Office of the National Wind Farm Commissioner

Annual Report

to the Parliament of Australia

ANNUAL REPORT

Year Ending: 31 December 2016

Date of Report: 31 March 2017

Office of the National Wind Farm Commissioner

31 March 2017

The Hon Josh Frydenberg MP
Minister for the Environment and Energy
Parliament House
CANBERRA ACT 2600

Dear Minister

2016 Annual Report by the Office of the National Wind Farm Commissioner

Pursuant to the National Wind Farm Commissioner's Terms of Reference, I am pleased to provide our first Annual Report to the Australian Parliament on the activities of the Office of the National Wind Farm Commissioner.

The Report covers activities in the period from the Office's inception through to 31 December 2016. The Report also includes a number of observations about the governance, development and operation of wind farm projects along with preliminary recommendations for consideration.

I look forward to discussing the Report with stakeholders in due course.

Sincerely

Andrew Dyer

National Wind Farm Commissioner

PO Box 24434, Melbourne VIC 3001
1800 656 395
www.nwfc.gov.au

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COMMISSIONER'S REVIEW

Introduction

The Office of the National Wind Farm Commissioner is pleased to provide its first annual report for the period of the Office's inception through to 31 December 2016.

Our key roles are to:

- facilitate the referral of complaints from concerned residents to respondents about operating or proposed wind farms by providing a voluntary process for complaint resolution
- identify and promote best practices relating to the planning, development and operation of wind farms, including practices related to wind farm compliance and standards, complaint handling and community engagement
- provide improved transparency regarding wind farm activities in Australia.

There are no formal powers associated with the Commissioner's role and the Commissioner relies on effective relationships and the goodwill of stakeholders to facilitate the complaints handling process as well as assist in the identification and adoption of best practices recommendations.

The Commissioner's Terms of Reference is included in Appendix A.

The Year in Review

The Commissioner's appointment was announced on 9 October 2015 by the then Minister for the Environment, the Hon Greg Hunt MP. The Commissioner commenced the role in November 2015.

An early priority was to establish the Office. These activities included:

- locating and setting up office space
- hiring the core staff for the Office
- establishing the infrastructure to support the Office
- establishing the Commissioner's Complaints and Information Handling Policies
- designing and implementing the Complaint Management System
- designing and launching the Commissioner's independent website.

Another key priority during this first year was for the Commissioner to identify and engage with a wide range of stakeholders. These engagements have enabled the Commissioner to gain a first-hand view of the current and historical issues about wind farms and to identify key improvement opportunities. As at 31 December 2016, the Commissioner has met with over 500 stakeholders, including stakeholder representatives from all levels of government, industry and communities.

With regard to complaints received, our Office has received a total of 90 complaints about wind farms during the period up to 31 December 2016.

Of these 90 complaints received, 46 complaints were about operating wind farms and related to nine wind farms. As at 31 December 2016, a total of 32 of these complaints have been closed by our Office.

A further 42 complaints received by our Office were about proposed wind farms and related to 19 wind farms. As at 31 December 2016, 33 of these complaints have been closed by our Office.

The remaining two complaints did not specify a wind farm and have been closed.

It should be noted that our complaints handling process is a voluntary process. We are not able to compel parties to respond to a complaint. However, both industry and government have largely embraced our role with most wind farms, industry and government agencies being cooperative and timely in their responses to complainants.

Further, government and industry have proactively reached out to the Office for input on a wide range of wind farm related topics. This includes providing insight into proposed wind farm planning guidelines, providing feedback regarding complaint handling and working with concerned community members.

Our website has been operating since February 2016 and provides a wide range of information about our Office. This includes our contact details, complaint handling policy and related documentation. Our website also provides links to information about wind farms, planning authorities and the Commissioner's presentations and bulletins. The Commissioner's website can be found at www.nwfc.gov.au.

During the year, the Commissioner made a number of presentations, including presentations to the Clean Energy Council (CEC) Summit in July 2016 and the Council of Australian Governments (COAG) Energy Council in December 2016. The Commissioner has also appeared before the Senate Estimates Environment and Communications Committee in February, May and October 2016. The Commissioner also meets quarterly with the Wind Directorate of the CEC to provide feedback to industry on complaint issues, observations made and to discuss improvement opportunities for industry.

After approximately 16 months in the role, the Commissioner has identified a number of key observations and preliminary recommendations to be considered by various stakeholders. These observations and recommendations are detailed later in this report.

The Year Ahead

In 2017, the Office will continue to play an important role in complaint referral and facilitation for community members–for both existing complaints that are in progress as well as new complaints received.

