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22 November 2012

Mr. Jarrod Baker
Research Officer
Community Affairs Committee
Department of the Senate

Re: Reply to your email of 20 November, 2012

Dear Jarrod,

I would like to take this opportunity to respond to the email referenced above. There are a lot of questions, and the requested timeframe is very tight. While we have answered all of the questions, we did not have the opportunity to research them in great detail.

For clarity, we have simply inserted our responses underneath the questions in your email.

From: Baker, Jarrod (SEN)
Sent: Tuesday, 20 November 2012 11:59 AM
To: Jonathan Upson
Subject: Environment and Communications committee - further questions on notice

Dear Mr Upson,

Thank you for your evidence given to the Environment and Communications committee at its hearing on 14 November. Following the hearing, the committee has asked if you could respond to the questions on notice below. The committee would appreciate answers being received by COB Friday 23 November 2012. If you will be unable to meet that deadline, please advise us at the first possible opportunity.

1. If you operate wind farms in Victoria could you identify the percentage of your operating wind farm sites that are exempt from the newly introduced two kilometre set back and the NZ noise standard now in effect in Victoria?
   Infigen does not operate any wind farms in Victoria.

2. If you operate wind farms in Victoria have you have been brought before VCAT by the Minister for Planning for non-compliance and an enforcement order sought? If so, what was the outcome?
   Infigen does not operate any wind farms in Victoria.

3. Do you volunteer noise reports to the Department of Planning as per your permit conditions or do you wait for them to contact you?
   We supply noise compliance reports to the Department of Planning (DoP), or other responsible planning authority, in accordance with our planning consent conditions.

4. How frequently does the Department of Planning contact you requesting the noise reports?
   All noise compliance reports are supplied to the DoP, or other planning authority, upon completion. Therefore, they do not have to request the reports from us.

5. Do you currently have any outstanding reports to the Department, and if so, how many?
   We do not have any outstanding, delinquent noise reports.

6. How many times has the State Minister and local Shire inspected your register of complaints?
   For our NSW wind farms, the register of complaints has been reviewed by the NSW Department of Planning and their Independent Environment Auditor on at least an annual basis. The NSW Department of Planning most recently examined the complaints registers during July and August 2012.

   For our wind farms in South Australia and Western Australia, we have yet to receive any formal complaints. We are also not aware of any formal complaints being received by the Shires who are the responsible planning authorities. Therefore, the responsible Shires have not recently inspected the complaints register for the Alinta or Lake Bonney wind farms. We attach, as an Appendix to this letter, the submission by the Wattle Range Council CEO to the Senate Community Affairs Committee Inquiry into the Social and Economic Impact of Rural Wind Farms last year which substantiates no noise complaints had been received concerning Infigen's Lake Bonney wind farm which consists of 124 wind turbines.

7. Have you ever been subject to a selective shutdown for the purpose of bringing turbines into compliance, and if so, how many times?
   No.

8. What is the extent of your compliance in terms of submitting permit required reports to the Department?
   Please see the response to question 5.

9. Page 12 of the Sonus report for the Clean Energy Council lists the regulatory or guideline arrangements for Australian States and Territories. On one reading, these can be summarised as suggesting **Queensland is unregulated,** New South Wales and Western Australia are using a guideline that is now nine years old when a 2009 version is available, Tasmania doesn't have an objective regulatory standard, ACT and NT have no formal assessment procedure, Victoria now has a noise standard and set back requirement but existing wind farms and approved permits are largely exempt, while South Australia has a guideline rather than a regulation.
   This question would best be answered by asking the State and Territory Governments themselves. The Sonus report you refer to is several years old; it is quite possible that there is more recent information available.

With regards to the States in which we operate wind farms, we would make the following comments:

South Australia's EPA have regulation(s) which directly refer to the EPA's *Wind farms environmental noise guidelines 2009.* In addition, the Guidelines are also typically required to be complied with by development consent conditions. The fact they are called 'guidelines' does not change the fact that compliance with this document is mandatory in SA.

New South Wales has released their own wind farm noise requirement document as part of their draft NSW Wind Farm Guidelines which are due to be finalised later this year. As stated in our submission, these wind farm noise requirements are, to our knowledge, the most stringent in the world.

The Western Australian Government may have updated their wind farm planning documents to incorporate the 2009 SA EPA guidelines. If they have not, one reason for this might be that the SA EPA effectively ***raised*** the noise limit for wind farms from 35dBA to 40 dBA in the 2009 SA EPA guidelines for all areas of the State except those deemed rural-residential 'lifestyle' areas.

10. Could you explain the logic of your argument that the States and Territories are doing a thorough and competent job regulating acoustic emissions from the wind energy industry and, accordingly, on this matter their rights must be preserved?

As stated in our submission, all wind farms in Australia must demonstrate compliance with the applicable noise standards soon after commissioning of the wind farm. As previously stated, we have received no noise complaints from neighbours in regards to our wind farms in South Australia and Western Australia, so the issue of 'competent' regulation of noise issues appears to be a moot point in these cases.

In NSW, our wind farms also had to demonstrate compliance with the applicable noise regulations and consent conditions. Even after this, the NSW Government decided to undertake an additional noise audit this year, utilising an acoustic consultant of their own choosing, to repeat the compliance testing. It is worth nothing the consultant chosen by the NSW Government has appeared twice in the NSW Land & Environment Court on behalf of wind farm opponents, so it would be difficult to argue that the consultant was "pro-wind energy".

Therefore, in our company's experience, the State Governments have done a thorough and competent job regulating noise from wind farms.

If you have any questions, please do not hesitate to contact me.

Regards

Jarrod Baker
Research Officer
Community Affairs Committee
Department of the Senate

Feel free to contact me if you have any questions.

Yours sincerely,

Jonathan Upson
Senior Development Manager

Dear Sir/Madam

On behalf of Wattle Range Council I make the following submissions to the Senate Inquiry into the social and economic impact of rural windfarms -

> There are 4 operating windfarms (Lake Bonney Stage 1; Canunda; Lake Bonney Stage 2 and Lake Bonney Stage 3) and during the planning phase for these projects there was considerable community support for the windfarm.

> Council has received no complaints or advice of any adverse health effects suffered by people living in close proximity to the windfarms operating in the Council region. Council is aware of the current concerns being expressed by segments of the community about the potential health impacts on people living in close proximity to windfarms but is not aware of any substantiated evidence supporting this position.

> Council has received no complaints or advice of concerns about excessive noise and vibrations being emitted from the windfarms operating in the Council region impacting on residences in close proximity to the windfarms.

> The windfarms constructed in our Council region have provided significant employment opportunities during the construction phase and some ongoing employment to operate and maintain the windfarm. This employment provided flow-on economic activity to local businesses, especially during the construction phase.

> The impact on property values has not been significant, however there has been flow-on increases to farm incomes due to the lease/rental arrangements between landowners and the windfarm operator. This has been welcomed income in times when farm incomes have been depressed.

Thank you for the opportunity to provide a submission to the Senate Inquiry.

If you wish to discuss this matter further please do not hesitate to
contact me at your convenience.

Yours Sincerely

FN (Frank) Brennan
Chief Executive Officer
WATTLE RANGE COUNCIL