



To the Department of Environment, Land, Water and Planning

Thank you for the opportunity to provide feedback on the proposed changes to wind farm noise regulations in Victoria.

We believe Direct Regulation is the most beneficial option being considered by the Government as this provides greater certainty to industry and communities about noise requirements for wind turbines.

We have reviewed the Draft Regulation text and have some comments on two detailed aspects. Specifically:

*Section 131E Annual Statement*

(3) (c) *details of maintenance activities undertaken (including any unscheduled servicing events);*

*and*

(e) *evidence demonstrating the wind energy facility has not contravened the relevant noise standard.*

EDL queries the benefit of requiring wind farm operators to provide information which is unlikely to be reviewed by or benefit the EPA in any meaningful way, and EDL submits that it is not necessary for regular maintenance activities to be documented and provided to the EPA on an annual basis for the following reasons:

1. The design and construction of each wind farm is different and the EPA is unlikely to have a meaningful frame of reference by which to determine if appropriate maintenance is being conducted. We query whether the EPA would, in practice, spend its limited time and resources reviewing a compliant wind farm's annual maintenance records as a matter of course. We understand that the EPA has the ability to request and require specific information on specific occasions and we suggest that this specific information requesting regime be used so the EPA can request information when needed rather than imposing a burden on industry to collate and provide information which we suspect is highly unlikely to be used.

2. Proactively submitting maintenance records is not necessary to fulfil the General Environmental Duty. Operators are already required to take all reasonable and practical measures to prevent harm – and demonstrate this if there is an allegation of non-compliance. The Annual Statement should be an affirmation of compliance, with reporting of non-compliance by exception. Details of non-compliances could be accompanied by evidence of proper maintenance. EDL considers that this achieves the EPA's objective while minimising the reporting burden on the operator.



Therefore, it is EDL's respectful submission that clause (c) be deleted.

Similarly, we believe clause (e) should be modified to support a reporting by exception philosophy. Evidence demonstrating that the WEF has not contravened the relevant noise standard would be difficult to provide unless a noise assessment was conducted every year. EDL respectfully suggests an alternate form of wording for consideration, as follows:

"Provide details of any non-compliance with the relevant noise standard, including:

- i) The nature of the non-compliance
- ii) Actions taken to prevent the non-compliance
- iii) Actions taken or planned to be taken to rectify the non-compliance"

EDL believes that this would achieve the EPA's objective in a more practical and verifiable way.

Again, EDL expresses thanks for the opportunity to provide feedback on the proposed changes to wind farm noise regulations in Victoria.

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EDL