



National Wind Farm Commissioner

Presentation to COAG Energy Council

Melbourne – 14 December 2016

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www.nwfc.gov.au

Agenda

- The role of the Commissioner
- Achievements to date
- Complaint statistics
- State Government considerations for improvement

Role

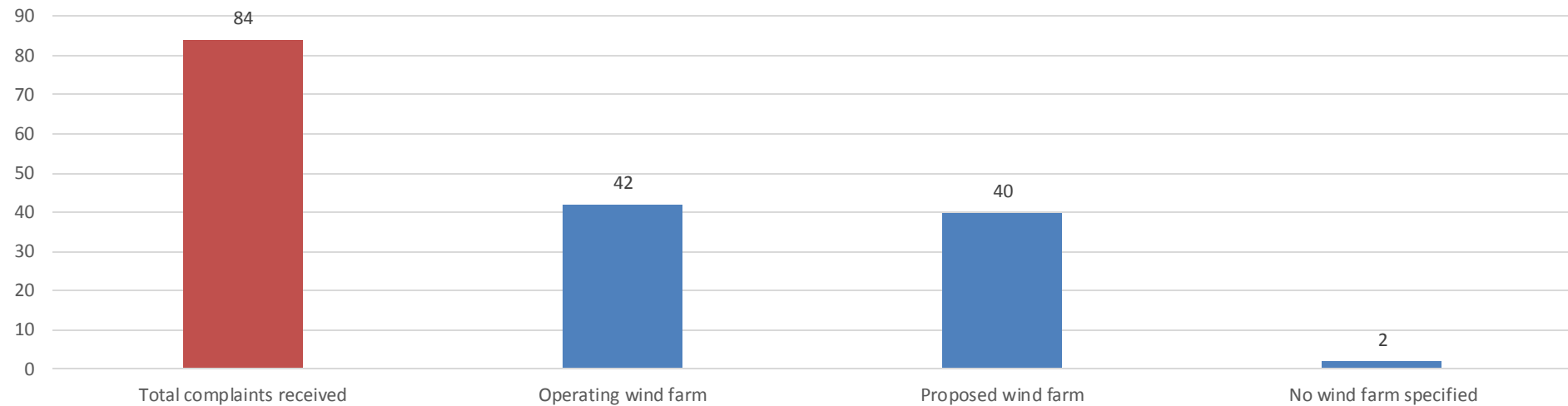
- Commenced in November 2015 for a three year term to:
 - ✓ Facilitate the handling of complaints from concerned community residents about planned and operating wind farms;
 - ✓ Identify and promote best practices for industry and government to adopt with regard to the planning and operation of wind farms; and
 - ✓ Improve information access and transparency about proposed and operating wind farms.
- Independent role – reporting directly to the Minister for the Environment and Energy
- Commissioner’s Terms of Reference at www.nwfc.gov.au

Achievements to date

- Extensive stakeholder engagement – government, community, industry and experts
- Site visits to operating/proposed wind farms and complainants
- Establishment of office and employment of staff
- Implementation of complaint policy, systems and process
- Independent web-site launched – www.nwfc.gov.au
- Received and handling a wide variety of complaints
- Identification and address of common systemic issues
- Identification and promotion of best practices

Complaint statistics

(as at 30 Nov 2016)

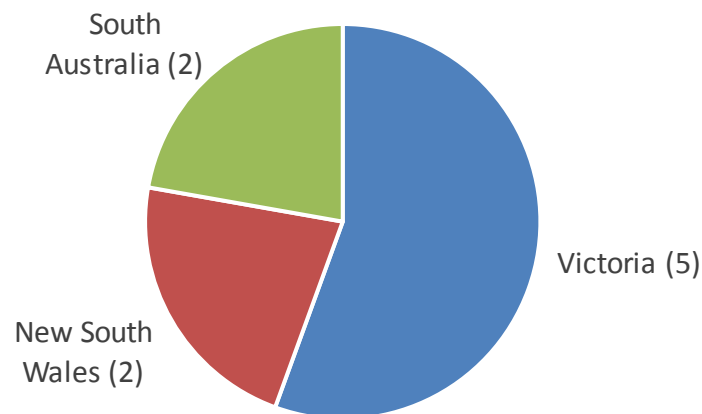


- 42 complaints are from 9 operating wind farms
- 40 complaints are from 20 proposed wind farms
- 2 complaints did not specify a wind farm
- 61 cases closed, remaining 23 cases at various stages of our complaint handling process

