

From:
To:
Subject: RE: Environment and Communications Committee Question on Notice
Date: Friday, 23 November 2012 5:11:12 PM
Attachments: [image001.png](#)

Dear Ian,

Thanks for your request for clarification in relation. I've provided responses to the questions as follows:-

- 1) As was outlined to the meeting chair during my verbal submission to the hearing, the Pyrenees Shire have neither the financial or skill base required to oversee either the assessment or enforcement of wind farm planning permits. As outlined in our submission, we have been provided with legal advice from various planning lawyers and a QC, which was also supported by a recent VCAT decision confirming that under the *Planning and Environment Act* the Victorian Minister for Planning is responsible for both the administration and enforcement of any wind farm permit over 30 mega watts in capacity that was previously 'called in' under the provisions of Section 96 of the *Planning and Environment Act*.
- 2) Your extract from my submission appears to have omitted some key points that were made. I stated that the Pyrenees Shire were not against the idea of a national noise standard, but indicated that potential legal issues may arise if the proposed approach was adopted, due to conditions on wind farm planning permits in Victoria prescribing a different noise level than that proposed to be adopted. Given that wind farm noise standards vary between states, it was recommended that the committee seek further legal advice in relation to the legality of the proposed approach of adopting a national noise level that may differ from currently prescribed state standards.
- 3) The last part of the third point you are seeking clarification in relation to has also been incorrectly noted. I suggested that for the assessment of future applications one option to consider might be varying the current Victorian wind farms regulations to allow the some or all of the costs of determining compliance with the relevant noise standards to be deferred to the wind farm permit applicant.

Regards,

Chris H

Chris Hall | Senior Town Planner

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From: Stewart, Carol (SEN)
Sent: Tuesday, 20 November 2012 11:40 AM

To: Chris Hall

Subject: Environment and Communications Committee Question on Notice

Dear Mr Chris Hall,

Thank you for your evidence given to the Environment and Communications committee at its hearing on 14 November. Following the hearing, the committee has asked if you could respond to the questions on notice below.

- . Is the Pyrenees Shire Council adequately resourced to cope with the amount of work attributed by wind farms?
- . I refer to your submission (2nd page, 4th paragraph): "We would also recommend that rather than adopting a national noise level outlined in proposed Section 14(2) (a) that the relevant state standards for noise compliance be maintained. In the case of the NZ6808:1998, which is the standard used to measure noise at most wind farms in Victoria is a noise level not exceeding 5dBA above the background noise level when measured outdoors 10 metres from a dwelling or 40dBA, whichever is the greater." Why do you support this state noise standard above the standard proposed by the amendment?
- . I refer to your submission (2nd page, last paragraph): If the proposed amendments to amend Section 30E(4) of the Renewable Energy (Electricity) Act are enacted we believe that the Responsible Authority, being DPCD will need to be suitably resourced with both staff that have the required technical knowledge and testing equipment required to determine compliance with the noise standard. Alternatively they will need to make the financial resources available to engage independent acoustic consultants to assess and determine compliance with the relevant noise standards." While it is agreed that the DPCD will need to be adequately resourced, would it not be a better solution to ensure that the costs of compliance testing are directed towards the proponent?

The committee would appreciate answers being received by COB Friday 23 November 2012. If you will be unable to meet that deadline, please advise me at the first possible opportunity.

If you have any questions, please do not hesitate to contact me.

Regards

Dr Ian Holland

Secretary, Senate Community Affairs committee

Secretary, Senate Environment & Communications committee inquiry into the renewable energy (wind farm noise) bill

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