We will also focus on:

- assisting industry to further improve its effectiveness in complaint handling and community engagement
- working with a variety of stakeholders to consult on our preliminary recommendations, contained in this report, and seek adoption of our recommendations where practical
- continuing to update our website with further information to improve transparency of the wind farm industry and its governance.

Andrew Dyer
National Wind Farm Commissioner

OVERVIEW

What We Do

Established for an initial period of three years, the National Wind Farm Commissioner is an independent role. The role was a consequence of Recommendation 5 of the 2015 Senate Committee on Wind Turbines Interim Report, which stated:

'The Committee recommends that the Commonwealth Government establish a **National Wind Farm Ombudsman** *to handle complaints from concerned community residents about the operations of wind turbine facilities accredited to receive renewable energy certificates. The Ombudsman will be a one-stop-shop to refer complaints to relevant state authorities and help ensure that complaints are satisfactorily addressed.'*

The Commissioner is guided by the Terms of Reference issued by the then Minister for the Environment in October 2015, and revised in May 2016 (see Appendix A).

The primary function of the Commissioner's Office is to receive and refer complaints from concerned community members about operating and proposed wind farms and help facilitate resolutions. Information relating to our complaint handling activities are detailed in this report.

The Office also identifies opportunities for improvement in the wind energy sector and actively promotes the adoption of best practices via interactions with relevant stakeholders, external presentations and information provided on our website. Industry and government have openly received input from our Office regarding best practices and improvement opportunities, with changes already being implemented as a result. Key observations and recommendations on a range of matters are also detailed in this report.

Finally, the Office has worked to improve information transparency about wind farms through the provision of information via our website. We have also encouraged industry and governments to improve the availability of information on their own respective websites. The positive response from stakeholders so far has helped enable community members have greater access to information about wind farm projects.

Who We Are

The Commissioner is supported by a small team provided by the Department of the Environment and Energy which comprises a Research Analyst, a part-time Complaints Manager and an Executive Officer.

Office Location

The Office of the National Wind Farm Commissioner is located in Melbourne City Centre. The Office can be contacted by toll-free telephone 1800 656 395, email nwfc@environment.gov.au or post at PO Box 24434 Melbourne 3001. The Office regularly conducts meetings with community members and other stakeholders at these premises. Appointments can be made by contacting the Office.

COMPLAINT MANAGEMENT

Complaint Management System

A primary function of the Office is to receive and refer complaints to relevant bodies and ensure that each complaint is appropriately handled. The establishment of a complaints management system and database was essential for the Office to function effectively and record and manage the complaints received. Based on the existing customer relationship management system used within the Department of the Environment and Energy, the Office designed and implemented a suitable configuration of the system in early 2016 to support its complaints handling process.

Complaints Handling Policy

The Office published its draft Complaints Handling Policy in late January 2016. Following feedback from stakeholders, the Office released its Complaint Handling Policy (and associated Information Handling Policy) on 29 February 2016. It was further updated in August 2016. The Policy is available at Appendix B. The core principles that guide the handling of complaints, as outlined in the Complaints Handling Policy, state that:

- the Office is independent
- the Office will use best efforts to assist the parties to find acceptable outcomes and reach agreement on a way forward
- the Office will assist parties to share fact and evidence based information relevant to a complaint so that they can work towards an outcome
- the Office will always act impartially and ethically
- the Office expect that the parties involved in a matter brought to the Commissioner will act with integrity and respect, and be genuinely seeking an outcome to the issues raised
- the Commissioner's process is a voluntary process.

The Complaints Handling Policy outlines the Office procedure for receiving and handling complaints. Complaints initially received by the Office are classified as an 'enquiry' and may be formally 'accepted' and progressed by the Office once sufficient information, including the authorisation to share information, has been provided by the complainant.

In accordance with the policy, the Commissioner may conclude that the complaint would be best responded to directly by another party such as the wind farm developer, wind farm operator or a state or local government department or agency. The Commissioner would refer this complaint to the relevant party and would assist in facilitating meetings and resolutions where possible. The Commissioner may also seek to conciliate the complaint between a complainant and the other party through a meeting or series of meetings. The Commissioner has the discretion to close a complaint if satisfied that a complaint is resolved. Definitions of the complaint stages are outlined in the Complaints Handling Policy at Appendix B.

The Office has also developed an Information Handling Policy for the purpose of handling complaints received by the Office. This policy outlines what information the Office can collect, how this information may be disclosed as well as information on confidentiality and privacy. This policy is also available on the Office's website at www.nwfc.gov.au.

Complaint Activity

From the Office's inception up to 31 December 2016, the Office received a total of 90 complaints. In summary, the Office has received:

- 46 complaints relating to nine operating wind farms
- 42 complaints relating to 19 proposed wind farms
- two complaints that did not specify a wind farm.

