



5 September 2023

Department of State Development, Infrastructure, Local Government and Planning

Submitted via email: windfarms@dSDLGP.qld.gov.au

Dear Sir/Madam

State code 23: Wind farm Development, August 2023

Stanwell Corporation Limited (Stanwell) welcomes the opportunity to respond to the Department of State Development, Infrastructure, Local Government and Planning's (DSDILGP):

- State code 23: Wind farm development (State Development Assessment Provisions v3.1); and the associated
- Planning Guidance: State code 23: Wind farm development, August 2023.

We acknowledge the work of DSDILGP in preparing this consultation paper and we thank DSDILGP for the opportunity to provide a response.

This submission contains the view of Stanwell and should not be construed as being indicative or representative of Queensland Government policy.

As a major provider of electricity to Queensland, the National Electricity Market (NEM) and large energy users throughout Australia, Stanwell is invested in providing reliable and affordable energy for today and into the future. We are currently exploring new generation and storage technologies to help reduce emissions and ensure Queensland electricity supply remains secure and reliable now and into the future.

In addition, a substantive portion of Stanwell's future expansion pipeline includes wind farms which will be incorporated into our future renewable energy portfolio either through acquisition, operation, or partnerships through power purchase agreements. For these reasons, Stanwell is highly vested in ensuring that statutory approvals processes for wind farms in Queensland are consistent with best practice and will result in the development of wind farms which will withstand the test of time from a community and environmental impacts perspective.

Stanwell notes that a number of positive changes have been incorporated into this latest draft. Namely, the additional guidance about the stakeholders who should be consulted prior to any pre-lodgement with SARA is very constructive. The introduction of Performance Outcome PO14 for the management of social impacts associated with workforce accommodation and the inclusion of specific assessment protocols and methodologies which should be applied when conducting the ecological assessment and bird and bat

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studies are also a marked improvement which provide a clear benchmark for the level of assessment expected of wind farm applicants.

Stanwell's feedback on the revised draft State Code 23, provided at Attachment 1, focuses on the following key aspects:

1. The need to ensure the code assessment process sets a high bar to maintain social licence;
2. Agreements with host and non-host owners by way of deed and the need for agreements to be bound to land;
3. Requirements for community consultation prior to lodgement;
4. Absence of requirement to consider other potential impacts at non-host lots further than 1500m from turbine;
5. Consideration of cultural heritage, native title and first nations engagement; and
6. Alignment of noise criteria with best practice in Australia.

Stanwell appreciates the opportunity to provide feedback on DSDILGP's State Code 23 review. Should you wish to discuss our submission in more detail, please contact Zi Ying Koh on (07) 3228 4137 or email ZiYing.Koh@Stanwell.com

Yours sincerely



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Attachment 1

1. The need to ensure the code assessment process sets a high bar to maintain social licence

Code assessment is perceived as a tick and flick exercise in planning, whereby, provided all requirements of the code have been addressed, a regulator has little to no discretion to refuse to grant an approval.

Given the massive scale of likely wind farm development in Queensland as our state, and the nation, embraces the renewable energy transformation, it is important that the bar is not set too low for code assessment. It will only take a small number of suboptimal wind farm projects to very quickly erode community confidence, and the social licence of future wind farm development in Queensland.

Section 1.3 of the Draft Planning Guidance for State code 23: Wind farm development, August 2023 (the Planning Guide) provides two approval pathways for wind farms – code assessment (against State Code 23) or impact assessment. A wind farm is subject to code assessment if:

- all wind turbines are at least 1500m from a sensitive use on a non-host lot; or
- one or more wind turbines for the wind farm is less than 1500m from a sensitive land use on a non-host lot and the owner of the non-host lot has, by deed, agreed to the turbines being less than 1500 meters from the sensitive land use.

Given that it is acknowledged within the Planning Guide itself that “community stakeholders have become increasingly critical of the fact that most wind farms are code assessable”, it is imperative that performance outcomes in the State code sets a high bar that is consistent with best practice and sufficiently prescriptive to be measurable.

As long as the State code provides the ability for landholders of host and non-host lots to accept greater impacts at a sensitive use through agreement, setting the bar too low in the State code runs the risk of creating a situation whereby a wind farm results in unacceptable impacts on the community or environment, but landholders may have no clear avenue for resolution because they may have agreed to these impacts. The regulator will also be seemingly powerless to take action against the wind farm operator because what has been installed was code compliant. There are no winners in this situation, so we urge DSDLIP to ensure that all requirements in State code 23 are measurable and consistent with best practice.

This will provide the community with transparency and confidence that a project which is approved via the code assessment pathway is unlikely to result in any unacceptable adverse community or environmental impacts. For wind farm operators, this will provide clarity on how to comply with the wind farm approval as well as confidence that compliance with the approval will mean there are unlikely to be any adverse community or environmental impacts over the operational life of the asset.

