



*Sustainable Planning Act 2009*

**TABLELANDS REGIONAL COUNCIL  
 PLANNING SCHEME AMENDMENT 01/11 - WIND FARMS - MAREEBA SHIRE  
 PLANNING SCHEME 2004**

**Adopted**

Tablelands Regional Council adopted this planning scheme amendment on 19 September 2013.

**Commencement**

The planning scheme amendment commences on 30 September 2013.

**Planning Scheme Amendment No. 01/11 - Wind Farms**

The Mareeba Shire Planning Scheme 2004 is amended in the following manner:

1. Administrative amendments - Update to tables of content and page numbering to reflect amendments.
2. In Part 1 Introduction, Section 1.11 Codes (2) insert "38 Wind farm code" immediately following "37 Caretaker's residence code".
3. In Part 4 Zones, Division 1, Assessment Tables for **Business Zone**, Table 1, Assessment Categories and Relevant Assessment Criteria for Business Zone - Making a Material Change of Use, immediately following the defined use of Waste Management Facility, insert:

| Column 1<br>Defined use       | Column 2<br>Assessment category | Column 3<br>Relevant assessment criteria— applicable code if development is self-assessable or requires code assessment |
|-------------------------------|---------------------------------|---|
| Wind farm<br>inconsistent use | Impact Assessment               |   |

4. In Part 4 Zones, Division 3, Assessment Tables for **Commercial Zone**, Table 3, Assessment Categories and Relevant Assessment Criteria for Commercial Zone -

Making a Material Change of Use, immediately following the defined use of Waste Management Facility, insert:

| Column 1<br>Defined use       | Column 2<br>Assessment category | Column 3<br>Relevant assessment criteria— applicable code if development is self-assessable or requires code assessment |
|-------------------------------|---------------------------------|---|
| Wind farm<br>inconsistent use | Impact Assessment               |   |

5. In Part 4 Zones, Division 5, Assessment Tables for **Residential Zone**, Table 5, Assessment Categories and Relevant Assessment Criteria for Residential Zone - Making a Material Change of Use, immediately following the defined use of Waste Management Facility, insert:

| Column 1<br>Defined use       | Column 2<br>Assessment category | Column 3<br>Relevant assessment criteria— applicable code if development is self-assessable or requires code assessment |
|-------------------------------|---------------------------------|---|
| Wind farm<br>inconsistent use | Impact Assessment               |   |

6. In Part 4 Zones, Division 7, Assessment Tables for **Rural Residential Zone**, Table 7, Assessment Categories and Relevant Assessment Criteria for Rural Residential Zone - Making a Material Change of Use, immediately following the defined use of Waste Management Facility, insert:

| Column 1<br>Defined use       | Column 2<br>Assessment category | Column 3<br>Relevant assessment criteria— applicable code if development is self-assessable or requires code assessment |
|-------------------------------|---------------------------------|---|
| Wind farm<br>inconsistent use | Impact Assessment               |   |

7. In Part 4 Zones, Division 9, Assessment Tables for **Industry Zone**, Table 9, Assessment Categories and Relevant Assessment Criteria for Industry Zone - Making a Material Change of Use, immediately following the defined use of Waste Management Facility, insert:

| Column 1<br>Defined use | Column 2<br>Assessment category | Column 3<br>Relevant assessment criteria— applicable code |
|-------------------------|---------------------------------|---|
|                         |                                 |   |

|                                      |                          | if development is self-assessable or requires code assessment |
|--------------------------------------|--------------------------|---|
| <b>Wind farm</b><br>inconsistent use | <b>Impact Assessment</b> |   |

8. In Part 4 Zones, Division 11, Assessment Tables for **Noxious, Offensive and Hazardous Industry Zone**, Table 11, Assessment Categories and Relevant Assessment Criteria for Noxious, Offensive and Hazardous Industry Zone - Making a Material Change of Use, immediately following the defined use of Waste Management Facility, insert:

| <b>Column 1</b><br><b>Defined use</b> | <b>Column 2</b><br><b>Assessment category</b> | <b>Column 3</b><br><b>Relevant assessment criteria— applicable code if development is self-assessable or requires code assessment</b> |
|---------------------------------------|---|---|
| <b>Wind farm</b><br>inconsistent use  | <b>Impact Assessment</b>                      |   |

