

Department of Environment, Land, Water and Planning  
PO Box 500  
East Melbourne VIC 3002

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Via Engage Victoria website

### **Moorabool Shire Submission – Changes to the regulation of wind farm noise**

Moorabool Shire Council (Council) welcomes the opportunity to provide a submission on the proposed changes to the regulation of wind farm noise. Council supports the need for regulation of wind farm noise by a state agency that has the necessary expertise, such as the Victorian Environment Protection Authority (EPA).

While it is acknowledged that the State's renewable energy resources are critical to the transition away from coal dependant energy systems, this needs to be done in a way that recognises the potential impacts to the communities that surround new and existing wind farms, such as those in the Moorabool Shire.

Council provided correspondence to the Victorian Minister for Energy, Environment and Climate Change and the Victorian Minister for Planning on the 26 March 2019 calling for a review of the noise compliance responsibilities. This correspondence looked to seek the Ministers' intervention and support through a Ministerial review of the wind energy facility noise compliance and enforcement responsibilities. Our view then, as now, is that monitoring of noise of wind farms is a specialised science which requires technical expertise to review and understand noise monitoring reports. We believe that EPA Victoria would be the most effective agency to undertake and manage these provisions.

The proposed changes to the regulation of wind farm noise are a positive step in the right direction.

This submission provides context to the strategic position of the Shire, the existing wind farms located with Moorabool Shire, and provides feedback on the three proposed regulatory options.

Council not only urges the Victorian Government to continue consultation with local councils and the community regarding issues surrounding the transition to renewable energy, but also encourages participation in the process to assist with developing a strategic approach that will achieve mutually beneficial outcomes.

#### **Moorabool strategic context**

The Shire is comprised of a series of towns, the bigger towns being Bacchus Marsh and Ballan, that will come under increasing pressure to accommodate a share of the projected population growth across the State. Bacchus Marsh has specifically been identified in *Plan Melbourne* and the *Central Highlands Regional Growth Plan* as a suitable location to accommodate growth due to its regional service centre role, its relative accessibility to Melbourne, Geelong and Ballarat, its well-established town centre and the availability of greenfield and infill development opportunities. Bacchus Marsh is expected to reach a population of approximately 31,000 residents by 2041.



Ballan has an important role in forming part of Moorabool's growth areas and is identified as a peri urban town in *Plan Melbourne* and the *Central Highlands Regional Growth Plan*. However, it is important to recognise that Ballan is able to provide a point of difference in housing and lifestyle choices, secondary to the main growth front in Bacchus Marsh due to its rural character and environmental attributes. Ballan is projected to double in size by the year 2041 with a population of approximately 6,000 residents.

The wind farms within Moorabool Shire are closest to the towns of Ballan, Yendon and Elaine.

### **Existing windfarms in Moorabool**

Moorabool Shire has three existing wind farms:

1. **Yaloak South Wind Farm (PA2010-002)** is owned and operated by Pacific Hydro. It comprises of 14 turbines that are 126m in height; construction was completed in 2018, and turbines are operational.
2. **Moorabool Wind Farm (Permit #2009012877B)** is owned by Goldwind Australia and will comprise of 105 turbines over two locations (Moorabool North and Moorabool South). The turbines are 171m high and currently under the final stages of construction.
3. **Lal Lal Wind Farm (Permit #PL-SP.05.0461.C)** is owned by Lal Lal Wind Farms (a partnership between InfraRed Capital Partners, Macquarie Capital and Northleaf Capital). It has 60 turbines of 161m height which is split between Elaine and Yendon. Construction is complete. The farm is not yet at full capacity due to blade repairs.

### **Regulation options**

Council has considered the relevant documentation being Wind Farm Noise-Draft Regulations, Wind Farm Noise-Regulatory Impact Statement and Wind Farm Noise-Fact Sheet. Three regulatory approaches were provided, these being:

- Base Case- No additional regulation- relying on general provisions within the *Environmental Protection Act 2017*;
- Option 1 Direct regulation- setting specific requirements for compliance; and
- Option 2 Permissions- using a permit or other permission from EPA to specify requirements for compliance.