2. Agreements with host and non-host owners by way of deed and the need for agreements to be bound to land

As discussed in point 1 above, there is provision in the State code for owners of host and non-host lots to be subjected to (by deed), greater impacts from the wind farm. The Planning Guide then goes on to say that *“To allow the wind farm to operate for the entirety of its projected lifespan, agreements with respect to acoustic levels and setbacks must be maintained if the non-host lot is sold or released”*. Stanwell is of the view that agreements put in place should not only be bound to land but also discoverable during a pre-purchase due diligence process for new owners. Reliance on the current owner to do the right thing and disclose the details of the agreement with a potential new owner is not considered to be sufficiently protective for prospective landholders.

If a deed (as per requirements of the State code) does not address both pre-requests of being bound to land and discoverable, then Stanwell would like the State code to provide clear guidance on what legal instruments should be put in place or what checks and balances the regulator will provide to protect future landholders.

3. Requirements for community consultation prior to lodgement

The ability to deliver new renewable energy projects in a timely manner to achieve the renewable energy targets for Queensland is entirely dependent on the renewable energy industry maintaining its social licence.

Going back to our comment above about the need to set a high bar for code assessment, rather than “strongly recommending” that applicants consult with the local community, Stanwell would be supportive of making community consultation a mandatory pre-requisite for application lodgement under code assessment.

4. Absence of requirement to consider other potential impacts at non-host lots further than 1500m from turbine

It is common for windfarm developers to obtain approval for a proposed windfarm based on an initial wind farm design (total turbine of x turbine height) and a maximum MW generation capacity to be installed. Once the wind farm is approved, micro siting often takes place whereby final turbine height, total number of turbines and exact turbine locations may be adjusted before landing on a final wind farm design for construction. The time lapse between an approval being granted and final design and construction may be years apart. Where a wind farm is being constructed in stages, this time lapse could in fact extend to a number of years.

With wind turbine technology continuously improving and taller turbines being able to harness more energy, it is not uncommon for the final installed turbines to be much taller than turbines proposed in the original application – albeit the total number of turbines in the wind farm would be reduced, likely reducing the total wind farm footprint.

A key criticism of the manner in which State code 23 is structured is that provided a wind farm developer ensures that all wind turbines are more than 1500m from a sensitive use of a non-host lot and the acoustic criteria has been achieved, then there is no requirement to consult or consider any other concerns from non-host lots before an approval is granted.

For non-host landholders, this 1500m criteria is perceived as a loophole for wind farm developers to avoid genuine engagement, thorough assessment and communication of other potential environmental and social impacts from a wind farm. This loophole could be closed by providing additional clarity in the State code of the performance outcomes expected for all environmental and social impacts, and by making community consultation mandatory prior to application lodgement.

5. Consideration of cultural heritage, native title and first nations engagement

The current draft of State code 23 and the guidance document makes no comment on how wind farm applicants shall consider and address matters related to cultural heritage, native title or first nations engagement. This is a gap which should be addressed.

6. Alignment of noise criteria with best practice in Australia

The statement that the acoustic criteria for non-host lots where a deed is in place is applicable to both existing and **approved** sensitive land uses is a good clarification. However, the acoustic criteria set out in this new draft of State code 23 does not appear to have been changed or reviewed.

Given that wind turbine technology is continually evolving with turbines getting taller and the number of turbines per wind farm increasing substantially, it would be prudent to include commentary within the planning guide about whether the acoustic criteria adopted in State code 23 is (in the Queensland context) consistent with best practice in Australia. For example, although NSW adopted the South Australia's Wind farms environmental noise guidelines in most parts, NSW elected to apply a more conservative noise criteria of 35dB(A) from the South Australia guideline for all relevant receivers noting that *"rural land use zones in NSW are often more densely settled than those of South Australia and that there is relatively high density of rural residential living in parts of regional NSW with reliable wind resources"*.

Other examples where the modelling and or compliance monitoring of acoustic criteria could be made clearer for the benefit of landholders and wind farm developers and operators include:

- Clarification of the applicable averaging period and statistical methods to be applied when assessing measurements against the acoustic criteria applicable to host and non-host lots. For example, at a host lot, the applicable acoustic criteria is 45dB(A) – it is assumed based on the noise description that this is an A weighted equivalent acoustic level (LAeq) only for the hours of 10pm to 6am. However, where background exceeds 45dB(A) the criteria then becomes the background noise (LA90) plus 5dB(A) –the Planning Guide notes that LA₉₀ is used as a proxy for an LAeq measure. This raises the question of whether apples are being compared to apples when deciding whether the 45dB(A) or background plus 5dB(A) is the applicable noise limit?
- There are a lot of data points and statistics involved to arrive at a number for assessing noise against the relevant acoustic criteria. The data collection also has to coincide with the worst-case meteorological conditions. Therefore, some more prescriptive requirements about how to demonstrate compliance would be beneficial for the community and wind farm operators. Otherwise, there could potentially be a lot of time and effort wasted in attempting to collect the right amount of data points when it is unclear how much data (and of what standard) is considered sufficient. For example, the South Australia wind farm noise guideline considers sufficient data to be 2000 measurement intervals (equivalent of 2 weeks worth) – where at least 500 of those data points are collected for the worst-case wind direction. Where it is impractical to collect 500 data points for the worst-case wind direction then this is discussed with the EPA. The current Queensland State code on the other hand recommends a minimum monitoring period of 6 weeks to provide sufficient noise data without qualifying what is considered to be sufficient.