

Article Information

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Broader powers for the EPA under proposed policy changes for renewable energy projects in South Australia

The State Planning Commission has released a discussion paper on proposed policy changes to renewable energy projects in South Australia.

The State Planning Commission has released a discussion paper on proposed changes to renewable energy policy in the Planning and Design Code (**Code**). While consultation is not open until October when the draft Code will be released, the discussion paper flags key policy changes which will broaden the powers of the EPA and impose new set back requirements and land restrictions on renewable energy projects.

While by far the most extensive changes in policy relate to wind farm projects, large scale solar projects, solar thermal projects, grid-scale batteries, biofuel facilities and pumped-hydro systems can also expect some significant policy changes.

Policy tightening around dust, noise, amenity, decommissioning and rehabilitation will be introduced through the identification of zones where renewable energy facilities will be encouraged (where this will be in line with AEMO's renewable energy zones remains to be seen), overlays restricting renewable energy facilities in environmentally, scenic and culturally significant areas and new definitions, including for battery storage facilities, pumped-hydro and wave power generators.

It is proposed that while the EPA will still be a referral body, it will now have the power of direction for wind farm, energy recovery from waste and energy generation and storage projects over 30MW.

Once the Code is operational, a renewable energy guide will be prepared to specify minimum requirements for future applications of renewable energy policy.

We set out below, a summary of the key policy changes.

Wind Farms

Under proposed changes to Wind Farm Policy there will be a new significant power given to the EPA under Schedule 8 of the Development Regulation (soon to be Planning, Development and Infrastructure Regulations). While the EPA was always been a referral body for wind farm projects, the relevant authority was only required to have regard to any response by the EPA. Under the proposed changes the EPA will now have a power of direction. This means that the EPA can direct the relevant authority to refuse an application or approve with conditions the EPA thinks fit.

New set back distances will also apply to turbine heights over 150 meters with an additional 10 meter set back applying to every meter over 150 meters from turbines in township and settlement zones and urban areas. Other set back increases from 1 kilometre to 1.2 kilometres will also apply from the base of the turbine to non-associated dwellings.

Wind farms will be performance assessed on rural land and will be restricted development in areas under the significant landscape and character preservation district overlays. A further significant change is that the Category 2 notification for wind farms meeting set back requirements will be removed with all wind farms requiring public notification and additional notification and appeal rights for restricted proposals.

Large Scale Solar Projects

For the first time, large scale solar projects will be the subject of set back requirements and land restrictions. Large scale solar farms will require set backs of:

- 500 meters from national parks or conservation areas;
- 100 meters from townships; and
- 30 meters from neighbouring land.

In addition, there will be a restriction on the construction of such facilities on productive agricultural land and requirements for wildlife corridors and habitat refuges which will impact upon security and fencing options.

Decommissioning and rehabilitation will no longer be dealt with via planning consent conditions but will be the subject of formal policy requirements.

Pumped Hydro

While there are no specific policy changes proposed for pumped-hydro projects it is important to note that the Code will contain formal policy relating to design and operation matters. In particular the policy will require the design and operation of pumped-hydro systems to:

- minimise the risk of storage dam failure;
- minimise water loss through increased evaporation or system leakage, incorporating the use of liners, dam covers and detection systems; and
- minimise environmental impacts from site contamination from existing or former mine sites, including site contamination impacts from mine operations or water sources.

We will have to wait for the release of the draft Code to see how far the Policy will step into the design and operation space.

Battery Storage Facilities

There are limited policy changes which will impact battery storage facilities. By in large they relate to the introduction of perimeter landscaping requirements to obscure the industrial appearance of the facility.

There are no proposed set back requirements however the new policy will require (where practical) co-location with substation infrastructure to minimise environmental impacts.

It is proposed that the EPA will be the referral body for storage facility projects and will have the power of direction for projects over 30MW.

A link to a summary of the proposed policy changes can be [found here](#).

Stay tuned for the release of the Code in October when consultation will be open to the sector.

Once the draft Planning and Design Code is released in October, consultation will be open on the proposed policy changes. Contact one of our team if you would like assistance with a submission.