

**Submission
No 6**

INQUIRY INTO RURAL WIND FARMS

Organisation: Mt Spring Association Inc
Name: Mr Geoff Gorrie
Position: Chairperson
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Mt Spring ASSOCIATION Inc.

"living with our environment"

28 July 2009

The Director
General Purpose Standing Committee No. 5,
Legislative Council,
Parliament House,
Macquarie Street
Sydney NSW 2000

Dear Sir,

Thank you for your invitation to make a submission to the NSW Legislative Council Standing Committee No 5: "Inquiry into rural wind farms".

Mt Spring Association Inc welcomes the inquiry and is pleased to submit the accompanying documents.

Our Association represents homeowners at Spring Range (located just the north west of the NSW ACT border). Our locality was the subject of a potential wind development project by ACTEW AGL and partners in 2006. The project was subsequently cancelled, but the community experience of the development approval process set in train at that time left us with grave concerns. Foremost among these concerns was the approval process itself. Whether one supports or opposes wind turbines, the approval process itself should be fair and beyond partisan criticism.

The attached pages address a number of issues which the Association believe need to be addressed.

We thank you in advance for your consideration of our submission.

Yours sincerely
Spring Range Guardians Association Inc



Geoff Gorrie
Chairperson

Our areas of concern are:

Concern 1: Role of Approving Department and Closeness to Wind Industry

Government at all levels is today focussed on the need to reduce greenhouse gas emissions. The received wisdom of most people and most areas of Government is that wind turbines are an effective and cost free way of doing this. Those making the assessment are typically not exposed to the adverse effects of the technology, rarely question its effectiveness, and do not see the community impact.

The NSW Dept of Planning has a critical role to balance the commercial interests of developers, the greenhouse focus of other sections of government and the legitimate needs of communities. The development approval process relies on that Department as the primary place where the requirements of a development are weighed against the concerns of the affected community. It is vital that the Department subject claims made in development applications to careful and impartial scrutiny, and give adequate weight to local community concerns.

It is clear that both developers and the Federal Government rely on State governments to provide social safeguards in the approval process.

“Our projects would not be approved by The Dept of Planning if the impact on residents is unacceptable”

- *Developer (ACTEW AGL) quote*

“Some concerns were expressed about visual amenity associated with windfarms... These are matters for the relevant government planners and administrators to address”.

- *Review of the Operation of the Renewable Energy (Electricity) Act 2000 – item 24*

Specific areas where we have noted the role of the Dept of Planning being compromised

1. Closeness to the wind industry and reliance on the wind industry for its information sources.
2. Concern by the Department with financial impact of planning requirements on developers. (Examples can be found in the Taralga determination.)
3. Inadequate questioning of assumptions underlying developer claims

We would support efforts to ensure all developments are assessed with a critical, questioning and impartial stance.

Concern 2: Criteria for “State Significance”

Where developers frame a proposal to meet “State Significance” criteria and bypass local council planning controls it is essential the process be justified. If approval is for a project of “state significance” then that is what should be delivered. Approval conditions need to remove the possibility of a developer inflating a project to “state significance” for purposes of approval but later implementing a project on a lesser scale that would have been the subject of review under Local Council Developments conditions.

Full specification of the grounds under which each proposal meets State Significance criteria must be stated and financial guarantees held to ensure compliance.

Concern 3: Incomplete Proposals

Approval should be given only to *entire* wind turbine development proposals. We note instances where approval has been granted subject to later approval of the route of transmission lines. With transmission line routes omitted, residents cannot judge the full extent of how the development will affect them.

By separating transmission line approval from the approval for the rest of the project the full impact of a proposal is obscured.

Concern 4: Continuity of Responsibility for Life of Project.

Clear lines of financial responsibility should be assigned for the life of each turbine to parties able to discharge them. Decommissioning should never become the responsibility of the landholder. Bonds should be mandatory. Liability and operating responsibility should be equally clearly assigned. Conditions of approval must be binding upon future owners.

Examples exist of submissions being approved with only a partial decommissioning plan and no provision for funding it.

Concern 5: Clear and Public Lines of Accountability.

Public liability for a project should be clearly assigned and remain the responsibility of the developers, owners, and operators of any industrial wind energy complex. It should NOT be possible for these liabilities to be passed down to the landholder hosting a turbine installation

Liability includes:

- a) Fire risk (specifically where fire escapes the host property)
- b) Liability where non-host property devaluation figures can be shown.
(Effects on Property values can not be shown until turbines are installed and statistics accumulated over time. It may be some years before the effects on property values in any particular case are known)
- c) Liability for increased insurance premiums on non host properties.
- d) Any existing or future health effects attributable to the turbines or the materials used in their installation.
- e) Responsibility for removal of towers.

Wind Turbine approval conditions need to ensure adequate and continuous financial backing exists to discharge all potential liabilities which may arise over the life of a project. It would be unusual for a landholder to have the resources to cover the risks listed above and it is imperative these risks remain with the developer.