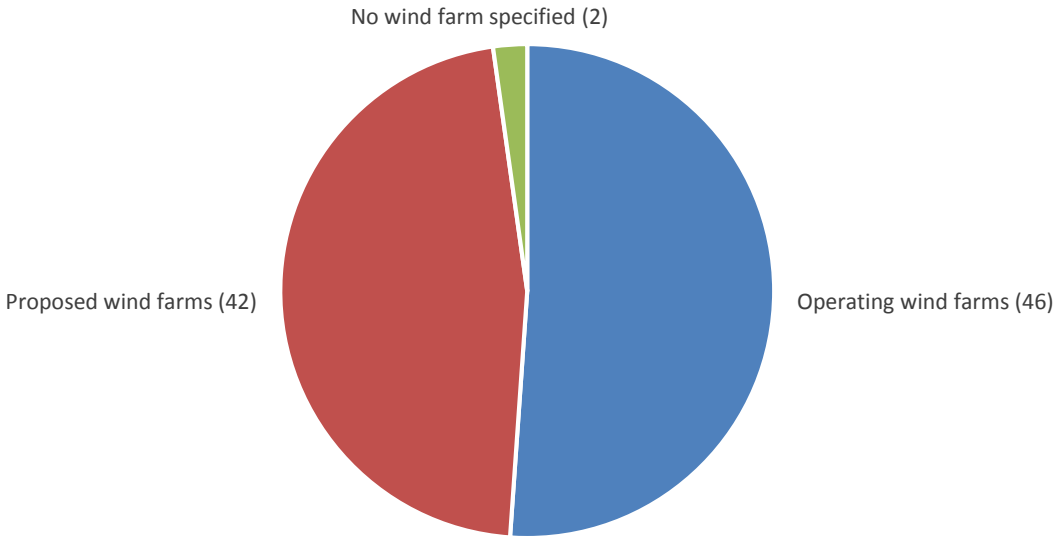
As at 31 December 2016, 67 complaints were closed by the Office. The remaining 23 matters are at various stages of the complaint handling process.

Further information on these complaints is outlined below.

Proposed Wind Farms versus Operating Wind Farms

Figure 1 below provides information on the number of complaints the Office has received in relation to proposed and operating wind farms up until 31 December 2016. Proposed wind farms are those which are at proposal, planning or construction stage and are not in operation.

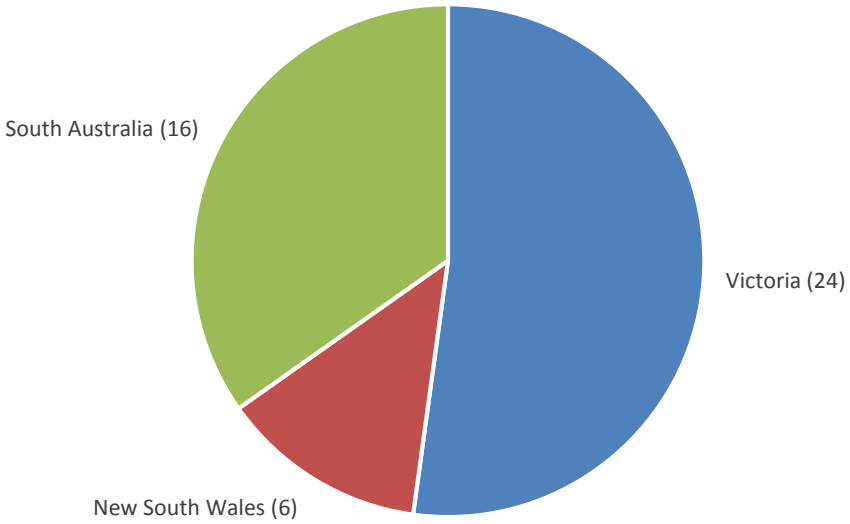
Figure 1: Wind Farm Complaints by Development Stage (number of complaints)



Operating Wind Farms

As at 31 December 2016, the Office received 46 complaints in relation to nine operating wind farms. As at 31 December 2016, 32 of these complaints were recorded as closed. Figure 2 below provides information on the location of all complaints relating to operating wind farms as at 31 December 2016.