Complaint statistics – Operating wind farms

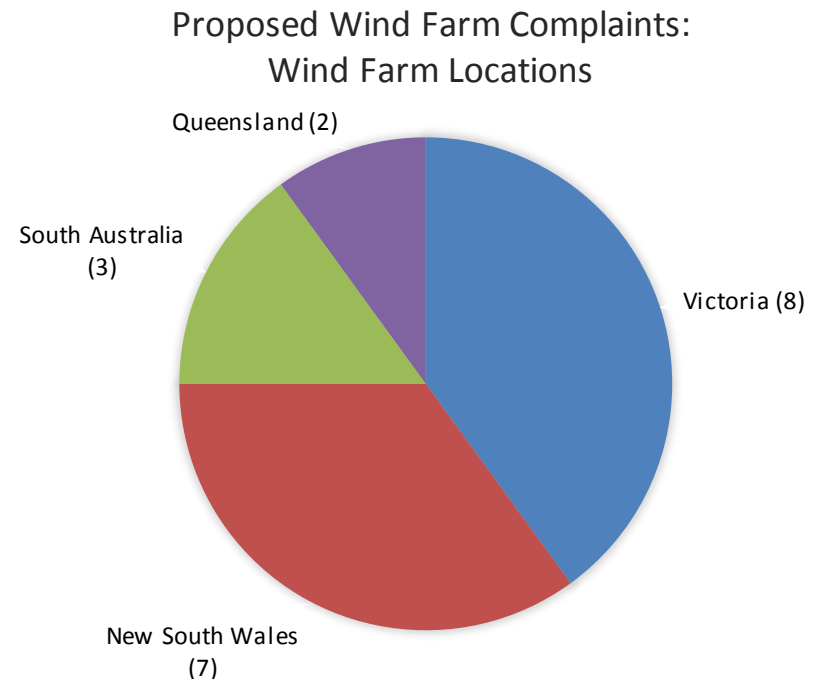
- 42 complaints about nine operating wind farms:
 - Victoria – 23 complaints
 - NSW – 5 complaints
 - South Australia – 14 complaints
- 27 of these cases have been closed

Operating Wind Farm Complaints:
Wind Farm Locations



Complaint statistics – Planned wind farms

- 40 complaints about 20 proposed wind farms:
 - Victoria – 13 complaints
 - NSW – 16 complaints
 - South Australia – 9 complaints
 - Queensland – 2 complaints
- 32 of these cases have been closed



Top 8 complaint issues

- Complaint issue type in order of prevalence:
 - Noise and annoyance from operations (including noise testing process and noise standards)
 - Health concerns
 - Planning process and transparency
 - Economic loss (property & opportunity)
 - Amenity and impact on views
 - Vibration
 - Community engagement
 - Natural environment
- Resolutions range from provision of helpful information through to commercial settlements

Improvement opportunities for state governments

- Standard setting, governance & compliance
- Expert selection and review
- Complaint handling
- Planning and locations

Standard setting, governance & compliance

- Encourage engagement of independent state based EPAs in the setting and governance of environmental standards for wind farms
- States should consider the role of EPAs to include:
 - Set and maintain the noise and environmental standards applied to wind farms
 - Reviewing planning applications and recommend permit conditions
 - Where practical, issue and monitor license conditions for the operation of the wind farm
 - Facilitate peer review/independent audit of reports, testing and modelling programs (e.g. noise testing, shadow flicker, environmental impact) that are required for permit
 - Receive and investigate noise and environmental complaints
 - Confirm, or otherwise, compliance of a wind farm with regard to noise and environment permit requirements
- Opportunity to also harmonise noise and environmental standards across jurisdictions – yielding consistent approach for industry, experts, planners as well as standards to be expected by the community

Expert selection and review

- Planning process and oversight of wind farm development relies heavily on proponent selected and paid for experts
- These include acousticians, environmental consultants, visual amenity consultants and experts who model shadow flicker
- Process relies on predictive modelling during the planning phase (to obtain the permit) and then post-construction testing to confirm accuracy of models and therefore compliance
- Can create the perception of conflict of interest, both in the commercial arrangements between proponent and expert, as well as the fact that the expert tests their own modelling for accuracy.
- States should consider:
 - Independent selection of experts used during the planning phase, e.g. from an approved panel
 - Requirement to use a different expert to test the operating wind farm from the modelling expert
 - Peer review of expert's process and reports by a government appointed auditor
 - Ability of auditor to identify and recommend non-compliance

Complaint handling

- Wind farms are required to submit a complaint handling procedure for endorsement as part of the permit conditions
- Typically, the complaint procedures are limited to noise and construction complaints only
- Through our complaint handling activities, we have found that, while complaint handling procedure documents do exist, few have been published on web-sites and procedures are not being followed by wind farm operators
- We have approached a number of wind farms and requested their complaint handling procedure be published – all have complied/agreed to date.
- States should consider:
 - To expand the complaint handling procedure requirement to include all complaint types
 - Introduce a permit condition requiring the complaint handling procedure to be published
 - Introduce a permit condition requiring the complaint handling procedure to be followed
 - The ability and powers to audit a wind farm's complaint handling activities and complaints register to confirm compliance with the procedures and therefore the permit

Planning and locations

- Our experience so far indicates there is a much higher likelihood of issues and community concerns when proposed or operating wind farms are located near, or, in more populated areas
- There can be also multiple proposed wind farms in a geography, having the potential to surround a resident – leading to compounding noise, amenity and other issues
- Conversely, there are minimal issues with wind farms located on large land holdings or land areas well away from neighbours and residents
- According to CEC/CEFC data, there is approximately 4x the amount of wind generation capacity in the project pipeline versus capacity required to meet 2020 RET targets.

(Continued...)

Planning and locations (cont.)

- States should consider:
 - A review of wind farm project pipelines and prioritising those projects which are least likely to affect residents and communities
 - Once a wind farm has been approved and has commenced construction, re-review the appropriateness of adjoining proposed wind farm projects for any compounding affects on residents and reserve rights to vary permit approvals
 - A review of current and planned transmission infrastructure and grid augmentation to provide grid locations/connections in more appropriate locations for wind farm development
 - Use of “reverse auction” schemes (e.g. ACT) to encourage and support wind farm projects in preferred locations as well as promote best practice community engagement
 - Processes to obtain clear evidence from the proponent of their consultations with affected landowners and that appropriate host and neighbour agreements are in place

Questions?