The Rational Environmentalists

Australian Environment Foundation

Submission to the Inquiry on

Renewable Energy (Electricity) Amendment (Excessive Noise from Wind Farms) Bill 2012

by the

Senate Standing Committees on Environment and Communications

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Objects of the Bill

Renewable Energy (Electricity) Amendment (Excessive Noise from Wind Farms) Bill 2012

Amends the *Renewable Energy (Electricity) Act 2000* to provide the Clean Energy Regulator with powers to ensure that accredited power stations that are wind farms, either in whole or in part, do not create excessive noise.

This submission is submitted on behalf of the AEF board of directors.

For further information contact Executive Director Max Rheese.

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About the Australian Environment Foundation

The Australian Environment Foundation is a not-for-profit, membership-based environmental organisation having no political affiliations, dedicated to informing and educating Australians about environmental issues and solutions to environmental challenges.

The Australian Environment Foundation takes an evidence-based, solution focused approach to environmental issues.

AEF members value:

- **Evidence** - policies are set and decisions are made on the basis of facts, evidence and scientific analysis.
- **Choice** - issues are prioritised on the basis of accurate risk assessment and cost-benefit analysis.
- **Technology** - appropriate and innovative technological solutions are implemented.
- **Management** - active management is used when necessary, acknowledging that landscapes and ecosystems are dynamic.
- **Diversity** - biological diversity is maintained.
- **People** - people are an integral part of the environment.

Accordingly, the AEF embraces the IUCN (World Conservation Union) sustainable use principles stated below, as providing an ethical balanced framework for many environmental challenges.

1. Conservation of biological diversity is central to the mission of IUCN, and accordingly IUCN recommends that decisions of whether to use, or not to use, wild living resources should be consistent with this aim.

2. Both consumptive and non-consumptive use of biological diversity are fundamental to the economies, cultures, and well-being of all nations and peoples.

3. Use, if sustainable, can serve human needs on an ongoing basis while contributing to the conservation of biological diversity.

Many of the Australian Environment Foundation's members are practical environmentalists – people who actively use and also care for the environment – appreciating that environmental protection and sustainable resource use are generally compatible in providing balanced outcomes.

1. The issue the Bill addresses

The Bill addresses the primary issue of the findings of the Inquiry into the social and economic impacts of rural wind farms conducted by the Senate Community Affairs References Committee which tabled its report 16 months ago.

This issue is the level of noise emitted from the operations of wind turbines.

There is little doubt regulators have struggled to provide an effective framework limiting noise from wind energy facilities both in Australia and overseas as recent peer-reviewed papers demonstrate.[1]

The 2011 inquiry made seven recommendations which have recently been responded to by the Commonwealth government.

There is no indication the recommendations accepted in principle by the government will be acted on in the near future.

The Bill addresses an unintended consequence of legislation to encourage renewable energy generation. Even if previous recommendations of the 2011 inquiry were immediately addressed, relief from excessive noise is unlikely to be obtained for several years until studies are completed and action undertaken.

The Bill seeks only to ensure what is intended, but is not being achieved in some cases, by state guidelines.

A strong *prima facie* case was established by evidence submitted at the 2011 inquiry that concerns over excessive noise and vibrations emitted from wind farms were justified. The Bill seeks to address those concerns in the absence of action on the inquiry recommendations without any adverse impact on wind energy facilities that are operating responsibly and transparently.

The Bill does not pre-empt the conclusions of future health or acoustical studies, but seeks only to ensure compliance with the intent of existing guidelines and the recommendation of a precautionary approach by the National Health and Medical Research Council with regard to human health.

Two of the seven recommendations of the 2011 inquiry are relevant to the Bill:

> Recommendation 1: The Committee considers that the noise standards adopted by the states and territories for the planning and operation of rural wind farms should include appropriate measures to calculate the impact of low frequency noise and vibrations indoors at impacted dwellings.

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[1] Peer-review of environmental noise assessment for Collector Wind Farm Steven Cooper Sept 23rd 2012

http://aefweb.info/data/Assessment%20of%20Collector%20Wind%20Farm%20TAG%20240912.pdf

> Recommendation 6: The Committee recommends that the National Acoustics Laboratories conduct a study and assessment of noise impacts of wind farms, including the impacts of infrasound.

The government has acknowledged Recommendation 6 falls within its jurisdiction, agrees with the recommendation and acknowledges there currently is a mechanism for funding of such studies, however no action has followed.

Existing state guidelines do not address the issue raised in Recommendation 1.

Recognising that the degree of impact of wind turbine noise on human health is contested, the Bill enables measures that will provide immediate relief from excessive noise.

There is currently very little practical incentive for operators of wind energy facilities to ensure turbine operation does not create excessive noise. Independent monitoring of turbine noise is almost non-existent and where this has been undertaken and supplied to planning authorities, a lengthy process of verification follows.

The only successful action with regard to wind turbine noise the Foundation is aware of followed lengthy and expensive Supreme Court action.

2. The solution offered by the Bill

In the absence of any studies to determine the degree of impact of existing wind energy facilities on human health, the Bill will provide a simple and clear-cut mechanism to ensure excessive noise from a wind energy facility will cease.

Wind farms that do not create excessive noise will not be impacted by this Bill.

The Bill will provide a clear incentive for operators of wind energy facilities to ensure turbine operations comply with the amendments contained in the Bill by facing suspension of accreditation to collect further Renewable Energy Certificates.

3. Summary

The Australian Environment Foundation supports the Bill as providing a low-cost and timely means for the Clean Energy Regulator to ensure the intent of state guidelines with regard to excessive noise is met.

The Bill will not restrict any operator now or in the future who seeks to operate within an acceptable regulatory framework for turbine noise.

Until determinations from acoustical and health studies are available, which may or may not require amendment to existing noise levels, the Bill provides a transparent framework to ensure compliance.