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The Director
General Purpose Standing Committee No. 5
Legislative Council
Parliament House, Macquarie Street
Sydney New South Wales 2000
By email: gpscno5@parliament.nsw.gov.au

Dear Director

**SUBMISSION TO NSW GENERAL PURPOSE STANDING COMMITTEE NO. 5 INQUIRY INTO
RURAL WIND FARMS REPORT**

The Clean Energy Council (CEC) is the peak industry body representing the renewable energy and energy efficiency sectors in Australia. Its membership encompasses the majority of large wind farm developers and operators, manufacturers of turbines and components, and consultants and others supporting the expansion of the industry. The Council welcomes the opportunity to make a submission to this report on behalf of the wind energy industry.

GENERAL COMMENTS

The Clean Energy Council has submitted and presented to the General Purpose Standing Committee No. 5 (Committee) at various phases of this inquiry.

As the peak industry body representing the wind energy industry, the CEC maintains that wind energy is an integral part of the renewable energy mix geared to reduce greenhouse gas emissions from electricity productions.

We would like to strongly emphasise to the Committee that these recommendations are onerous to wind farm planning and tedious for the overall processes of wind farm applications. Collectively and individually these recommendations will impede New South Wales' objective "to do the heavy lifting and help the nation meet the 20 per cent Renewable Energy Target by 2020" (19 August 2009 Former Premier Rees). In addition, adoption of some of these recommendations would inevitably result in increased wind energy facility investment in other

States to the detriment of NSW. The CEC supports the pro-active reforms introduced by the NSW Government in August last year to prepare for and attract this investment.

RECOMMENDATION 4

The recommendation to re- implement Local Government approval of wind monitoring towers would mean an unnecessary step in the process of collecting on-site wind data. The amenity impact of wind monitoring towers is absolutely negligible, and therefore there is no rationale for reinstating this requirement.

RECOMMENDATION 5

The objective of the Protection of the Environment Operations Act 1997 is to require the Minister for Climate Change and the Environment to “perform particular tasks in relation to the quality of the environment, environmental audit and reports on the state of the environment in the form of a licence.” When large sources of pollution are required to comply with on-going operations, a licence to regulate is created. However, wind farms are not an on-going source of pollution as their compliance is established during initial stages of design.

In Western Australia, South Australia, Victoria and Tasmania, the noise conditions are included within the planning permit process. In South Australia the SA EPA is the statutory body that reviews the noise wind farm planning and design applications which are provided to the local Council. This process is sufficient prior to commissioning the wind farm and allows the control of the noise process to remain within the Council. Expertise is then provided to them by the SA EPA.

RECOMMENDATION 7

Setting of an arbitrary minimum distance not based on the rigorous scientific processes that wind farm developers currently undergo is counter-productive. Establishing a buffer distance for wind farm planning is not consistent with other infrastructure planning assessments. Wind farm developers should be subject to the same planning and development principles as other developments in NSW.

Currently all wind farms undergo thorough noise and visual assessment during planning stages which take into account the setback distances from residential dwellings. Where recorded data and modelling allow, turbines are located with significant consideration to residential dwellings.

By fixing the setback distances, the performance of the wind turbine is compromised and the overall output of the wind farm will be less than optimal. In some situations this could harm the economics of the wind farm to the extent where it is not viable. This would therefore have a severe impact on NSW’s effectiveness in producing large scale renewable energy generation.

RECOMMENDATION 9

The current **Best Practice Guidelines for Wind Farm Developments** developed by the Clean Energy Council (then Auswind) in 2006 outlines the best methodology for decommissioning wind farm sites. It is also currently covered in the Environmental Assessment component and planning approval conditions of the wind farm which stipulate that the owner of the wind farm is responsible for the decommissioning. There are no set time periods that can be allocated to this process as it depends on many factors, including the size, number of turbines and complexity of the site. Payment of a decommissioning bond is a completely unnecessary and onerous requirement as the scrap value for the wind turbines more than pays the cost of disassembling and removing them, and this is only going to be more so in the future as steel & copper prices rise.

RECOMMENDATION 10

By implementing this recommendation, delays in the planning and approval process for wind farms which in turn limits on the amount of wind farms developed in NSW by 2020. If an amendment to Section 29 of the Environmental Planning and Assessment Act 1979 is sought then all industries should adhere to this extension of consultation time. However by only including wind farms in this recommendation wind farms are separated from other infrastructure developments, which is in the least, not appropriate.

RECOMMENDATION 11

There is no development activity in NSW, or any other state, that requires neighbours of an infrastructure project to be paid off. Such a provision would end wind farm development in NSW and set an unrealistic precedent for future NSW highways, powerlines, and fossil fuel generation plants which have detrimental amenity impacts to a greater number of neighbours.

RECOMMENDATION 17

Existing noise guidance that relates to NSW developments include:

- SA EPA guidelines for wind farm noise, 2003 (Note: the SA EPA has recently updated this document, which may, or may not, be adopted by NSW)
- Australian Standard DR 07153 CP Acoustics. *Measurement, prediction and assessment of noise from wind turbine generators* (Note: approaching finalisation)

The CEC does not recommend another set of “rules” be created as these documents are more than sufficient to for wind farm developers to be guided by during planning and approval stages. Additional, conflicting guidance would complicate the approval process for the NSW community. More recently New Zealand has released its new Acoustics – Wind farm noise Standard (NZS 6808:2010), which could also be used in NSW.

RECOMMENDATION 21

Funding to communities has always been of voluntary nature from wind industry developers and is embraced by the industry. This funding is a distinctly different part to the planning approval process which is regulatory and functional. If the Minister for Planning was to enforce the establishment of such community funds using the development of guidelines, the merit of these would come under scrutiny. Forcing developers to make mandatory community funding provisions complicates and impedes the ability of wind farm owners to make voluntary community grants.

If you have any further questions on these issues please contact the undersigned to discuss this submission in further detail.

Yours sincerely

Rob Jackson
Deputy Director