Submission
No 79

INQUIRY INTO RURAL WIND FARMS

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AERIAL AGRICULTURAL ASSOCIATION OF AUSTRALIA LTD.

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21 August 2009

The Director
General Purpose Standing Committee Number 5
Parliament House
Macquarie Street
Sydney NSW 2000

By email: gpscno5@parliament.nsw.gov.au

Dear Director

AAAA Submission to Inquiry into Rural Windfarms

The Aerial Agricultural Association of Australia (AAAA) represents Australia's aerial application industry, including crop protection spraying, fertilizer application and firebombing.

Aerial application is heavily regulated by the Civil Aviation Safety Authority and pilots and operators are licenced to at least Commercial Pilots Licence standard and undergo ongoing professional development conducted by CASA appointed examiners and AAAA.

AAAA works closely with CASA and industry members on safety promotion, training, regulatory development and identifying emerging threats to aviation safety and appropriate responses.

A key emerging threat to aviation safety both in Australia and overseas is developing windfarm infrastructure. In particular, wind monitoring towers are a critical threat to low level aviation safety.

Wind monitoring towers are very tall in relation to aerial application operations, are erected within very short timeframes, are extremely difficult for any pilot to identify from the aircraft and are often not notified to aviation users because of the lack of a Government-mandated notification system and the desire of the developers to keep their positions a secret because of commercial issues.

There are two quite distinct issues arising from windfarms that affect aerial application:

- safety of the aircraft and pilot and
- economic impact on aerial applicators.

Safety Impacts

AAAA view is that the case of *Sheather v Country Energy* (NSW Court of Appeals) clearly established that anyone with infrastructure posing a threat to aviation must consider the risks that infrastructure poses to aviation safety and respond appropriately through marking or other measures to safeguard aviation operations. This precedent is of critical relevance to windfarm developers although not apparently widely known to them.

There are also a range of activities currently underway that are important to the consideration of the impact of windfarms and potential directions for the future. These include:

- Commonwealth Aviation White Paper (Department of Infrastructure etc)
- Commonwealth Inquiry into Safeguards for Airports and the Communities Around Them (Department of Infrastructure etc)
- CASA consultancy on safety implications of tall structures not in the vicinity of airports
- Relatively recent review and release of Australian Standard AS3891 - Air Navigation - Cables and their supporting structures - Marking and safety requirements

AAAA has made submissions to each of these processes and has consistently raised the need for appropriate risk management of windfarms and wind monitoring towers in an aviation context.

For example, the AAAA submission to the Commonwealth Government's Aviation White paper included the following recommendation:

- Establish and fund a national database of powerlines, wind monitoring and power generation towers and other obstacles so as to address this significant threat to low-level aviation. Despite the best efforts of AAAA, such information is not made available from any power companies and most wind farm developers.

This proposal is expanded on in the attached recent submission to the Commonwealth Government Inquiry into Safeguards for Airports which is at **Attachment A.**

AAAA has done a lot of work to make it easier to mark guy wires and powerlines – including on wind monitoring towers – through amendment of the national standard on marking of wires so as to use a new marker developed by Country Energy (NSW) with the cooperation of AAAA.

There is now little practical reason why wind towers and especially wind monitoring towers should not to be clearly marked at least.

In addition, AAAA has attempted to provide relevant information to developers through the Wind Energy Association, but this process/advice is voluntary and consequently will not provide coverage of all developers.

AAAA also passes on information to members that has been provided to it by wind farm developers on the physical location of wind monitoring towers. However, only a few developers provide this information and again there is little doubt that many towers are going

up unmarked and unknown until hopefully spotted by pilots during pre-application inspections.

More comprehensive safeguards must include a mandatory national system of communication of the position of all wind monitoring towers and the inclusion of this on a national database accessible by low level pilots.

This is a very real issue for topdressing and firebombing operations - as wind monitoring increases, so does the threat to legal aviation activities.

Economic Impacts
Safety is not the only consideration that is imposing additional risk and consequences on the aerial application industry.

The placement of wind farms in areas of highly productive agricultural land is leading to reductions in treatment areas of aerial application companies with no compensation for this externalization of costs by wind farm developers.

For example, placement of a wind farm may affect flight lines and application height or even whether the application can be conducted at all - leading directly to either an increase in cost or a reduction in income - and sometimes both - for aerial application operators.

AAAA's submission to the Commonwealth Inquiry into Safeguards at Airports **(Attachment A)** makes a number of points regarding land planning issues that are equally relevant to the development of wind farms regardless of whether they are near airports or in agricultural land that may be treated by air.

In particular, AAAA is concerned that not enough consideration is being given through the State planning approval processes to the impacts of windfarms on productive agricultural land and the aerial application industry, remembering that it may not only be the land footprint where the windfarm is sited, but also land surrounding that for some kilometers where aircraft may have to maneuver to conduct aerial application.

At the very least, windfarm developers should be required to pay compensation to aerial applicators where it can be reasonable established that there will be an economic impact imposed on the aerial application company by the wind farm developer.

Further information
If you require any further information or would like AAAA to expand on or further explain any of the issues raised in this submission, please do not hesitate to contact the Association's CEO, Mr Phil Hurst on [redacted] email: [redacted] Similarly, if it would be of assistance, AAAA would be happy to appear at the public hearing on the 9th September.

Yours sincerely

P. Hurst

Phil Hurst
CEO - AAAA