9. In Part 4 Zones, Division 13, Assessment Tables for **Rural Zone**, Table 13, Assessment Categories and Relevant Assessment Criteria for Rural Zone - Making a Material Change of Use, immediately following the defined use of Waste Management Facility, insert:

| <b>Column 1</b><br><b>Defined use</b> | <b>Column 2</b><br><b>Assessment category</b> | <b>Column 3</b><br><b>Relevant assessment criteria— applicable code if development is self-assessable or requires code assessment</b> |
|---------------------------------------|---|---|
| <b>Wind farm</b>                      | <b>Impact Assessment</b>                      |   |

10. In Part 4 Zones, Division 15, Assessment Tables for **Village Zone**, Table 15, Assessment Categories and Relevant Assessment Criteria for Village Zone - Making a Material Change of Use, immediately following the defined use of Waste Management Facility, insert:

| <b>Column 1</b><br><b>Defined use</b> | <b>Column 2</b><br><b>Assessment category</b> | <b>Column 3</b><br><b>Relevant assessment criteria— applicable code if development is self-assessable or requires code assessment</b> |
|---------------------------------------|---|---|
| <b>Wind farm</b><br>inconsistent use  | <b>Impact Assessment</b>                      |   |

11. In Part 4 Zones, Division 17, Assessment Tables for **Open Space Zone**, Table 17, Assessment Categories and Relevant Assessment Criteria for Open Space Zone - Making a Material Change of Use, immediately following the defined use of Waste Management Facility, insert:

| <b>Column 1<br/>Defined use</b>      | <b>Column 2<br/>Assessment category</b> | <b>Column 3<br/>Relevant assessment<br/>criteria— applicable code<br/>if development is self-<br/>assessable or requires<br/>code assessment</b> |
|--------------------------------------|---|--|
| <b>Wind farm</b><br>inconsistent use | <b>Impact Assessment</b>                |  |

12. In Part 4 Zones, Division 19, Assessment Tables for **Conservation Zone**, Table 19, Assessment Categories and Relevant Assessment Criteria for Conservation Zone - Making a Material Change of Use, immediately following the defined use of Waste Management Facility, insert:

| <b>Column 1<br/>Defined use</b>      | <b>Column 2<br/>Assessment category</b> | <b>Column 3<br/>Relevant assessment<br/>criteria— applicable code<br/>if development is self-<br/>assessable or requires<br/>code assessment</b> |
|--------------------------------------|---|--|
| <b>Wind farm</b><br>inconsistent use | <b>Impact Assessment</b>                |  |

13. In Part 4 Zones, Division 21, Assessment Tables for **Myola Zone**, Table 21, Assessment Categories and Relevant Assessment Criteria for Myola Zone - Making a Material Change of Use, immediately following the defined use of Waste Management Facility, insert:

| <b>Column 1<br/>Defined use</b>      | <b>Column 2<br/>Assessment category</b> | <b>Column 3<br/>Relevant assessment<br/>criteria— applicable code<br/>if development is self-<br/>assessable or requires<br/>code assessment</b> |
|--------------------------------------|---|--|
| <b>Wind farm</b><br>inconsistent use | <b>Impact Assessment</b>                |  |

14. In Part 4 Zones, Division 23, Assessment Tables for **Future Residential Zone**, Table 23, Assessment Categories and Relevant Assessment Criteria for Future Residential Zone - Making a Material Change of Use, immediately following the defined use of Waste Management Facility, insert:

| Column 1<br>Defined use       | Column 2<br>Assessment category | Column 3<br>Relevant assessment criteria— applicable code if development is self-assessable or requires code assessment |
|-------------------------------|---------------------------------|---|
| Wind farm<br>inconsistent use | Impact Assessment               |   |