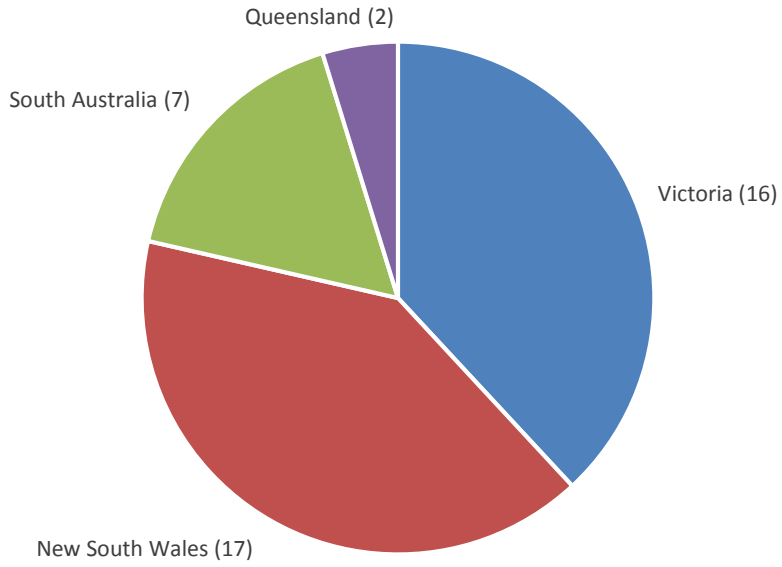
Figure 2: Operating Wind Farm Complaints - Wind Farm Locations (number of complaints)



Proposed Wind Farms

As at 31 December 2016, the Office received 42 complaints in relation to 19 proposed wind farms. As at 31 December 2016, 33 of these complaints were recorded as closed. Figure 3 below provides information on the location of all complaints relating to proposed wind farms as at 31 December 2016.

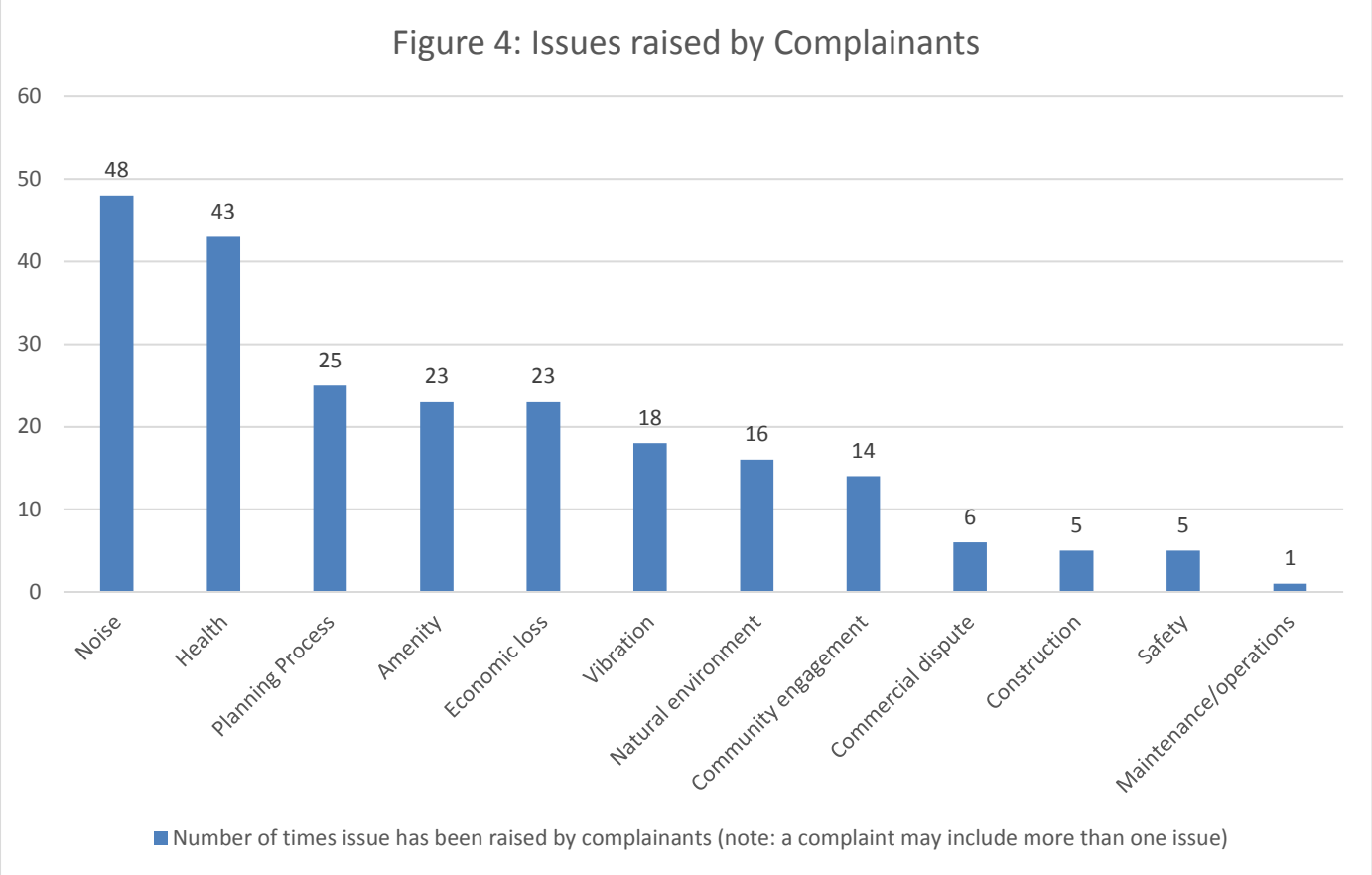
Figure 3: Proposed Wind Farm Complaints - Wind Farm Locations (number of complaints)



