Renewing renewable energy policy – what is proposed to change in the Planning and Design Code?

The State Planning Commission ("SPC") has invited informal submissions on its Renewable Energy Discussion Paper, before public consultation on the next phase of the draft Planning and Design Code commences around 1 October 2019 this year. Councils now have the opportunity to make written submissions to the SPC, which may assist the SPC to draft a better renewable energy policy in the new Code.

The SPC's announcement cited that the Australian Energy Market Operator projected South Australia's renewable power could account for 73% of the state's total power consumption by June 2021. Councils now have an opportunity to contribute to the siting, planning and impacts of the renewable energy sources that are likely to be developed to make up that proportion of power consumption over (at least) the next two years.

The current South Australian Planning Policy Library Version 6 does not contain more than two Objectives and two Principles of Development Control to directly address renewable energy facilities. Further, they are designed to deal with wind farms as a primary source of renewable energy.

The *Discussion Paper on Proposed Changes to Renewable Energy Policy in the Planning and Design Code* proposes to consider a broader range of technologies and sources for renewable energy infrastructure. These include largescale wind farms, solar photovoltaic arrays, solar thermal plants, grid-scale batteries, biofuels facilities and pumped hydro systems, and other types of infrastructure investment that is expanding under current State and Federal government policy.

Importantly, the Discussion Paper states at page 6 that:

"The recently released State Planning Policies (SPPs) acknowledge that sustainable, reliable and affordable energy is essential in meeting the basic needs of communities and ensuring the long-term supply of key services across South Australia. In particular, SPP 12 provides support for the development of energy assets and infrastructure which are able to manage their impact on surrounding land uses, and the natural and built environment."

The SPPs are not directly relevant to development assessment but are relevant to the formation of development assessment criteria in that section 66(3)(f) of the *Planning, Development and Infrastructure Act 2016* requires the Planning and Design Code to comply with any principles the SPPs, including SPP12 Energy.

However, like the current South Australian Planning Policy Library Version 6, SPP12 Energy identifies only one principle relevant to the preparation of energy policy in the Planning and Design Code, as follows:

"The Planning and Design Code should implement State Planning Policies through appropriate zoning that encourages the mitigation of environmental impacts; screens sites to improve amenity; and enables emerging energy technologies to be accommodated. The Code should also identify infrastructure reserves that streamline the assessment of essential infrastructure."

This means Councils have an opportunity to make early, informal and direct submissions to the SPC about which zones should encourage (or discourage) renewable energy facilities, how overlays in the Code will be used to restrict the impacts of new (and previously untested)

facilities, and how the definition of renewable energy facilities can be revised and renewed in the Code.

The Discussion Paper also provides a helpful comparison table to demonstrate the difference between wind farm policy in the current system versus the new, as well as the following table to effectively introduce proposed policy on the untested forms of renewable energy that are to be contemplated in the Planning and Design Code:

FEATURE	CURRENT SYSTEM	NEW SYSTEM
Storage facilities – co-located with substation infrastructure	Nil	Co-location of battery storage facilities and substation infrastructure encouraged where practicable to minimise the development footprint and reduce environmental impacts
Large scale solar farms not located in land of high environmental, scenic or conservation value	Nil	Large scale solar farms discouraged from areas of high environmental, scenic or cultural value
Solar farms – wildlife corridors	Nil	Solar power facilities encouraged to assist with the movement of wildlife through: 1. incorporating wildlife corridors and habitat refuges; and 2. avoiding the use of extensive security or perimeter fencing; or 3. incorporating fencing that enables the passage of small animals without unreasonably compromising the security of the facility
Separation of solar farms from neighbouring property and other sensitive assets	Nil	Solar farms required to be setback: • 500m from conservation areas • 100m from Township and rural living areas • 30m from all neighbouring land
Hydro – minimise storage dam failure	Nil	Hydropower / pumped hydropower facility storage designed and operated to minimise the risk of storage dam failure
Hydro – minimise water loss	Nil	Hydropower / pumped hydropower facility storage encouraged to be designed and operated to minimise water loss through increased evaporation or system leakage, with the incorporation of appropriate liners, dam covers, operational measures or detection systems
Hydro – minimise environmental impacts from site contamination (mining sites)	Nil	Hydropower / pumped hydropower facilities on existing or former mine sites required to minimise environmental impacts from site contamination, including from mine operations or water sources subject to such processes, now or in the future

If you would like any further information or clarification about the proposed changes to renewable energy policy, or to make a submission on the Discussion Paper, please contact Cecilia Pascale on (08) 8113 7111 or cpascale@kelledyjones.com.au.