

# Submission template

## 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](http://www.climatechangeauthority.gov.au). Information on the National Wind Farm Commissioner is available at [www.nwfc.gov.au](http://www.nwfc.gov.au).

### Submission Instructions

Submissions are invited until 13 April 2018.

#### Submitting via email

[submissions@climatechangeauthority.gov.au](mailto: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](mailto: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:**Michelle  
Evans

**Contact Phone Number:** [REDACTED]

**Contact**

**Email:** [REDACTED]

**Date:**11/04/2018

## 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?**

I lodged a complaint along with 4 other residents about the current layout of the proposed Moorabool South Wind Farm (located in Victoria) in November 2016, (CAS01033). We initially tried to negotiate directly with proponent Goldwind who had recently acquired the permit to build 57 turbines. Past negotiations with the previous proponent Westwind and letters to relevant government planning authorities had been fruitless. We are requesting a review of the current layout that has turbines located as close as 1050 meters to neighbouring homes, citing potential noise issues and loss of rural amenity. The initial planning panel process saw few concessions for legitimate concerns about the high concentration of turbines and the permit was issued without proper assessment of the local impact on neighbours, in particular the cumulative effects of the northern section of the Moorabool Wind Farm (comprising 50 turbines) and the recently constructed Yaloak Sth Wind Farm (comprising 14 turbines to the east). If constructed as proposed, the settlement of Mount Wallace will be "transformed into an energy production zone", as conceded by the state government appointed planning panel in its report and subsequent recommendation of the granting of the permit in 2010. We have identified and requested the removal/relocation of 11 of the 57 turbines proposed for Moorabool South that we believe would significantly reduce the impact on near neighbours and the district more broadly, in order to preserve somewhat the existing panoramic prospect views. We have not been able to secure that review from Goldwind, and have no avenue of appeal via democratic processes. It seems that our district will be swamped with turbines, and amendments to turbine height (from 150 meters to 172 meters) currently before the minister will be likely be approved without appropriate assessment. Despite ticking all the appropriate bureaucratic boxes with the assistance and guidance of the NWFC, and promises of rigorous process from planning authorities, we are not confident that the approved layout will be altered, unfairly exposing our homes to the saturation of industrial wind turbines. If this is the case, our complaint will remain unresolved and current, as the NWFC has been our only trusted avenue of appeal for fairness.

**2. If you have interacted with the National Wind Farm Commissioner on a complaint about a proposed or operating wind farm, would you like to comment on how the complaint process was conducted?**

**In particular:**

- I. Were you provided with information about the process for dealing with your complaint?**
- II. Were you made aware that participation in the process to deal with your complaint by other parties (like state government agencies or wind farm operators) is voluntary?**
- III. Were you asked to provide information to assist the Commissioner in dealing with your complaint? Did you do so?**
- IV. Was your complaint progressed in a timely way?**
- V. Did the Commissioner work with wind farm proponents or operators and other bodies (like state or local government agencies) on the complaint?**
- VI. Were you satisfied with the process undertaken to resolve the complaint?**
- VII. Were you satisfied with the outcome of the complaint?**

From the beginning, the Commissioner took our complaint seriously which was a refreshing change from all previous interactions with government authorities. We were initially referred to Petra and tried to come to some agreement with Goldwind. The company decided to press ahead with the current layout and so further negotiation of turbine numbers had stalled. Andrew Dyer has been our contact since then. Mr Dyer has been of great benefit by instructing us about correct procedure and has had discussions with all stakeholders in order to facilitate greater understanding of everyone's interests. This was all conducted in a timely way with prompt responses to our on going queries. Since the complaint was lodged, other issues have become apparent, such as potential soil contamination of the wind farm site from runoff from the nearby Fiskville site. The Victorian



EPA is currently conducting an audit of the district in relation to PFAS/PFOS contamination detected at a neighbouring property. Again, when we raised this issue with the Planning Minister The Hon Richard Wynne, and the Victorian Wind Farm Manager Mr Juttner, we receive no assurance that our concerns would be investigated. The Minister's office indicated that developer Goldwind would manage the risk. Mr Juttner has not responded at all. We are indeed grateful that the audit is being conducted. Mr Dyer has been very helpful towards this goal. Mr Dyer has acted with the highest integrity and honesty and can be relied upon to take our concerns seriously. This is a stark contrast with the consistent stone walling we experience from all other levels of government authorities. The complaint process hasn't delivered us a reduction of turbines but that is not because of the NWFC, but rather the unwillingness of both the developer Goldwind and state government authorities to negotiate a fairer outcome for the residents of Mount Wallace.