It is understood that the new regulatory approach will be introduced on 1 July 2021 with the commencement of the *Environment Protection Act 2017*. Council understands that the Regulatory Impact Statement (RIS) analysis identified Option 1 'Direct Regulation' as the preferred approach as it is expected to provide greater certainty by creating an explicit and transparent regulatory framework. We further understand that changes to the Victorian Planning system will also be required in order to establish the EPA as the single regulator with regards to windfarm noise.

### **Base Case**

It is understood that the Base Case option identifies unreasonable noise within the provisions of the new Environment Protection legislation but will retain existing regulatory framework (such as *Planning and Environment Act 1987*, Victorian Planning Provisions and the New Zealand Standard). The Base Case option provides that industry (Wind Energy Facilities) are to interpret and respond to the requirements of their General Environmental Duty (GED). It is further understood that with the base case option that the process for compliance with the New Zealand standard will remain unchanged for windfarm operators.

While the Base Case option is an improvement on the current regulatory framework, it has the potential to maintain responsibility with Council through the relevant provisions under Section 97H of the *Planning and Environment Act 1987* in which planning permits granted by the Minister are regulated and enforced by the responsible authority.

**Option 1-Direct Regulation:**

Option 1-Direct Regulation is set regulations prescribing obligations on a Wind Energy Facility to demonstrate compliance with their GED and unreasonable noise provisions. It is understood with the proposed changes to the Environmental Protection Regulations makes EPA Victoria the primary regulator of wind farm turbine noise. Council applauds this measure and believes that this change is necessary in order to build public confidence whilst relieving Council of this regulatory responsibility.

Option 1 along with Option 2 set out operating standards to which wind farms will need to comply. These standards include:

- Operator to implement a Noise Management Plan (NMP),
- A complaint management plan (CMP),
- The submission of annual statements that verify turbines are operating in accordance with any prescribed modes of operation, and
- Wind farms must undertake periodic noise assessments every five years to the authority.

Council supports these standards and believes that this would assist in building confidence with the community whilst also providing a clear and concise set of standards for operators to measure their compliance performance against.

Council supports Option 1 for the following reasons:

- EPA Victoria becoming the primary regulator for wind farm turbine reallocates the responsibility of noise monitoring to an agency with the technical resources to manage appropriately.
- Increased public confidence in investigation and enforcement due to EPA having the necessary specialised expertise to investigate wind farm noise.
- Providing certainty to both industry and the community with the implementation of operating standards for wind farms as well as clear and concise regulatory framework.

**Option 2- Permits**

It is understood that Option 2 takes advantage of Section 62 within the Environmental Protection Act, allowing for the EPA to issue permissions, licences or registrations. Outlined within Option 2, WEF's would be required to apply to the EPA for a permit that grants permission to operate. These permits would require a range of regulatory conditions which may include pre and post construction noise assessment reports and NMP.

Council also supports Option 2 provision for the following reasons:

- It provides WEF's a clear set of conditions to which they need to adhere too.
- It provides clarity to the community in an easily understood framework in the form of a 'permit'.
- EPA Victoria would become the primary regulator for wind farm noise, reallocating the responsibility of noise monitoring to an agency with the technical resources to manage appropriately.

**Concluding remarks**

Council supports changes under the regulatory framework to wind farm noise. Council supports both Option 1 and Option 2 as they establish the EPA being the primary regulator in the investigation and enforcement of wind farm noise across Victoria. The implementation of operating standards either through Option 1 (direct regulation) or Option 2 (permit system) will assist in building community confidence whilst also providing a clear set of obligations that wind farms will need to adhere too. We appreciate your time in considering our submission, please do not hesitate to contact me further on 5366 7100.

Yours sincerely

A handwritten signature in black ink, appearing to read 'V Osborn', written in a cursive style.

**Vanessa Osborn**  
Coordinator Major Developments