15. In Part 6 Assessment Criteria for a Development for a Stated Purpose or of a Stated Type, immediately following Division 22 - Caretaker's Residence Code, insert:

### ***DIVISION 23 - Wind Farm Code***

#### **6.1 Wind Farm Code**

The provisions in this division comprise the Wind Farm Code. They are-

- compliance with the Wind Farm Code (section 6.2)
- intent, purpose and overall outcomes of the Wind Farm Code (section 6.3)
- specific outcomes and probable solutions for the Wind Farm Code (section 6.4).

#### **6.2 Compliance with Wind Farm Code**

Development that achieves the overall outcomes in section 6.3 and specific outcomes in section 6.4, complies with the Wind Farm Code.

#### **6.3 Intent of Wind Farm Code**

The intent of the code is to facilitate the establishment of new wind farms or expansion of existing wind farms, in appropriate locations.

Wind farm development will not have unacceptably adverse impacts on the environment and on existing amenity (at both a local and wider area scale), and will have social, environmental and economic benefits to the community at both the local and regional level.

#### **Overall outcomes for Wind Farm Code**

The purpose of the Wind Farm Code is to achieve the following outcomes –

- (a) Wind farms are located to take advantage of viable wind resources and are positioned, designed and operated to address and mitigate potentially significant adverse impacts on environmental, economic and social values.
- (b) The design, siting, construction, management, maintenance and operation of wind farms and associated infrastructure takes comprehensive account of (and is sensitive to) existing urban and rural development, future preferred settlement patterns<sup>1</sup>, environment, heritage, landscape and scenic values and recognised demonstrable impacts associated with wind farms.

<sup>1</sup> Future preferred settlement patterns means land designated or identified in the regional plan or a council planning scheme for development other than rural purposes eg residential, rural residential, commercial development.

- (c) Wind farm assessment utilises and takes comprehensive account of recognised applicable standards and is commensurate with the significance, magnitude and extent of both positive and negative direct and non-direct impacts.
- (d) Wind farms and associated infrastructure mitigate adverse impacts on existing uses on the subject land, existing urban and rural development and future preferred settlement patterns.
- (e) Where located in areas of state environmental significance, wind farms do not have significant adverse impacts on ecological values and processes or on the sustainability of fauna populations.
- (f) Any variation to existing amenity, visual, light, noise, electromagnetic interference and aircraft safety conditions or circumstances as a result of the wind farm is maintained within acceptable limits.
- (g) Identified council-controlled roads directly associated with the transportation of infrastructure and equipment during construction and operation are of a suitable standard and are maintained during the life of the wind farm.
- (h) The operation of wind farms is controlled by site-specific management plans that adequately control and monitor variable impacts such as turbine noise, shadow flicker, bird strike, maintenance and environmental management over the operational life of the wind farm.
- (i) Wind farms are readily connected to existing high-voltage electricity transmission lines.
- (j) Comprehensive site rehabilitation is carried out at the end of operational life to restore the site to its pre-development state.

#### 6.4 Specific outcomes and probable solutions for Wind Farm Code

The specific outcomes sought for the Wind Farm Code are included in column 1 of Table 1 and probable solutions in column 2 of Table 1.

**TABLE 1**

| Specific Outcomes  | Probable Solutions (code assessable)      |
|--|---|
| <p><b>S1 Ecologically sustainable development</b></p> <p>Wind farms have environmental, economic and social benefits at both a local and regional scale throughout its operational life.</p>         | <p>PS1 No probable solution provided.</p> |
| <p><b>S2 Location &amp; Site Suitability</b></p> <p>(a) Wind farm location and siting takes sufficient account of direct, non-direct and cumulative impacts in relation to environment, economic</p> | <p>PS2 No probable solution provided.</p> |