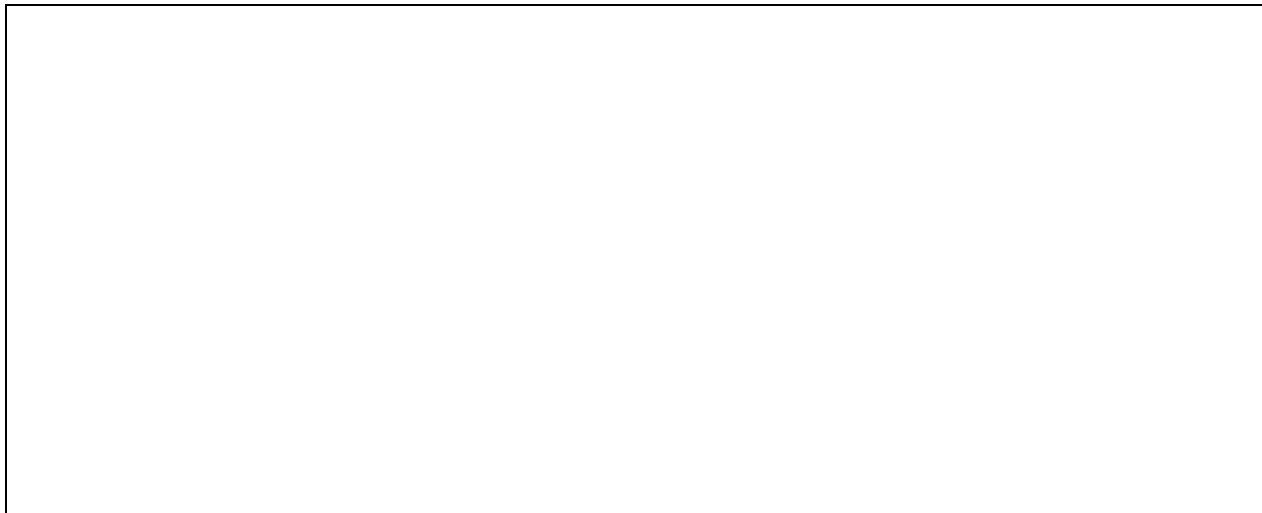
**3. The Terms of Reference for the National Wind Farm Commissioner say that the Commissioner will lead efforts to promote best practice, information availability and provide a central, trusted source for disseminating information. Do you have any comments on this aspect of the Commissioner's role?**

The Commissioner has been diligent in his role to bring about understanding of the complexities of wind farm development. I have read the Commissioner's report to parliament and am impressed

with the depth of understanding of stakeholder interests. It is encouraging that wind farm developers are now consulting with the Commissioner who is promoting best practice based on a comprehensive understanding of both the operational interests and impact on higher populated areas. It is my opinion that early wind industry development particularly in Victoria has been implemented crudely, with a lack of consideration of local issues. I think that the Commissioner's work and effort to bring all stakeholders to the table has been of enormous value and will foster a more harmonious relationship between developers and communities moving forward. As a reliable source of accurate information, best practice advice to industry, as well as efficient management of complaints, the role of the NWFC has evolved into an integral part of the development of wind energy particularly in Victoria.

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

As the wind industry is growing and likely to expand in the coming years, it is important to maintain transparency and accountability for both future planning and the construction of wind farms that already have permits issued. As indicated earlier, some of these yet to be built large scale wind facilities had permits granted without thorough assessment of the impact on local residents. In my experience, no assessments have been conducted from our property. We were told that noise levels will be no greater than 40dB and then asked to enter into neighbour agreements by Goldwind at up to 60Db. We have requested and have been promised rigorous assessment by the state planning authority with regard to the intended increase in turbine size, but have heard nothing. The only avenue of appeal we have at our disposal is the office of the NWFC. Although much has improved since the establishment of the NWFC there is certainly an on going need for an independent and respected authority to foster transparency and fairness for local residents, as well as more certainty for business and investment, for the foreseeable future.



**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?**

I do not have any experience of issues related to the solar industry. As with any industry, unforeseeable and often unintended consequences can occur. The NWFC is now a respected source of information for all stakeholders. I think that expanding the Commissioner’s role to include other renewable energy projects should be considered.

**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?**

As the wind industry enjoys tax payer subsidies for essentially private business interests, and appears to be utilizing the office of the NWFC as a guide for best practice development, it makes sense to share the costs of it's administration.

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

The role of the NWFC has been a game changer and has installed accountability and transparency that is seriously lacking in the current Victorian planning protocol. The wind industry has a long way to go in terms of earning social license to dominate rural areas. It seems that people like us cannot get a fair go with adjustments to legislation to further enhance developer operational interests and diminishing rights of citizens to appeal. It is imperative that the NWFC remains with Andrew Dyer at the helm to contribute to the developing wind industry, to maintain growing confidence and transparency for all stakeholders.



## 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.