Issues Raised

Complaints made to the Office may be for a number of issues including noise, economic loss and visual impact. The most common complaint issues raised in relation to wind farms are related to noise from turbines and health impacts.

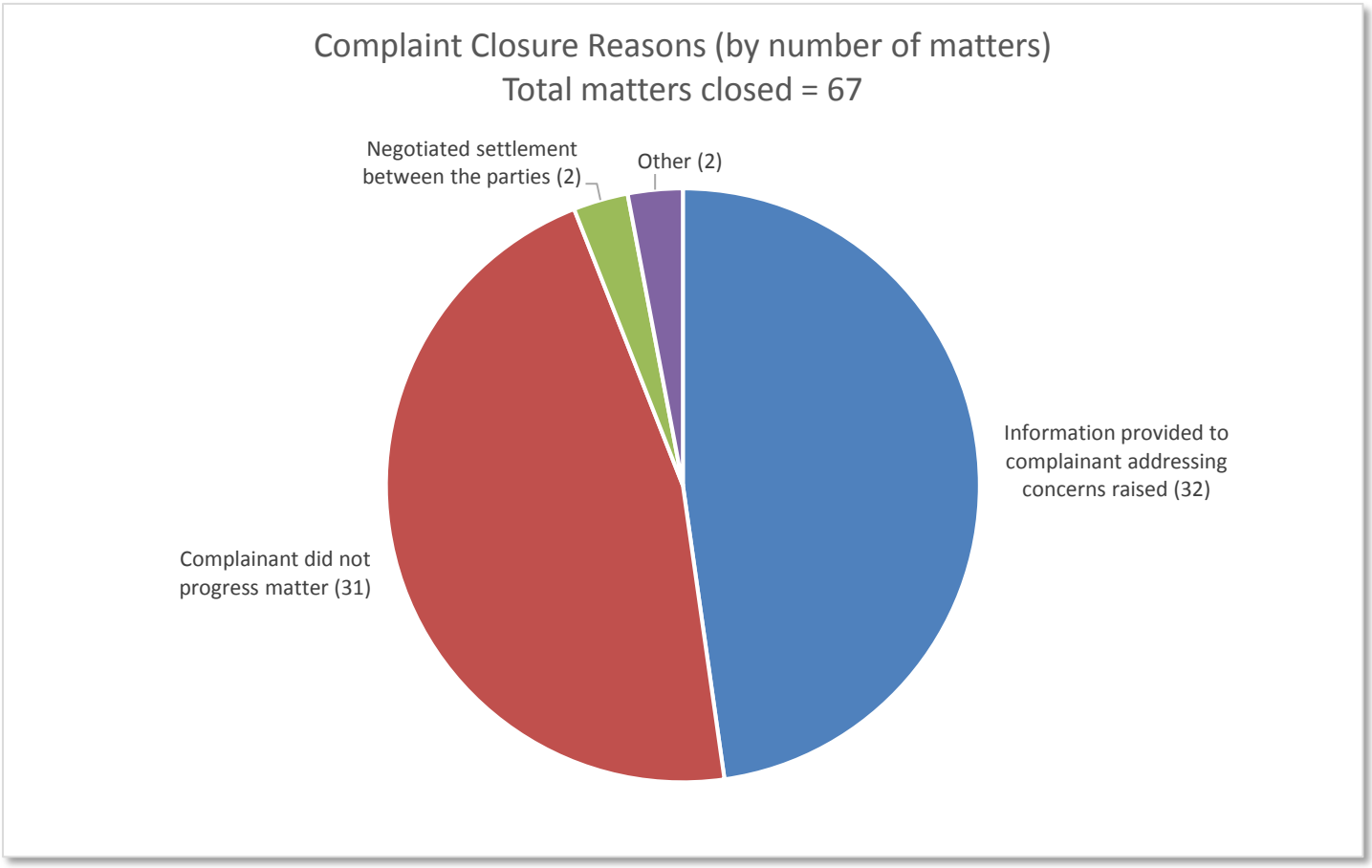
The Office records complaint issues raised by the complainant when contacting our Office. Figure 4 below indicates the complaint issue and the number of times the issue has been raised by complainants for the 90 complaints received up until 31 December 2016. Note that complainants may raise more than one issue in their complaint.



