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Ms Shayleen Thompson  
Acting Chief Executive Officer  
Climate Change Authority

*Via email: [submissions@climatechangeauthority.gov.au](mailto:submissions@climatechangeauthority.gov.au)*

Dear Ms Thompson

### **REVIEW OF THE ROLE OF THE NATIONAL WIND FARM COMMISSIONER**

The Western Australian Department of Water and Environmental Regulation (DWER) welcomes the opportunity to make a submission to the Climate Change Authority's review of the role of the National Wind Farm Commissioner (NWFC).

Almost two thirds of Western Australia's renewable energy mix in 2014/15 was contributed by wind energy. The State has significant wind energy projects under development, including the Warradarge wind farm near Eneabba.

The NWFC provides an important source of impartial and trusted information on wind energy facilities while ensuring that complaints about wind farms are dealt with transparently and objectively.

While the NWFC has had significant achievements since November 2015, the DWER considers that there is scope to improve some aspects of the NWFC's functions by enhancing the visibility of recommendations in relation to planning, governance and operation of the wind energy industry, and promoting best practices for wind farm compliance and standards. Please see attached for further detail.

Thank you for providing the opportunity for the DWER to make a submission to the Climate Change Authority's review on the role of the NWFC.

Yours sincerely

Mike Rowe  
**DIRECTOR GENERAL**

29 / 28 March 2018

## **SUBMISSION TO THE CLIMATE CHANGE AUTHORITY ON THE ROLE OF THE NATIONAL WIND FARM COMMISSIONER**

The role of the National Wind Farm Commissioner (NWFC) commenced in November 2015. Consistent with its Terms of Reference, the Office of the NWFC acknowledges that its key functions are to:

- facilitate the referral of complaints from concerned residents to respondents about operating or proposed wind farms by providing a voluntary process for complaint resolution;
- identify and promote best practices relating to the planning, development and operation of wind farms, including practices related to wind farm compliance and standards, complaint handling and community engagement; and
- provide improved transparency regarding wind farm activities in Australia.

### **Complaint handling**

The Annual Report of the NWFC (Commissioner's Review), published on 31 March 2017, covers the period from the inception of the NWFC to 31 December 2016. The Commissioner's Review identifies a total of 90 complaints, of which around half relate to operating wind farms. There is no record of complaints made to the NWFC in relation to operational or proposed wind energy facilities in Western Australia.

Of the 90 complaints received, 67 were closed by the NWFC. Statistics suggest that closed complaints have been resolved satisfactorily in the overwhelming majority of cases, with complainants either reassured by provision of additional information or electing not to progress the matter.

While the NWFC is not able to compel parties to respond to a complaint, the Commissioner's Review notes that industry and government have largely supported the role of the NWFC and provided productive and timely responses to complaints.

As complaint data for the 2017 calendar year is not yet published, it is unclear whether statistics will continue to support the above conclusion. It is also unclear from the Commissioner's Review whether the 23 outstanding complaints are unresolved to date as a consequence of having been received more recently or for other reasons.

Further information on new complaints received and complaints unresolved (as of 31 December 2016) would assist in determining whether changes or enhancements to the Commissioner's powers are warranted.

### **A central source of trusted information**

There may be merit in considering how to improve the NWFC's capacity to provide a central, trusted source for dissemination of information.

Information relating to planning and compliance for wind energy facilities in Western Australia requires updating. It is recommended that the Office of the NWFC liaise regularly with jurisdictions to ensure information provided on the NWFC's website is accurate, comprehensive, as far as practicable, and up-to-date. There may be a benefit in establishing more formal information sharing networks across state and territory governments to support this outcome.

**Promoting best practice**

The Commissioner is responsible for leading promotion of best practices. The Commissioner's Review acknowledges this key function in relation to community engagement and complaints handling, but also in relation to 'the planning, development and operation of wind farms, including practices related to wind farm compliance and standards'.

Best practice information available on NWFC's website is, however, related exclusively to community engagement and complaint handling. While these matters are significant, the NWFC has made some important observations and recommendations on broader planning and operational matters relevant to wind energy facilities. These include the length and renewal of planning permits, governance and compliance of standards and permit conditions, selection and use of experts, site selection, and health matters.

These topics are well aligned with wind farm complaints data, and as such, measures to enhance the adoption of relevant recommendations would be beneficial.

While the Commissioner's observations are detailed in the Commissioner's Review, there may be benefit to both regulatory authorities and other stakeholders in making these recommendations available on the NWFC's website with a view to facilitating their consideration and broader adoption by Australian jurisdictions.

Some of the Commissioner's recommendations would facilitate referral of complaints to the relevant regulatory authorities, enhance timely complaint resolution and provide an increased level of assurance for communities in relation to appropriate planning and standards for wind energy facilities.