In recent determinations liability issues remain undisclosed in confidential contracts between turbine developers and landholders. The Department of Planning has sought and accepted assurances from developers that liability issues are covered. This practice does not allow the public to judge whether their interests are adequately represented. It also implicates the Department in future cases where developer assurances are found to be invalid. The issue can be simply resolved by opening all liability clauses to public scrutiny.

Concern 6: Peer Review of EIS and Visual Impact Statements

In cases where the Minister offers developers an opportunity to resubmit, or engage third parties to resubmit or peer review EIS or visual impact statements prior to approval of a wind project stakeholders with an interest in the outcome (including those opposing it) should be afforded an equal opportunity.

Where peer review of documentation is undertaken, the peer reviewer should be able to demonstrate not only competence in the field in question but also a record of objectivity and impartiality in assessments. (For example a peer reviewer should be able to point to a track record of both favourable and unfavourable assessments for any particular issue.)

Concern 7: Community consultation.

That developers be required to advertise selection of sites for assessment of wind turbine suitability and engage in adequate community consultation **before** signing any hosting contracts with landholders.

That public disclosure of hosting contracts be required. The community interests are affected by them and the benefits to the many outweigh the interests of the few.

Concern 8: Openness of information.

Where general community benefits are claimed for wind turbine installations (eg reduction of greenhouse gases) that the claims be based on Australian operational track records for the technology - in short we ask that electrical generation records for turbine installations be made public and be required data for development proposals.

Australian communities are being asked to sacrifice their ridgelines, or the amenity of their homes to wind technology on the basis that the benefit to the many outweighs the detriment to the few. In such an approach the benefits need to be clearly and unequivocally established - both during the approval process and after a project has been implemented. The need for public scrutiny and the public interest outweigh any commercial confidentiality claims.

Concern 9: Effects Beyond Host Property Boundaries

In principle non-host properties adjoining wind turbines should not be subject to adverse effects unless arrangements for compensation are in place. This can best be ensured by requiring that planning guidelines conditions (noise, shadow flicker) be met *at the boundary* of the host property.

Concern 10: Scrutiny of Standards.

Standards for adverse effects due to wind turbines have been sourced from the wind industry and accepted with too little scrutiny. The “standards” have been applied to development determinations. Frequently the standards have been set with unjustified underlying assumptions.

Example: A standard for “shadow flicker” from wind turbines proposes that the problem only exists where a person is located in the flicker zone and subjected to more than thirty hours of flicker per year. The standard fails to mention that it is impossible for a static observer to accumulate thirty hours of exposure in a year anywhere beyond 300 metres from a single wind turbine, yet residents have reported adverse effects and annoyance as far as one kilometre from the source.

A more logical standard for flicker and visual impact might take as its base line a landscape devoid of movement. A rotating shadow is not a natural part of a rural landscape. The human eye is drawn to movement. Where a large moving object is introduced into what was previously a static environment the tranquil nature of the environment is fundamentally altered. Submissions to date have concentrated on the *static* impact of turbines. Adequate emphasis needs to be placed on *dynamic* effects. Architectural expertise may not be sufficient to assess the factors involved in visual impact of wind turbines.

Concern 11: Noise Standards - Science

Turbine noise is at the heart of most resident concerns.

Developers have relied on outmoded computer models when predicting noise.

In general these models have disregarded meteorological effects such as temperature inversion, ignored noise modulation effects cause by blade rotation, and incorporated wind velocity profiles which have been shown to be in error

Reference "*The sound of high winds: the effect of atmospheric stability on wind turbine sound and microphone noise*" (<http://irs.ub.rug.nl/ppn/294294104>)
-(F. VandenBurg)

The result has been noise estimates which are up to 15 Db too low and wind velocity estimates which have been in error by more than 100%.

Better science exists and its use should be mandatory in development proposals.

Concern 12: Noise standards - Health.

Current World Health Organisation standards specify that detrimental noise pollution health effects (disturbed sleep etc) occur where noise levels exceed 30 Db over an eight hour per day period. Current wind turbine installation standards permit noise levels at 35 Db and more.

Noise pollution is an integral part of our environment and a legitimate concern of government. Standards need to be brought in line with WHO recommendations.

Reference: WHO: *Occupational and community noise*
(<http://www.who.int/mediacentre/factsheets/fs258/en/>)

Concern 13: Noise standards - Application

Our Association argues that noise standards be applied *at the boundary* of properties hosting industrial wind energy developments. If noise limits are imposed only at receiving dwelling then all future users of land between the receiver and the noise source are potentially affected by unacceptable noise from the development

Concern 14: Time to Respond to Proposals

A major concern with wind turbine development applications is the period assigned for the community to assess and respond to the Department of Planning on the effects of a turbine proposal – current response time are clearly inadequate and severely impact the communities ability to adequately respond to these proposals. Developers may take years to assess a project's operating factors and arrive at conclusions on the number and capacity of turbines, location and size of towers, noise characteristics and environmental impact. The community requires proportionate time and resources to assess the same issues.

Concern 15: Accountability

Those making the decision need to be answerable at the ballot box to those affected. The local member of the electorate where a wind turbine project is proposed needs to be directly involved in the decision. The current process bypasses local councils, sidelines local members and transfers most of the decision power to persons with no direct electoral responsibility to those affected.