Resolutions and Closure

As at 31 December 2016, 67 of the 90 complaints received by our Office have been closed. There are a range of reasons that the Office may consider in closing a matter. Complaint closure reasons are detailed in the Complaints Handling Policy.

Figure 5 below provides a summary of high level closure reasons for cases closed to date. Matters where the complainant did not progress the matter include situations whereby the complainant withdrew the complaint, did not provide consent to share information with other parties, did not provide sufficient information or could not be contacted. Matters recorded as ‘other’ were situations in which further progression will not assist resolution, or the complainant engaged a legal representative.


Complaint Closure Reasons (by number of matters)
Total matters closed = 67
Negotiated settlement between the parties (2)
Other (2)
Information provided to complainant addressing concerns raised (32)
Complainant did not progress matter (31)

STAKEHOLDER ENGAGEMENT

Stakeholder engagement has assisted the Commissioner and the Office significantly in understanding the issues affecting communities as well as the role and perspectives of government, industry and other entities in the broader context. The insights gained by engaging directly with stakeholders has also assisted the Commissioner to identify improvement opportunities and promote best practices.

As at 31 December 2016, the Commissioner has engaged with over 500 stakeholders, including concerned and supportive community members, industry representatives, federal, state and local governments as well as experts. Engagement with these various stakeholders will continue and be ongoing as the Commissioner seeks to consult and encourage adoption of best practices as well as work with stakeholders to facilitate the handling of complaints.

How Have We Engaged With Stakeholders

Government and Industry

The Commissioner is regularly consulted by government bodies, industry associations and members regarding observations on a range of matters related to community engagement along with planning and governance considerations. In addition to these consultations, the Commissioner has also provided input to stakeholders regarding various policies and guidelines relevant to the wind energy sector. These include providing feedback on the New South Wales Department of Planning and Environment's *Wind Energy Planning Framework* (2016) and the Victorian Department of Environment, Land, Water and Planning's *Renewable Energy Auction Scheme Consultation Paper* (2015).

As a result of identifying systemic issues arising from complaints, the Office has also made recommendations to the Victorian Government regarding wind farm permit conditions. These issues were related to the endorsement, transparency and compliance of wind farm complaint handling procedures. It is understood that these recommendations have now been adopted by the Victorian Government and new and renewed permits now contain conditions to address these matters.

The Commissioner has presented on a number of occasions to government bodies and industry associations including the COAG Energy Council, the Clean Energy Council (CEC) and Senate Estimates hearings. Presentations have included updates on complaint statistics as well as observations and recommendations for consideration.

The Commissioner considers that the ongoing consultation with government and industry, particularly sharing perspectives gained from direct observations of current practices within the wind energy sector, will further contribute to the development of more robust wind energy governance that will better take into account the social and environmental factors in the deployment of future wind farms.

Community Associations and Residents

Since the commencement of the Office, the Commissioner has met with a number of concerned residents, supportive residents and representatives of community associations. In addition, the Commissioner has also contributed to a research project jointly facilitated by the CEC, Embark and the Community Power Agency entitled *Enhancing Social Outcomes from Wind Development in Australia: Evaluating Community Engagement*.

Consultations with local communities and residents have assisted the Commissioner in identifying a range of positive and negative impacts that wind farms can have on communities. Through listening to the concerns raised, the Commissioner has developed a thorough understanding of the issues pertinent to proposed and operating wind farms. These issues form the basis of discussions with industry and

government in considering the development of future policy and guidelines and are discussed later in this report together with the Commissioner's preliminary recommendations for consideration.

Universities and Experts

The Commissioner has liaised with a number of experts and university members to understand their respective roles in providing advice and research regarding wind farm design, compliance testing and health effects. The Commissioner has also met on a number of occasions with the Independent Scientific Committee on Wind Turbines (ISCOWT) to convey findings and observations from complaint experiences and stakeholder discussions.

Finally, the Commissioner maintains a watching brief on any developments arising from two National Health and Medical Research Council (NHMRC) funded studies. These studies are focused on the impact wind farms have on sleep and infrasound health impacts.

