

28 February 2021

Department of Environment, Land, Water and Planning
Lodged electronically: Engage Victoria.

RE Proposed Regulations for wind farm noise under the EP Act 2017

As members of the CEC and participants in its Noise Regulation Working Group, OSMI would like to record its broad support for the submission prepared by the CEC on behalf of the industry.

Specifically, OSMI is supportive of the transfer of responsibility for the regulation of wind farm noise to the EPA, and for the establishment of a clear accountability framework through the making of new regulations to control noise emissions from wind farms. This will provide greater clarity and consistency across the industry and subsequent investor confidence.

However, we are of the view that the proposed new regulations could be enhanced through the application of a more explicitly risk-based framework with respect to noise compliance testing, as opposed to the adoption of what appears to be the somewhat arbitrary application of five yearly retesting regime. Each wind farm is subject to unique conditions within which it is sited. Some may not have sensitive receptors for many kilometres, some may be designed to have a significant noise compliance buffer, whereas others may have much smaller compliance margins.

A facility that is designed to have a significant compliance buffer, that is subsequently validated during post construction testing, would be at low risk of becoming non-compliant as a result of anything other than a significant mechanical failure, that would be identified and addressed through routine inspection and maintenance. It is highly unlikely that any such fault would be identified and subsequently rectified through routine testing at five yearly intervals.

In the event that a mechanical fault was identified as a result of a wind farms impact upon a neighbouring residence, and if this was not resolved to the satisfaction of the residents through their direct interaction with the wind farm operator, the EPA will have a range of enforcement powers under the *Environment Protection Act 2017* allowing it to require a wind farm operator to conduct further works, including monitoring. The application of a 5 yearly testing regime does nothing to enhance these powers under the Act nor resolve such issues that may arise between testing events.

Where compliance testing is required during a wind farms operation, it may be beneficial to provide alternate testing methodologies to those set out in NZS 6808:2010. This methodology requires intrusion upon the residence of a facility's neighbours to conduct testing in compliance with NZS 6808:2010 and the potential exists for background noise levels to change that may require these levels to be re-established with the facility shut down for a period of up to six weeks. It is suggested that consideration be given to other noise testing regimes such as intermediate testing that could be incorporated into a facility's noise management plan taking into account site specific conditions.

Please do not hesitate to contact me if you require any clarification in relation to our submission.

Yours sincerely



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