



National Wind Farm Commissioner

Presentation to Clean Energy Council Summit

Sydney – 19 July 2017

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National Wind Farm Commissioner

www.nwfc.gov.au

Agenda

- The role of the Commissioner
- Achievements to date
- Complaint statistics
- Annual Report Observations and recommendations

Role

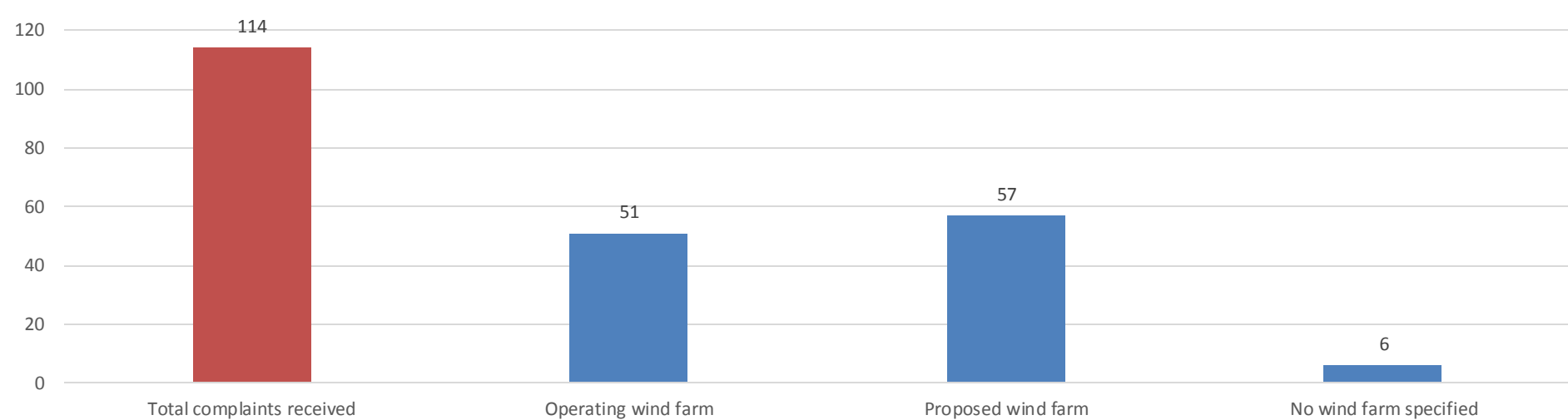
- Commenced in November 2015 for a three year term to:
 - Facilitate the handling of complaints from concerned community residents about planned and operating wind farms;
 - Identify and promote best practices for industry and government to adopt with regard to the planning and operation of wind farms; and
 - Improve information access and transparency about proposed and operating wind farms.
- National, independent role – reporting directly to the Federal Minister for the Environment and Energy.
- Commissioner’s Terms of Reference at www.nwfc.gov.au.

Achievements to date

- Extensive stakeholder engagement – more than 600 stakeholders including government, community, industry and experts
- Site visits to operating/proposed wind farms and complainants
- Establishment of office and employment of staff
- Implementation of complaint policy, systems and process
- Independent website launched – www.nwfc.gov.au
- Received and handling a wide variety of complaints
- Identification and address of common systemic issues
- Identification and promotion of best practices – industry and government
- These are all detailed in a range of preliminary recommendations as outlined in the 2016 Annual Report.

Complaint statistics

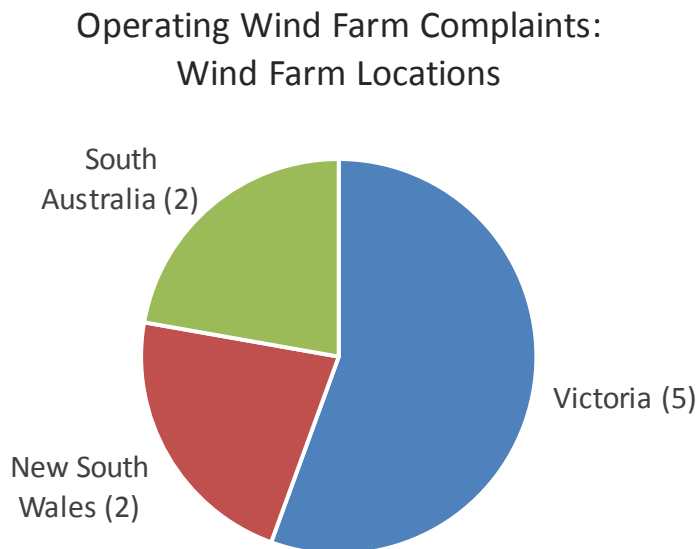
(as at 11 July 2017)



- 114 complaints received
- 51 complaints are from 9 operating wind farms
- 57 complaints are from 22 proposed wind farms
- 6 complaints did not specify a wind farm
- 95 cases closed, 19 open cases at various stages of our process