Wind Farms and Communities Visited

As at 31 December 2016, the Office has received complaints in relation to 28 proposed and operating wind farms. Of these, the Commissioner has visited 17 wind farm locations to meet with community members and other stakeholders. Visits have included meetings with concerned residents to discuss specific complaint matters as well as to directly experience the operation of the wind farm and the affected area. Table 1 shows the wind farm locations that have been visited. Due to complainant activity, some wind farm locations have been visited multiple times.

Table 1: List of Wind Farm Locations visited by the Commissioner

State	Wind Farm Locations	
Victoria	• Cape Bridgewater • Macarthur • Waubra • Hepburn	• Bald Hills • Moorabool* • Oaklands Hill • Ararat
New South Wales	• Gullen Range • Gunning • Cullerin Range	• Collector* • Jupiter* • Crudine Ridge*
South Australia	• Waterloo • Snowtown	• Palmer*

* proposed wind farm

WEBSITE DEVELOPMENT

A key accomplishment for the Office has been the establishment and development of the Commissioner's website. The deployment of the website was essential to support the Office's key functions as well as providing members of the public with easy access to information about the Commissioner, the Office's policies and other helpful documents and information. The website provides transparency to a range of resources and information for all stakeholders about the Australian wind industry and matters relating to wind farms.

The Commissioner was initially provided with an interim presence on the Department of the Environment and Energy's existing website. In May 2016, the Office launched the independent website (www.nwfc.gov.au).

Over the course of 2016, the Commissioner's website has undergone a series of developments. The content development of the website occurred in stages and were released progressively throughout 2016, as outlined below:

- ***Release One (May 2016)***

  Release One comprised the launch of the Office's independent website and achieved the core requirement of the Commissioner's role to provide an easily accessible point of contact to all members of the community who wish to raise concerns or make a complaint about a wind farm. Initial content also included information about the Commissioner, the Terms of Reference and the Office's publications and relevant media.

- ***Release Two (September 2016)***

  Release Two involved the provision of additional information on the nature of the Office and its processes. New website content also included information on wind farms, location of wind farms, electricity generation data and access to the Renewable Energy Certificate registry. The Commissioner also provided observations and resources on best practice community engagement and complaint handling.

- ***Release Three (December 2016)***

  Release Three included the addition of website content relevant to wind farm planning and regulation matters. This information provides a useful resource for community members and other stakeholders seeking information relating to wind farm guidelines, wind farm permits, monitoring and compliance of wind farms in relevant jurisdictions. In response to stakeholder interest, the Office also released a discussion paper on the nature of commercial agreements in the wind industry.

Further development of the website will continue in 2017.

OBSERVATIONS AND RECOMMENDATIONS

After approximately 16 months in the role, the Commissioner has observed a number of areas for potential improvement in the planning, governance and operation of the wind energy industry. These observations have been obtained through the handling of complaints received by the Office to date as well as through direct engagement with a large number of stakeholders.

The following sections summarise each of the key observations and provide suggested preliminary recommendations for discussion and consideration by government, industry and other key stakeholders.

Some of these recommendations may already be implemented in certain jurisdictions and there may also be other approaches to achieve the same or similar outcomes that are intended by the recommendations.

It should be noted that the large-scale wind energy industry is still relatively new in Australia, with the first major wind developments commencing in just the last decade. Therefore, it is not surprising that a diverse number of opportunities exist for improvement.

1. Host Landowner Negotiations

1.1. Observations

Wind turbines are typically located on cleared land owned by a landowner, known as the 'host' landowner. The land is often used for agricultural production (for example, livestock or cropping) and a relatively small portion of the land is utilised for the wind farm including turbine siting, access roads and other related assets such as transformers and meteorological masts. The landowner continues to operate the agricultural production activities on the remaining land, noting that there will be disruption during the turbine construction phase and that ongoing access to the wind farm assets will be required by the operator.

Host landowners are generally compensated on a fixed amount per turbine per year under a long-term agreement that mirrors the life of the wind farm. Some compensation arrangements are based on the amount of energy produced by the turbines.

Potential host landowners are approached very early in the development phase of a wind farm project to obtain their agreement to host turbines in the event that the project goes ahead. Landowners will typically enter into an initial agreement that would document their willingness to host turbines and the commercial arrangements that would occur in the event that the development went ahead.

It is not uncommon for a developer to propose more turbines than will be finally approved or installed—and therefore often seek preliminary agreements with landowners who may ultimately 'miss out' on hosting turbines or be asked to host a reduced number of turbines. Further, even once the final number of turbines is confirmed, the planned locations of turbines may be adjusted which can also result in host landowners hosting less turbines than expected.

These scenarios, observed in the Australian industry to date, can create a 'winners and losers' situation with landowners that may have had expectations of hosting wind turbines. For instance, a landowner expecting to host 10 turbines (and expecting to receive the compensation associated with such hosting) may become aggrieved if the final approved wind farm has significantly reduced or eliminated the number of turbines to be hosted, thereby significantly reducing or eliminating the potential income stream to that landowner.

