

Wind Farm Development Decision

June 2010

Development application for wind monitoring mast refused by planning authority

A recent decision made by the Development Assessment Panel (the **DAP**) of the Clare and Gilbert Valleys Council (a regional council in the mid-north of South Australia) may be a further sign of issues facing wind farm developers in obtaining planning approval for proposed new wind farms.

An Irish company, DP Energy Australia Pty Ltd (**DP Energy**), applied to the DAP for development plan consent to construct a temporary 60 metre high wind monitoring tower on a ridgeline of the Skillogalee Hills which are situated near the township of Watervale in the Clare Valley. The DAP refused to grant development plan consent on the basis that the construction of a wind monitoring tower would be incompatible with the objectives of the primary production zone in which the tower would be located. In particular, and amongst other things, the DAP held that the proposed development did not comprise development that protects primary production from encroachment by incompatible land uses, did not protect the scenic qualities of the area and did not contribute to the desired character of the zone.

We understand that the DAP was very receptive to the comments of objectors at the meeting. Objectors raised concerns that a wind monitoring tower would have no purpose other than to assess wind conditions and would therefore be inexorably linked to a future wind farm development. Objectors contended that a wind farm development would lead to an industrialisation of the rural landscape.

We are not aware at this stage of whether the applicant, DP Energy, intends to appeal the decision. It has two months from the date of the DAP's decision within which to appeal the decision.

It should be noted that the Clare and Gilbert Valleys Council has also recently expressed its reservations regarding wind farms in the area and are, apparently, intending to apply to the South Australian Government for a wind farm regional exclusion zone to be implemented in respect of the Clare Valley. It has been reported that the Council's application for the exclusion zone will be based on the need to retain the Clare Valley's scenic landscapes and will emphasise the importance of tourism to the region.

We believe the position being taken by the Clare and Gilbert Valleys Council and its DAP is concerning and illustrates the challenges which now confront wind farm development applications in South Australia.

Please do not hesitate to contact us if you have any questions or comments regarding the issues raised in this email.

This Alert is intended as an alert only. It does not purport to be a comprehensive advice. Readers should seek professional advice before acting in relation to these matters.

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Contacts:

For further information in relation to this alert, please contact:

Jeremy Schultz, Partner

Phone: +618 8235 7408

Email: jeremy.schultz@finlaysons.com.au

Katherine Hawker, Associate

Phone: +618 8235 7542

Email: katherine.hawker@finlaysons.com.au