

DG &ML Morris

1 November 2012

To : The Senate Standing Committee on Environment and Communications
Re: **Inquiry into Renewable Energy (Electricity) Amendment
(Excessive Noise from Wind Farms) Bill 2012**

1. We fully support the “Renewable Energy (Electricity) Amendment (Excessive Noise from Wind Farms) Act 2012.” And would be prepared to appear before the committee if required.

2. This Bill is an important step in addressing some of the main factors currently restricting Australia’s development of Renewable Energy facilities.

Well designed, well maintained and appropriately sited wind farms are far less likely to be producing excessive noise and causing problems for people living, working or travelling through a wind farm area.

This Bill will impact positively on wind farms which are “doing the right thing” by the surrounding community in that unscrupulous operators will be exposed and be required to comply or lose their accreditation.

This in turn will inspire greater community confidence that the remaining operators are genuine, compliant and transparent about their sound energy, electricity generation and weather data, thus removing one of the major impediments to wind developments – community opposition.

This Bill will serve to penalise the “cowboys” in the wind industry who may see erecting a wind farm as a mechanism for “farming” the Renewable Energy Certificates (REC’s) rather than for reducing Co2 emissions and providing a viable alternative to coal.

The rural community perception of wind developers in some areas has been severely damaged by: siting of wind farms in inappropriate locations; lack of transparency and accountability; poor community relations; trivialising of complaints and under resourced regulatory authorities struggling to monitor and enforce compliance issues.

The wind industry as a whole would be well served by noise compliance issues being far more transparent, open, and accountable and a greater amount of scrutiny applied, with suitable penalties for failure to comply.

This Bill provides the mechanism for this to happen.

Benefits we would expect the Bill to deliver:

Improved public perception and greater acceptance of wind farms in appropriate locations if greater scrutiny is guaranteed by the Government.

Identification of genuine Wind Energy Producers with a corporate conscience as opposed to those who are merely “REC farmers”.

Effective resolution of ongoing wind farm noise pollution issues and better protection of currently affected communities

Pressure removed from the EPA and State and Local Government authorities to monitor and police noise compliance issues. Less waste of these resources.

Financial burden and Burden of Proof removed from affected residents to privately fund acousticians and legal teams.

Pressure removed from members of Parliament in assisting affected communities.

Facilitate better investment decisions - Less waste of resources as Developers select more appropriate and acceptable long term locations in which to site wind farms (eg pastoral areas - unpopulated - which initially have higher set up costs, but which will create less community opposition).

Accurate and publicly available information regarding the efficiency of wind energy generation (to be used in deciding how best to invest the renewable energy research and development dollar).

More Certainty for communities, wind industry and governments

Result in better use of resources – company, EPA, local and state government, communities

3. We would like to comment specifically on the following amendments contained in the Bill:

1 Subsection 5(1)

Insert:

creates excessive noise: for when a wind farm *creates excessive noise*, see subsection 14(6).

2 Subsection 5(1)

Insert:

wind farm means a power station that generates some or all of its power from wind.

3 After paragraph 14(2)(a)

Insert:

(aa) if the power station is a wind farm—the Regulator is satisfied that the wind farm does not, and will not, create excessive noise (see subsection (6)); and

We support the above amendments as Wind turbines are being designed with ever increasing tower heights, blade length, rotor diameter and swept area. They are clearly industrial machines on an ever increasing industrial scale. Hence should be subject to noise regulations commensurate with other such industrial scale power station developments.

4 At the end of section 14

Add:

(6) For the purposes of this Act, a wind farm *creates excessive noise* if the level of noise that is attributable to the wind farm exceeds background noise by 10 dB(A) or more when measured within 30 metres of any premises:

- (a) that is used for residential purposes; or
- (b) that is a person's primary place of work; or
- (c) where persons habitually congregate.

We support the above amendments in that ALL PEOPLE who may be present in the wind farm area may be impacted by excessive noise wind farm, (not just those who are resident there).

We have firsthand experience of this situation in that our home is 17 km from the nearest wind farm, but we have cause to travel and visit in the wind farm area for work, sport, social, family and recreational activities and are often affected by unacceptable WF noise for the period we are there.

Many people embrace a rural living place and lifestyle for it's inherent quietness. It is entirely appropriate to legislate for a low increase above background noise, and not to allow the noise levels more likely to be heard in an inherently more industrial environment eg. City area.

5 At the end of Subdivision A of Division 4 of Part 2

Add:

20AB Wind farms—publishing on internet information about noise, wind speed and direction, weather conditions and power output

(1) The nominated person for an accredited power station that is a wind farm must ensure that information prescribed by the regulations relating to the following is published on the internet:

- (a) noise attributable to the wind farm;
- (b) wind speed and direction at the wind farm;
- (c) weather conditions at the wind farm;
- (d) power output of individual turbines at the wind farm.

(2) The information must be published on the internet in accordance with any requirements prescribed by the regulations for the purposes of this subsection.

Example: A requirement that the information be published in real time

We strongly support the above amendments as wind developers will be collecting this data as a requirement of their own monitoring/ business/efficiency and it is entirely appropriate that this data should be available to regulatory authorities and the interested public.

It is inappropriate that other private citizens and regulatory bodies should have to incur the enormous expense and resource diversion and have to duplicate this data collection when it is already available.

This is an important mechanism for accountability and credibility of the whole wind industry and failure to do so brings the industry into question.

8 After subsection 30E(4)

Insert:

Wind farms—excessive noise

(4A) The Regulator must, by written notice, suspend the accreditation of an accredited power station that is a wind farm if the Regulator believes on reasonable grounds that the wind farm is creating excessive noise (see subsection 14(6)).

(4B) The accreditation is suspended until the Regulator believes on reasonable grounds that the wind farm is not creating excessive noise. The notice must include a statement to that effect.

(4C) The Regulator must, by written notice, suspend the accreditation of an accredited power station that is a wind farm if the Regulator believes on reasonable grounds that the information referred to in section 20AB has not been published on the internet in accordance with that section.

(4D) The accreditation is suspended until the Regulator believes on reasonable grounds that the information has been published in accordance with that section. The notice must include a statement to that effect.

We strongly support the above amendments that only genuine wind energy producers who comply with the amended noise regulations and provide the required data will qualify to receive REC's, and that so called "REC farmers" who do not comply will have their accreditation suspended.

4. Our personal experience with wind farms in our local area.

The current regulatory and compliance system of noise pollution governance is failing people at Waterloo wind farm in SA.

In brief, we live near the Waterloo wind farm which has been operating for 2 years and with the largest turbines installed in Australia to date (3.0 MW Vestas). This wind farm is causing significant and ongoing excessive noise issues for a significant percentage of the local community.

The EPA have done noise testing in response to noise complaints from residents, but both the EPA and the company have been unwilling to provide noise monitoring data done outside the homes of residents.

This has led to a feeling of mistrust which would be much reduced if the wind companies and EPA were up front about providing noise data.

There is no doubt that there are serious noise issues here and what is needed is quantitative data in order that informed decisions can be made.

Locals have conducted a qualitative survey about the noise disturbance to residents, attempting to cover all households within a 10 km radius of these turbines. Attached to this submission is a summary of some of the results (entitled Waterloo Wind Farm Survey Part 2 Graphs version 4)

This may be outside the terms of reference of your inquiry, if so please disregard it, however it does serve to show the extent of noise issues and the effects on the community.

Please contact us if you require further information about noise issues at Waterloo wind farm. We would be pleased to attend a hearing to expand on the noise issues we are experiencing and the failure of the current system to address noise pollution in the community.

Yours sincerely

Mary and David Morris