

REVIEW OF THE NATIONAL WIND FARM COMMISSIONER

The Climate Change Authority is an independent statutory body established to provide expert advice on climate change policy issues.

The Minister for the Environment and Energy, the Hon Josh Frydenberg MP, has asked the Climate Change Authority to conduct a special review of the role of the National Wind Farm Commissioner.

At the time the National Wind Farm Commissioner was established, the Government said it would review the role in 2018. This review responds to that undertaking. The Terms of Reference for the National Wind Farm Commissioner are attached. The Authority is asked to consider to what extent the Commissioner is fulfilling its Terms of Reference, the ongoing need for the role, its scope and possible models for funding. The Authority's Terms of Reference for this special review can be found on the Authority's website. More information on the role of the Climate Change Authority is available at www.climatechangeauthority.gov.au. Information on the National Wind Farm Commissioner is available at www.nwfc.gov.au.

Submission Instructions

Submissions are invited until 13 April 2018.

Submitting via email

submissions@climatechangeauthority.gov.au

Submitting via post

Submissions
Climate Change Authority
GPO Box 787
ACT 2600

Contacts

Should you require further information about making a submission, please contact the Climate Change Authority on freecall 1800 475 869 or via email at enquiries@climatechangeauthority.gov.au.

Overview

Submissions on the National Wind Farm Commissioner review are invited, ideally using this template to assist with the Authority's analysis of submissions. However, organisations and individuals wishing to make submissions should not feel constrained by the questions below and should feel free to provide any comments they wish. The Authority is also happy to accept submissions in other forms, including letters or emails.

Contact Details

Name of Organisation:

Name of Contact, Role: John Zakula Local Resident

Contact Phone Number: [REDACTED]

Contact Email: [REDACTED]

Confidentiality

All submissions except those made in confidence will be published on the Authority's website.

For submissions made by individuals, all personal details other than your name and the state or territory in which you reside will be removed from your submission before it is published.

Do you want this submission to be treated as confidential? Yes No

1. Have you interacted with the National Wind Farm Commissioner on a complaint about a proposed or operating wind farm? If so, please tell us about the nature of the complaint.

In particular:

- I. Did the complaint relate to an existing or proposed wind farm, or was it a general complaint?**
- II. What was your role in the process - were you the complainant or was the complaint made against you or your company?**
- III. If the complaint was about a specific wind farm, in what state and local government region is it located?**

Person Initiating Complaints: John Zakula
Facility in Question: Bald Hills Wind Energy Production Facility
Location: Tarwin Lower, South Gippsland, Victoria
Commissioned: March 2015
Complaints Began: July 2015
Local Government: South Gippsland Shire Council
CEO of SGSC: Tim Tamlin

Complaints were raised by John Zakula and eight neighbouring property owners of the excessive noise levels and the non-compliance of the Bald Hills Wind Energy Production Facility

Complaints were raised with BHWEF, SGSC, Minister for Planning, Local Member Danny O'Brien, and numerous other agencies.

A complaint was also raised with the National Wind Farm Commissioner Mr. Dyer in 2016.

I was initially contacted by the NWFC by telephone and I discussed my concerns. I was later contacted in writing and provided written information as requested by the NWFC.

On the 3rd August 2016 Andrew Dyer and associates presented at my property and met with me and a number of other neighbour complainants. My lawyer was also present. Our concerns were raised with the NWFC of the continuous excessive noise developed by the BHWEPF and the impact it was having on our wellbeing and in particular sleep disturbance and the physical side effects

The issue of noncompliance of the BHWEPF was also raised the NFWC. The noise levels are so high that they can clearly be heard inside people's homes. The noise produced is of a continuous drone with specific cyclic actions, Consequently people find it difficult to get to sleep and their sleep is constantly disturbed.

Mr Dyer received and acknowledged our complaints and advised that he would make further inquiries and dually respond to our complaints.

He advised in writing that the BHWF considered complaints under their complaints process and our concerns would be considered. Reports from BHWF refuted our complaints and advised their operations complied with permit conditions.

The interaction with the NWFC following the August 2016 meeting was minimal and our complaints were not addressed.