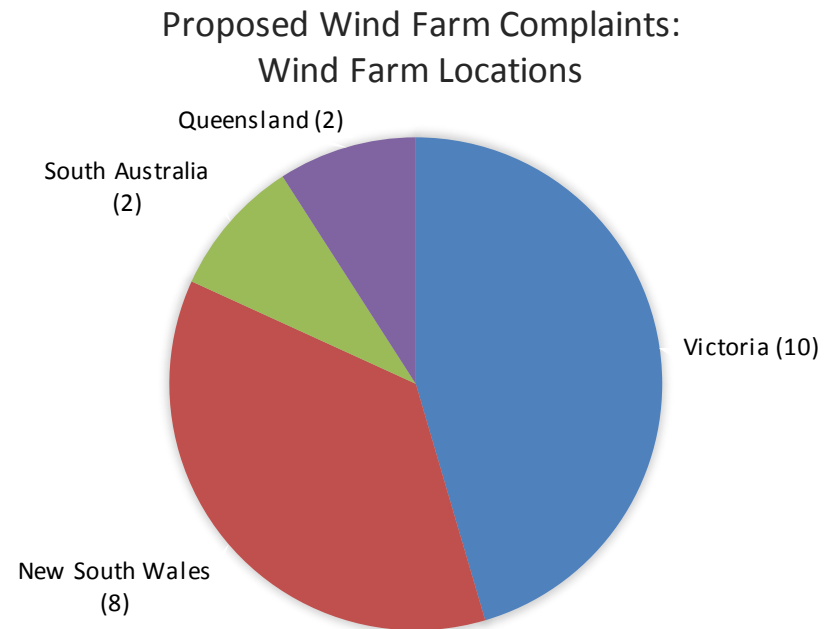
Complaint statistics – Operating wind farms

- 51 complaints about nine operating wind farms:
 - Victoria – 29 complaints
 - NSW – 6 complaints
 - South Australia – 16 complaints
- 44 of these cases have been closed



Complaint statistics – Planned wind farms

- 57 complaints about 22 proposed wind farms:
 - Victoria – 24 complaints
 - NSW – 24 complaints
 - South Australia – 7 complaints
 - Queensland – 2 complaints.
- 46 of these cases have been closed.



Top 8 complaint issues

- Complaint issue type in order of prevalence:
 - Noise and annoyance from operations (including noise testing process and noise standards)
 - Health concerns
 - Planning process and transparency
 - Economic loss (property & opportunity)
 - Amenity and impact on views
 - Vibration
 - Natural environment
 - Community engagement.
- Resolutions range from provision of helpful information through to commercial settlements.

2016 Annual Report

Observations and Recommendations

1. Host landowner negotiations
2. Neighbour consultation and agreements
3. Community engagement
4. Length and renewal of planning permits
5. Governance and compliance of standards and permit conditions
6. Selection and use of experts
7. Complaint handling and emergency procedures
8. Site selection
9. Health matters

1. Host Landowner Negotiations

- Developers should be fully transparent about the process. Host landowner expectations should be properly managed from the outset (e.g. advised of likelihood of changes to turbine selection, layout and reduction of turbines).
- Host agreements should:
 - be fair and reasonable (landowner should also obtain independent advice prior to entering agreement)
 - be written in plain English
 - clearly outline responsibilities relating to host operational constraints, liability insurance, decommissioning (including sources of funding for decommissioning) and other applicable rates and taxes, such as land taxes and fire levies.
- Developers should consider the merits of providing some level of payment to committed host landowners, regardless of final turbine layout.

2. Neighbour Consultations

- All neighbours within a vicinity of 5km of the wind farm's proposed turbines should be identified and consulted where practical.
- Planning authorities and project stakeholders may seek evidence of effective neighbour consultations as part of due diligence and approval criteria.
- If utilising neighbour agreements, they should:
 - be presented as a draft and negotiable. Neighbours may seek legal advice.
 - be fair and reasonable and not include unnecessary/irrelevant clauses or restrictions
 - not restrict neighbours from making complaints about the wind farm
 - not subject neighbours to conditions that exceed permit requirements (unless required by the permit due to proximity).
- Proposed mitigation measures, such as screening solutions, should be realistic and effective.

3. Community Engagement

- Developers should invest in community engagement as early as possible. Proponents considering purchasing established wind farm projects (be they proposed or operating) should assess effectiveness of community engagement undertaken by the original developer prior to purchase.
- In designing a community engagement plan, developers should consider:
 - establishing relationships with key community stakeholders
 - establishing a Community Consultative Committee (CCC)
 - providing for a range of ongoing information opportunities for the community
 - providing a transparent web-site and effective enquiries/complaints handling process
 - the consultation and communication plan for construction
 - facilitating appropriate 'make-good' activities and beneficial improvements in local infrastructure (e.g. roads, power supply, mobile phone services)
 - establishing and maintaining a community engagement fund
 - providing evidence to planning authorities of community engagement plans and outcomes.
- Councils and State Governments should also proactively engage with community and promote community engagement initiatives. Industry associations should assist with identifying and promoting best practices.

4. Complaint Handling

- Typically, complaint management conditions and permits are limited to noise and construction complaints only.
- Our Office has observed that, while complaint handling procedure documents do exist, in some cases procedures have not been published on websites and procedures are not being followed by wind farm operators.
- We have approached a number of wind farms and requested their complaint handling procedure be published – most have complied/agreed to date.
- Wind farms should consider their approach to complaint handling, including:
 - expanding complaint handling procedure requirements to include all complaint types
 - publishing the complaint handling procedure via a prominent link on the web-site
 - ensuring that the complaint handling procedures are properly managed and followed
 - auditing the wind farm's complaint handling activities and complaints register to confirm compliance with the procedures (and any permit related conditions and requirements).

Questions?