| Specific Outcomes   | Probable Solutions (code assessable)      |
|---|---|
| <p>and social impacts.</p> <p>(b) Wind farms are readily connected to existing high-voltage electricity transmission lines without significant environment, social or amenity impact.</p> <p>(c) The siting of wind farms and associated infrastructure takes account of and is sensitive to existing urban and rural development, environment, heritage, landscape and scenic values.</p> <p>(d) Wind turbines and associated infrastructure are located at a suitable distance from existing uses on the subject land and future preferred settlement patterns to avoid unacceptable conflict.</p> <p>(e) Wind farms do not adversely impact on aircraft or airport operations.</p> <p>(f) Wind farms are located in areas with a viable wind resource.</p> |   |
| <p><b>S3 Visual &amp; Landscape Impacts</b></p> <p>(a) Wind farms do not result in unacceptable visual impacts (including cumulative impacts) on locally, regionally and nationally significant view scapes.</p> <p>(b) The material, finish and colour of wind turbines and associated facilities and infrastructure minimises visual impacts.</p> <p>(c) Connections between wind turbines and substation/s are located underground within internal access roads, along with other co-located services where possible and desirable.</p>  | <p>PS3 No probable solution provided.</p> |
| <p><b>S4 Ecological Impact</b></p>  | <p>PS4</p>                                |

| Specific Outcomes  | Probable Solutions (code assessable)   |
|--|--|
| <p>Wind farms do not have significant adverse impacts on ecological values and processes or on the sustainability of fauna populations in areas of state environmental significance.</p>   | <p>a) Where possible, wind farms should not be located in areas of state environmental significance.</p> <p>b) Where a wind farm or part of a wind farm is located in an area of state environmental significance, any significant adverse impacts on ecological values and processes or on the sustainability of fauna populations are minimised.</p> |
| <p><b>S5 Noise Impact</b></p> <p>(a) Wind farm turbines and associated infrastructure are located, designed, constructed and operated in accordance with recognised standards with respect to noise emissions.</p> <p>(b) Audible and inaudible noise emissions resulting from wind farms that potentially impact on existing urban and rural development does not result in unacceptable levels (including cumulative impacts) of:</p> <ul style="list-style-type: none"> <li>(i) nuisance</li> <li>(ii) risk to human health or wellbeing</li> <li>(iii) ability to sleep or relax.</li> </ul> | <p>PS5 No probable solution provided.</p> <p><b>Editors Note</b>-development should consider the Environment Protection (Noise) Policy 2008 and the New Zealand Standard Acoustics – Wind farm noise (NZS6808:2010).</p>   |
| <p><b>S6 Blade Shadow Flicker Impact</b></p> <p>(a) Wind farm turbines are located to comply with recognised standards in relation to blade shadow flicker impact.</p> <p>(b) Blade shadow flicker from wind turbines that potentially impacts on an existing dwelling does not result in an unacceptable level of</p>   | <p>PS6</p> <p>a) The modelled blade shadow flicker impact on any existing dwelling does not exceed 30 hours per annum and 30 minutes per day.</p> <p>b) The measured blade shadow flicker at any existing dwelling does not exceed 10 hours per annum.</p>   |