The NWFC has ignored and clearly demonstrated his lack of concern and interest in our complaints.

No further communication into the matter of our complaints was received

The outcome of the NWFC is effectively, negligible

3. The Terms of Reference for the National Wind Farm Commissioner say that the Commissioner will lead efforts to promote best practice, information availability and provide a central, trusted source for disseminating information. Do you have any comments on this aspect of the Commissioner's role?

Complaints were raised with the SGSC to investigate the noise complaints under the Health and Wellbeing Act. The SGSC failed to do this and were consequently summoned to appear in the Supreme Court in Melbourne.

The CEO of the SGSC Tim Tamlin was ordered to appear and make an oral examination under oath on 20 March 2018.

During his testimony he referred to discussion he had with Mr Dyer on how the matter of complaints could be managed. A copy of the transcript is attached. S CI 2017 05166, page 109 line no 23 to 31.

“ Andrew is of the view that a good step for council is to develop a policy for the processing complaints, and essentially this would be that if the wind farm is operating normally, with its permission under the planning regime, the council deems it not to be nuisance”

“it's definitely Andrews idea”

My lawyers email to Mr Dyer to confirm these comments is also attached.

Mr Dyer is a divisive, deceptive hypocrite and not worthy of the position of NWFC.

Mr Dyer is clearly in breach of his Terms of Reference and has demonstrated his total contempt toward the people he is supposed to be representing and who require support.

The position of NWFC was established by the government to appease criticising of the wind industry .The NWFC is not independent and clearly has no intentions of supporting stakeholders and interface

There are serious questions to be asked, what the motives were for creating such a position?



4. Do you think there is an ongoing need for the Commissioner? Do you see this changing in the future? If so, how?

From our experience and communications with other stake holders in Victoria, the general consensus is that the NWFC is not independent has not considered the interests and concerns of stakeholders.

The NWFC is considered a proxy of the wind farm industry, ensuring government policy is not obstructed.

NWFC, established following the Senate Review Findings of 2105, has failed to meet the Terms of Reference that have been assigned to him.

A recent report from the NWFC identifying no adverse effects emanating from wind energy production facilities is of concern and we believe unsubstantiated.

Most common complaints are related to sleep disturbance and sleep deprivation.

On what bases and scientific evidence did the NWFC derived his conclusions?



5. Do you think the Commissioner’s scope, which is currently focused on proposed and operational wind farms is sufficient? Or should it be expanded to other large scale renewable energy projects, such as solar and storage?

6. The Office of the National Wind Farm Commissioner is funded from the Commonwealth budget at a cost of approximately \$676,000 per year. Do you think the Commissioner’s office should continue to be funded in this way or should other funding models (like cost recovery from industry) be considered?



7. Do you have any other comments about the role of National Wind Farm Commissioner?

Attachment: National Wind Farm Commissioner Terms of Reference

The negotiated settlement of the Renewable Energy Target in mid-2015 is expected to lead to increased construction of wind turbines in the next five years.

The Senate Select Committee on Wind Turbines, held during 2015, identified many issues of concern relating to the standards, monitoring and operation of wind farms.

The Government responded positively to the recommendations of the Committee's Interim Report, including creation of the role of a National Wind Farm Commissioner.

The Commissioner will work collaboratively with all levels of government, scientists, industry and the community to resolve complaints from communities about proposed and operational wind farms.

The Commissioner will refer complaints about wind farms to relevant state authorities and help ensure that they are properly addressed.

The Commissioner will work with stakeholders to identify needs and priorities for monitoring wind farms.

The Commissioner will lead efforts to promote best practices, information availability, and provide a central, trusted source for dissemination of information.

The Commissioner, supported by the Australian Government Department of the Environment, will report to the Minister for the Environment and provide an Annual Report to the Australian Parliament on delivering against these Terms of Reference.

The work of the Commissioner will not duplicate or override the important statutory responsibilities of other jurisdictions, such as those relating to the planning and approval of wind farms.

The Commissioner is to draw on the work of the Independent Scientific Committee on Wind Turbines.

The role of the National Wind Farm Commissioner will be established for an initial period of three years and will be reviewed by the Australian Government.