

10 January 2013

Wind Farms Consultation
Attn: Mr. David Fowler
Reform and Compliance Branch
Environmental Protection Authority
PO Box A290
Sydney South NSW 1232

CC wind.farms@epa.nsw.gov.au

Dear Sir,

DRAFT POEO AMENDMENT (WIND FARMS) REGULATION 2012

We note the proposed amendments to the POEO Regulations as outlined in relation to wind farms, and appreciate the opportunity to provide feedback in relation to this proposed amendment.

As we understand it:

- The changes have been brought about principally to ensure that regulation of wind farm noise impacts is carried out by appropriately skilled personnel;
- The amendments will only apply to large scale wind farms in excess of 30MW;
- The noise limits prescribed in environment protection licences for large-scale wind farms must be substantially consistent with the planning consent; and,
- The costs related to this change will be limited to the annual administrative charge, which applies on a sliding scale basis with the maximum fee of \$16,950 per annum

Epuron in principle supports the development of clear and consistent regulations which align the skills of appropriately qualified personnel to the ongoing regulation of wind farm noise.

However, we are extremely concerned that at this stage no standard license conditions have been established as they would apply to wind farms. In that context, it is very difficult to assess the potential impacts and costs of these regulation changes on wind farms.

By way of example, the information provided notes that "*Licensees must also publish monitoring data required by their licence.*" but without stating what ongoing monitoring may be required. This could add substantially to the ongoing cost of compliance, and the lack of standardised license conditions introduces significant uncertainty to a development following the development consent as the license conditions would not be known at that time.

Further, we note the comments of the EPA with respect to the procedure for determining license conditions:

As with all other State significant development where an EPA environment protection licence is required, the EPA advises the Department of Planning and Infrastructure at the development assessment stage to ensure that all environmental and licensing-related issues are considered upfront. If development consent is granted, the environment protection licence must be substantially consistent with the conditions of that consent (s. 89K of the EP&A Act). This

means that the EPA cannot prescribe noise limits that are inconsistent with those in the development consent.

It would appear from this paragraph that the EPA aims to expand its role in the assessment phase of the Development Application in addition to the regulation phase. While this has some merit, it leaves significant uncertainty as to the roles of the Department of Planning vs. EPA in setting appropriate noise conditions with respect to wind farms.

At present, NSW does not have clear or consistent guidelines with respect to wind farm noise, with at least 3 sets of guidelines potentially applying:

- NSW EPA Industrial Noise Guidelines;
- SA EPA Guidelines for Wind Farm Noise (2003), typically applied by the Department of Planning; and,
- Draft Wind Farm guidelines issued by the Department of Planning which includes a reference to noise limits to be applied in NSW.

These guidelines are vastly different from each other, leading to significant uncertainty in the development stage which will be exacerbated in the regulation stage. Further, we note that each guideline is flawed in its own way:

- The NSW Industrial Noise Policy does not take into consideration the unique noise characteristics of wind turbines;
- The 2003 version of the SA EPA Guidelines has been superseded in 2009, with a number of very significant improvements, yet the earlier version is still applied in NSW; and,
- The draft NSW Wind Farm Guidelines cannot be practically implemented and would need significant revision before they can be put into practical use.

To make effective use of the proposed change to regulation, and before it comes into effect, two key steps are required:

- EPA and Department of Planning should determine a clear and consistent set of wind farm noise guidelines which can be practically implemented via proposed Noise License Conditions; and in parallel,
- EPA should release a draft standard Noise License for comment to ensure that the conditions of that license can be effectively implemented to manage noise emission from wind farms in NSW.

Epuron looks forward to the resolution of noise regulation issues in NSW and is willing to assist the EPA to achieve a regulatory structure which provides certainty and consistency for both wind farm operators and members of the communities in which wind farms are located.

Sincerely,



ANDREW DURRAN

Executive Director

ph 0407 206 199