan 1998) and agricultural use in general.
- b) Development should be sited and carried out so as to minimise adverse impacts on, and not restrict, normal grazing, farming, forestry practices and tourism.
- c) Development should be carried out in a way that minimises any adverse effects on adjoining land and the development site – particularly by way of:
  - (i) Land degradation.
  - (ii) Alteration of drainage patterns.
  - (iii) Pollution of ground water.
  - (iv) Spread of noxious plants and animals.
  - (v) Bushfire hazard.
  - (vi) Effects on existing tourist operations.
- d) Development that assists the process of farm build up, diversification and the strengthening of the family farm unit, including development that enables revenue to be raised for farming activities is encouraged.
- e) Wind power generation facilities and development should be located and conducted in such a manner, whereby there are no added costs to the ratepayers of the Shire as a result of the development.
- f) Environmentally and financially sustainable development that generates employment in the shire is encouraged.
- g) Development should not be located at sites recognised as having high scenic value or impact adversely on vista of high scenic value. The developer must assess visual impact and consult with the Council and the community on appropriate visual impact measures.
- h) Development is to be located at a minimum setback of
  - 1,500 metres (**plus 10 metres for every one (1) metre that the Wind Turbines exceed 120 metres in height**) from the nearest likely affected residence not associated with the development.
  - 1,500 metres (**plus 10 metres for every one (1) metre that the Wind Turbines exceed 120 metres in height**) from any building envelope on any registered lot that has been created for the purpose of a dwelling. If the registered lot does not have an approved building envelope, then the distance is measured from the lot boundary.

The above distances apply to the whole of the Oberon Local Government Area. The operation of this provision may be relaxed if the Council determines that the relaxation would not adversely affect residential amenity. In assessing whether to allow a relaxation the Council should have regard to the criteria to be addressed pursuant to Clause 7 of this Development Control Plan and the views expressed by the owners of any affected lot”.

- i) Development designers should consider and refer to the **Planning NSW EIA Guidelines and the NSW Wind Energy Handbook**.
- j) Developments are required to provide a well designed, serviced and safe designated public viewing and information area/s that allow safe roadside public viewing of the facility. Applications will be referred to the traffic committee for concurrence in relation to road safety.
- k) To maintain rural aesthetic amenity and to minimise any potential traffic conflicts, a minimum setback from public roads (building line) of the tip height of the turbine, plus 20% will apply. Where there is development adjacent to a main road location, particular consideration will be given to the number, location and design of access points to main roads. Generally, the number of accesses should be minimised, and all accesses proposed should be located and designed to avoid any conflict with other traffic.
- l) As soon as the Wind Turbine Generators become redundant, they are to be fully dismantled and removed from the site and Council is to obtain a suitable legal guarantee that the developer or landholder will be able to comply with this clause.

Applicants are required to pay fees prior to lodging a Development Application. The schedule of fees is attached to the Council Management Plan. It is in the applicant's interest to provide as much information as is available to support the application. It is strongly recommended that the Development Department be consulted regarding the need for additional supporting information. Applications with all the necessary details are more likely to be quickly processed.

In considering a Development Application involving a concentration of wind power generation facilities and development or which has the effect of creating such a concentration through a series of individual developments (including previous approvals and existing development), the designer and Council will have regard to whether the concentration is likely to have the effect of:

- a) Inhibiting or restricting grazing, farming, *tourism* or forestry practices in the area by way of increased complaints, land management problems or otherwise, and
- b) Increasing demands for the Council to spend ratepayer's money providing services to the land.

## **O.10 Other Aspects**

### **Contributions**

Council will require the developer to make contributions in accordance with the Council Contributions Plan. A reasonable and adequate road and infrastructure bond will be required to be paid to Council. It will be used by Council to repair any damage to Council roads and/or infrastructure due to the construction of the development. Council will refund the bond following satisfactory inspections and full commissioning of the development.

### **Consultation with other Authorities**

Applicants are advised to consult with public authorities that may have a role in assessing the applications, servicing authorities such as electricity supplier and telecommunications supplier to determine the availability, environmental impact and cost of providing services to the development.

The designer and Council are required to consult with the Roads and Traffic Authority on all traffic generating developments fronting main roads and to seek the advice of the local Traffic Committee in many other cases.

## **O.11 Review**

It is Council's intention that that this Development Control Plan is meeting its objectives, is effective and meeting the needs of the Council and the community.

This plan may be reviewed within six months after any full Council election. Council shall publicly advise of the review, seek and consider community comments prior to finalising such review.