2 November 2012

Senate Standing Committees on Environment and Communications
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Re: Submission to the Inquiry into the Renewable Energy (Electricity) Amendment (Excessive Noise from Wind Farms) Bill 2012

Infigen Energy appreciates the opportunity to make a submission with regards to the Committee's inquiry into the *Renewable Energy (Electricity) Amendment (Excessive Noise from Wind Farms) Bill 2012*.

Infigen Energy (ASX: IFN) is an Australian Securities Exchange listed specialist renewable energy business headquartered in Sydney with interests in 24 wind farms across the US and Australia. Infigen Energy is the largest owner and operator of wind energy facilities in Australia (557 MW) with six major wind farms in Australia capable of producing approximately 1,600 GWh per annum, or enough energy to supply over 200,000 homes annually. Infigen also has a significant pipeline of solar and wind development opportunities in Australia. In the United States, Infigen Energy has equity interests in 18 wind farms (1,089 MW).

With regard to the proposed amendment to the *Renewable Energy (Electricity) Act 2000*, Infigen Energy considers that the proposed amendment has very little, if any, merit for a number of reasons.

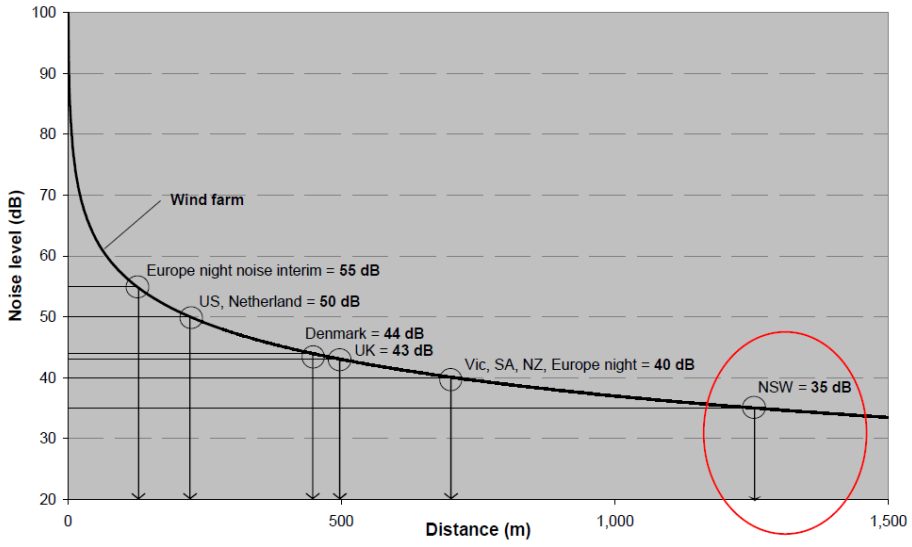
First, and most importantly, planning regulation and compliance are clearly the role of State Governments in Australia. Adoption of the amendment would require the Commonwealth to usurp part of the States' planning regulation and compliance role resulting in needless duplication as well as confusion caused by conflicting noise requirements. The State Governments are the responsible planning authorities, and as such they are in charge of all aspects of wind energy development assessments---including the specification of noise guidelines and ensuring compliance with these guidelines.

As just one example of the senseless duplication this amendment would cause, the Clean Energy Regulator would somehow take on the role of wind farm acoustic expert---a role for which they, quite understandably, have no expertise or experience. In contrast, the Environmental Protection Agencies within the State Governments (or similarly named agencies) already employ qualified acoustic engineers today to undertake the role of ensuring noise compliance for all sorts of industries and infrastructure---including wind farms.

Second, the State Governments have been doing a very thorough job of writing and enforcing some of the most stringent wind farm planning regulations in the world. The Victorian Government has specified a minimum distance between neighbouring residences and turbines of two kilometres. This compares with jurisdictions, with far more extensive experience with wind energy, such as Canada, Denmark, and the USA, specifying much smaller setback distances of 500-600 metres.

In its draft NSW wind farm guidelines, NSW has specified the most stringent noise requirements in the world as shown in the graph below.

Figure 2 – Comparison of NSW baseline A-weighted noise criteria with other jurisdictions



With regards to compliance, the States have demonstrated the ability to effectively enforce wind farm noise limits on a number of occasions. For example, the NSW Planning Minister announced earlier this year that the NSW State Government will audit the States' wind farms----hiring an independent acoustic engineer to conduct extensive noise compliance monitoring at the State's wind farms. This noise audit is in progress and nearing its final stages.

Therefore, it is clear that the States are stipulating, and enforcing, very stringent noise criteria for wind farms. There is no abrogation of responsibility that could give the Commonwealth any desire, or need, to step into these roles.

Last, the proposed amendment itself is devoid of necessary information and detail and includes provisions that are completely unworkable. Nothing demonstrates this more clearly than the proposed changes to Subsection 30E(3) of the Act that would ***require*** the Regulator to withdraw a wind farm's accreditation under the RET scheme should it be:

> *"operated in contravention of a law (whether written **or unwritten**) of or in force in the Commonwealth, a State of a Territory."*
> (our emphasis)

The proposed amendment therefore mandates that an electricity generation facility be deprived of somewhat less than half its revenue when it is thought to contravene any "unwritten law" of the Commonwealth, a State or Territory. Such proposed legislation is patently absurd.

In conclusion, Infigen Energy respectfully requests that the Committee recommends rejection of the proposed amendment. If a public hearing is thought to be necessary to consider this amendment, Infigen Energy would be pleased to give evidence.

Please contact the undersigned if there are any questions or clarifications needed with regards to this submission.

Yours sincerely,

Jonathan Upson
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