

OUR REF: SK/lrm (DWS: 2290956)
YOUR REF:



5 June 2015

Senator John Madigan
Chair
Senate Select Committee on Wind Turbines
PO Box 6100
Parliament House
Canberra ACT 2600



Dear Senator Madigan

Re: Questions on Notice from public hearing in Portland 30 March 2015

In reply to your letter dated 25 May 2015, please find the attached comments in response to the questions on notice from Committee members.

Yours sincerely,

GREG BURGOYNE
Chief Executive Officer

Attachment:



Response to Select Committee on Wind Turbines:

QUESTIONS ON NOTICE FROM SENATOR URQUHART

- *If it's not too difficult to determine, approximately many residents live within a 5km radius of wind farms in your community?*

There are approximately 11,000-12,000 residents living within 5 kilometres radius of wind farms in Glenelg Shire Council.

- *Of these, how many people have made complaints to council about existing wind farms? Are you aware or does council keep data on whether any of these complaints relate to health problems that complainants believe are the result of turbine activity?*

Council is aware of six people (from three families) who have made written complaints about existing built wind farms. Further complaints from two people were received about Stage 4 of the Portland Wind Farm prior to its construction.

The written complaints are stored in full by Council. Most complaints submitted raise health problems that are stated by the complainants to be the result of turbine activity.

- *Could you provide a list of financial contributions provided to the community by wind farm proponents and the projects it has supported in the past three years?*

Pacific Hydro Pty Ltd would hold this data, not Council. This question is best directed to Pacific Hydro Pty Ltd.

- *The Victorian Government has taken over responsibility for planning authority over wind farms. Does council believe this is a positive development?*

The change of responsibility is for the assessment and approvals of wind farms only.

The current planning rules then direct responsibility for ongoing compliance back to Council after approvals are granted by the Victorian Government.

The inconsistency of responsibility for approvals and ongoing compliance enforcement of permits is problematic for Council. That is, Council is made responsible for compliance of the decisions made by the Victorian Government which may be beyond the capacity of Councils or may not be achievable.

Council considers that a positive development would be the ongoing responsibility for compliance of such permits by the Victorian Government.

- *How much money do wind farm proponents contribute to your council in rates annually? What proportion of your rate income base does this represent? What sort of things has this extra income allowed council to do? Could this extra income have prevented potential rates' increases for residents?*

(a) For 2014-15 rating year \$207,100.00 was paid by the wind farms, which is 0.90% of the total rate income.

(b) The rate income from wind farms is part of the general revenue of the Council budget and is not allocated to any specific project.

(c) Yes, however the rate income from wind farms has little impact on rate increases.

OTHER QUESTIONS

- *Given council's experience with complaints arising from the operation of the Cape Bridgewater Wind Farm, if we are to protect rural communities from nuisance, can we rely on a wind farm noise standard that only considers audible noise and doesn't consider vibration and low frequency noise components and associated impacts?*

Council's experience notes that complaints persist despite having received reports from the operator (via the Minister for Planning) that they comply with NZS 6808:1998.

Council lacks the necessary expertise to answer this question. A letter has been sent to the National Health and Medical Research Council encouraging further study into the health impacts of wind farms. They have responded advising that a study has been funded to investigate the health impacts of wind farms.

- *While acknowledging council's support for the renewable sector and clean energy investments, would council have confidence in taking responsibility for the enforcement of any other wind farm permits that were issued under current Victorian planning guidelines and operated only to meet noise compliance to the current New Zealand standard? Should additional obligations relating to vibration and low frequency noise be adopted in order to offer greater guidance for councils and improved protections for communities?*

Undertaking the ongoing enforcement of wind farm permits is problematic for Council where the decision is made by State Government. The decision makers are unlikely to have had any significant experience in ongoing operational compliance of wind farms. In this scenario there is low confidence in compliance of the wind farm being achievable.

Further if the rules changed, this would need to consider how existing wind farm permits would impacted. For example if new rules found the \$1 billion Macarthur Wind Farm (in Moyne Shire Council) non-compliant, would there seriously be an expectation that a small rural Council be taking legal action to shut down such a major private investment?

In Council's submission it was stated that having national guidelines would assist Councils in both monitoring and addressing complaints against state legislation. This will provide consistency for industry, residents and responsible authorities in developing and operating wind energy facilities.

- *Will council undertake to make an application to VCAT for an enforcement order on behalf of its residents and ratepayers who remain impacted by the operational nuisance of the Cape Bridgewater Wind Farm?*

Council is not making an application to the Victorian Civil and Administrative Tribunal (VCAT) for an enforcement order.

Currently the wind farms are operating based on the standards required at the time and under approvals by the Minister for Planning. Council does not possess any information/evidence that identify breaches of these standards.

Councils and governments rely on peak bodies to provide updated standards/guidelines for the assessments of applications.

- *Who is responding to complaints and protecting the reasonable interests of those reporting to be nuisanced in Cape Bridgewater?*

Council has responded to resident's complaints with the advice in the previous point above. Residents are able to take their concerns directly to VCAT where they believe they are being nuisanced.

- *Has Glenelg Shire ever acted in the capacity of the Responsible Authority in relation to the enforcement of noise conditions at Cape Bridgewater Wind Farm development?*

Council has not acted in this capacity as it does not have authority to do so. The authorising conditions dictate that the State Government Minister for Planning is responsible.

- *Who is currently acting as the Responsible Authority in relation to the enforcement of noise conditions at Cape Bridgewater Wind Farm development*

The State Government Minister for Planning is responsible.

- *Which authority oversees Pacific Hydro's Noise complaint and evaluation procedure, originally outlined in Attachment 17 of Pacific Hydro's Development Application?*

The noise complaint and evaluation procedure was approved by the Minister for Planning. The register of complaints can be inspected by the Minister however there are no conditions outlining an authority to oversee it. Based on the wording, the wind farm operator is the 'highest authority' on how noise complaints are monitored and addressed. Only a legal challenge to VCAT or a court of law is available to take complaints further.

- *Does council hold any evidence or have access to any acoustic or power output data which can support that Pacific Hydro is indeed operating 13 of Cape Bridgewater's turbines in the required 4B or 5B adjusted modes as necessary to comply with NZS 6808:1998 and meet its obligations under the Planning and Environment Act? And if not council, which regulatory authority does have regulatory oversight?*

Council was provided a copy of the Noise Impact Assessment as part of endorsed plans for Portland Wind Energy Facility. The Minister for Planning is the regulatory authority for these plans.

- *Should an independent authority with powers to demand all SCADA data, operational modes and wind farm information from operators be set up, is this what you think would work? If an independent authority were to be set up to monitor and enforce compliance with the required standards and terms of conditional planning consent, would this be an outcome that might assist councils to access specialist support with the technical capacity to properly administer and regulate wind farm planning permits? Would this sort of initiative improve community confidence in wind farm regulation?*

The Environment Protection Authority (EPA) is already set up in Victoria to monitor and enforce compliance over pollution including noise. However to date the EPA have excluded themselves from being involved in wind farms. The Municipal Association of Victoria (MAV) has recently brokered an agreement with the EPA to provide a fee paying service for technical expertise in examining wind farm noise emissions.

If the EPA played a greater role with regulatory oversight and clear guidelines for monitoring wind farms it would be more effective and therefore improve community confidence in wind farm regulation.