| Specific Outcomes  | Probable Solutions (code assessable)   |
|--|--|
| annoyance.   |  |
| <p><b>S7 Radio &amp; Television Impact</b></p> <p>The wind farm has no adverse effect on pre-existing television or radio reception or transmission.</p>   | <p>PS7 No probable solution provided.</p>  |
| <p><b>S8 Wind farm access</b></p> <p>(a) The identified council-controlled external access route to the site is via roads that are of a suitable standard of construction for turbine transportation purposes.</p> <p>(b) Identified council-controlled roads utilised during construction and maintenance are of a suitable standard for the transportation of associated infrastructure and equipment, and are maintained to that standard during the life of the wind farm.</p> <p>(c) Noise, safety and dust impacts on land uses adjacent to the external access route do not cause nuisance.</p> <p>(d) Internal accesses are designed, located and constructed to avoid drainage lines and soil erosion.</p> <p>(e) Internal accesses are designed located, constructed and rehabilitated post-construction to a standard that ensures visual impact, earthworks, gradients, environmental impact and maintenance are minimised to acceptable levels.</p> | <p>PS8.1 Internal access gradients are no steeper than 1:5; or</p> <p>PS8.2 Internal accesses that are steeper than 1:5, or which cause nuisance or environmental degradation, are sealed.</p> <p>PS8.3 Where located in environmentally or visually sensitive areas the cleared width of accesses does not exceed 7m.</p> <p>PS8.4 Construction of accesses does not significantly alter the existing natural drainage pattern.</p> <p>PS8.5 Services are co-located within accesses where possible and desirable.</p> <p>PS8.6 Access impacts are controlled and minimised by a Construction Management Plan.</p> <p>PS8.7 Ongoing access impacts are controlled and minimised by a Maintenance Management Plan.</p> |

| Specific Outcomes  | Probable Solutions (code assessable)  |
|--|---|
| <p><b>S9 Wind Farm Construction Management</b></p> <p>Wind farm construction is managed to ensure that all associated impacts are controlled and maintained at acceptable levels and carried out at acceptable times.</p>  | <p>PS9.1 Construction and maintenance impacts are controlled and minimised to acceptable levels, times and site conditions by a Construction Management Plan and a Maintenance Management Plan.</p> <p>PS9.2 On-site construction activities that cause noise or nuisance are limited to 6:00 am to 6:00 pm, Monday to Saturday, with no construction activities on Sundays and Public Holidays.</p> <p>PS9.3 Transportation of infrastructure and equipment to the site on identified council controlled roads is controlled and impacts minimised to acceptable levels and times by a Management Plan.</p> <p>PS9.4 Filling and excavation does not result in cut or fill batters with heights or depths of more than 4 metres.</p> <p>PS9.5 Excavated material is not retained in stockpiles of more than 50 cubic metres for longer than one (1) month.</p> |
| <p><b>S10 Wind Farm Operational and Maintenance Management</b></p> <p>Wind farm management, maintenance and operations are managed to ensure that all associated impacts are controlled and maintained at acceptable levels and carried out at acceptable times.</p> <p>Escalating, adaptive management techniques and ongoing monitoring programs will be used to achieve this.</p> | <p>PS10 The following controls are developed and implemented:</p> <ul style="list-style-type: none"> <li>(i) management plans based on condition-pressure-response adaptive management techniques;</li> <li>(ii) specified ongoing monitoring programs;</li> <li>(iii) a Maintenance Management Plan.</li> </ul>  |
| <p><b>S11 Signage</b></p> <p>Signage and advertising devices are limited in scale and confined to site and development interpretation.</p>   | <p>PS11 No probable solution provided.</p>  |

| Specific Outcomes   | Probable Solutions (code assessable)   |
|---|--|
| <p><b>S12 Decommissioning &amp; Rehabilitation</b></p> <p>Comprehensive site decommissioning and rehabilitation is carried out when the use is discontinued to substantially restore the site to its pre-development state.</p> | <p>PS12</p> <p>The site is rehabilitated such that:</p> <ul style="list-style-type: none"> <li>(i) it is suitable for other uses compatible with the locality and the site's designations in the planning scheme; and</li> <li>(ii) the visual amenity of the site is restored;</li> <li>(iii) the sustainable ecological functioning of the site is maintained or improved;</li> <li>(iv) any agricultural function is restored;</li> <li>(v) wind farm infrastructure is removed from the site.</li> </ul> |

16. In Part 7 Schedules, Schedule 1 - Summary of Defined Uses, immediately following "Waste Management Facility", insert "Wind farm".

17. In Part 7 Schedules, Schedule 3 - Dictionary - Defined Uses, immediately following the definition of "Waste Management Facility", insert:

**Wind farm** means premises used for any turbines, building or other structure used in or in conjunction with the generation of electricity by wind force.