

Your ref: D1260421

26 February 2021



Ms Eve Graham  
Director  
Environment Protection  
Department of Environment, Land, Water and Planning  
Climate Change Division  
1 Nicholson Street  
EAST MELBOURNE VIC 8002

**South Gippsland Shire Council Submission – Changes to the Regulation of Wind Farm Noise**

Dear Ms Graham

Thank you for the opportunity for South Gippsland Shire Council to provide feedback on the proposed changes to the regulation of wind farm noise in Victoria.

Council recognises Victorian wind farms have a vital role in electricity generation and that growth in the industry is critical to Victoria's sustainable future. Council supports the change to wind farm noise regulation, and encourages further engagement and communication between wind farm operators and their closest residential neighbours.

Noise generated from wind farms has previously posed significant difficulty to local government as the existing regulatory tools were not designed with the scale of the wind industry in mind. Our experience has been that the application of the nuisance provisions of the Public Health and Wellbeing Act 2008 ("PHW") to wind farm noise can be awkward, subjective and open to challenge.

From the 3 high-level options considered, Council supports the direct regulation of wind farms (Option 1) over the other two options - no additional regulation (base case) and permissions (permits). This option is also broadly consistent with the recommendation of the Senate Select Committee on Wind Turbines (2015), which Council supported at the time.

Council agrees the approach of Option 1 – direct regulation, aligns most consistently with the regulation of other large scale, heavy duty industries in Victoria. The Environment Protection Authority (EPA) are better placed with additional funding and resources to regulate this industry, noting that most wind farms are located in rural and remote shires across Victoria where resourcing is limited.



Option 1 not only provides some certainty for wind farm operators, but also the local communities who live amongst them. It makes sense the State should carry the burden for the regulation of wind farms, assuming the State derives most of the benefit of their operation.

Council also supports formally adopting the New Zealand Standards for wind turbine noise. This is a more appropriate option than attempting to apply the nuisance provisions of the PHW which is a blunt instrument not easily applied to such a highly technical discipline. The New Zealand Standards also provide consistency in testing and assessment across the industry which has been lacking in recent times.

One point of concern regarding the proposed system under the new Environment Protection Act ("EP Act") is how noise complaints will be handled where wind farm operators are required to investigate themselves in the first instance. I expect there will be some level of minimum standard for the required complaint and noise management plans however this has not been explored in the Regulatory Impact Statement (RIS). Council's first-hand experience has been that wind farm operators are slow to act on complaints, and reluctant to provide external resourcing where matters cannot be handled internally.

Council encourages you to explore further opportunities around community communication and engagement regarding wind farm noise and wind farm regulation. Community confidence in some communities has been significantly damaged and will take time and resourcing to restore.

In conclusion, Council supports the direct regulation of wind farms (Option 1) over the alternative two options presented as this option best suits the needs of both the wind farm operators, by giving them certainty and consistency; and the community, by providing exacting standards for what is and isn't acceptable, and providing a clear pathway for investigating noise complaints.

We look forward to continuing to work with DELWP and the EPA in the preparation and implementation of the Environment Protection Act 2017 (as amended) and the wind farm noise regulations.

Yours sincerely,

Kerryn Ellis  
**Chief Executive Officer**