The landowner not only may miss out on a significant income stream, but may also experience the potential impacts of turbines located on neighbouring properties, including changes in amenity, noise and other effects of the wind farm. The fact that the landowner's neighbours were successful in hosting turbines and receiving compensation can further aggravate the situation for the landowner.

This situation can also be exacerbated by developers conducting confidential, individual discussions and negotiations with specific landowners, creating a level of distrust amongst neighbouring landowners and the developer from the outset.

The consequences of these scenarios can be severe, both in terms of fracturing support for the wind farm within the community as well as dividing the community in economic and social terms. Developers need to be mindful of the consequences arising from their conduct in landowner negotiations and the magnitude of impact on landowners with regard to changes in the number of turbines and turbine layouts.

Landowner agreements are not limited to hosting turbines–they may also be required to allow easements for high voltage transmission corridors as well as construction and operational access roads for the wind farm. Careful consideration of the approach and fairness to negotiating these additional agreements should also be required of the developer.

There may also be innovative opportunities for landowners and other community members to have an ownership stake in the project, which could be in the form of a community-owned wind farm through to equity or debt participation in the commercial ownership structure. It is understood that there are some examples of these approaches in Australia as well as in other overseas jurisdictions such as within Europe.

1.2. Recommendations

1.2.1. The developer should ensure that landowner expectations are properly managed from the outset and that potential host landowners are made fully aware of the risks of potential reduction in turbines and relocation of turbines during the long development process life-cycle.

1.2.2. Developers should consider discussing the project and negotiating with all potential host landowners together as a group, in an inclusive and holistic manner, rather than individual discussions with landowners.

1.2.3. Further to Recommendation 1.2.2, developers should consider offering a level of compensation to all potential host landowners if the project proceeds, regardless of final allocation of turbines on individual properties.

1.2.4. Host landowner agreements should be fair and reasonable, be written in plain English, and the landowner should have access to and obtain appropriate legal and financial advice before entering into any agreement. The New South Wales Government's recently issued *Wind Energy Guideline for State Significant Wind Energy Development* (NSW Department of Planning, December 2016) provides some discussion on this topic, particularly within Attachment B of the publication. NSW Farmers' Federation have also produced a *Wind Farm Guide for Host Landowners* (GHD Pty Ltd, 2012) covering a range of relevant topics related to host landowner agreements.

1.2.5. Host landowner agreements should be clear in regard to decommissioning responsibilities by the parties to the agreement and the sources of funding for the decommissioning activities. The agreements should also clearly state the liability insurance cover responsibilities required of the landowner and the wind farm in respect to the construction and operation of the wind farm on the landowner's property. Agreements should also be clear on the responsibilities with regard to payment of Council Rates, Water Rates and applicable Land Taxes related to the presence and operation of the wind farm.

1.2.6. Other landowner agreements (such as for transmission lines or road access) should also be negotiated and finalised with landowners in a fair and reasonable manner, with appropriate consultation with affected landowners and neighbours in determining the final approach and routes to be taken.

1.2.7. Developers may wish to consider other forms of engagement with landowners (and community members) that may allow for equity and/or debt participation in the ownership of the project.

2. Neighbour Consultation and Agreements

2.1. Observations

Most wind energy projects will have neighbours. Neighbours are residents of neighbouring properties to the properties that host, or will host turbines—either in adjoining properties or properties within proximity to turbines of the wind farm. There may also be neighbours affected by other related infrastructure, such as high voltage power lines and road access to the wind farm.

Neighbours can be impacted by the development, construction and operation of a wind farm. Impacts can include visual amenity, noise, shadow flicker and economic loss. Also, during construction, neighbours may experience dust, noise, road blockages and other forms of disruption.

While developers have generally engaged and consulted with potential host landowners, developers have not always understood the importance of consulting and working with neighbours to a project. Consultation may include a wide range of topics, such as:

- consulting with the neighbour on the wind farm's design and layout, especially during the early scoping and design stages and landscape/amenity impacts
- advising and consulting on subsequent proposed changes to the wind farm's design and turbine selection
- ensuring background and operating noise testing is properly undertaken and results are provided in a timely fashion to neighbours
- providing factual information to address questions and concerns raised by neighbours
- facilitating site visits for neighbours to operating wind farms to allow the neighbour to experience a wind farm first-hand.

Lack of effective consultation with neighbours can lead to a range of material issues for a wind farm project, including conspicuous opposition to the project, planning/approval delays and appeals, the project not being approved as well as widespread negative media coverage about the project and the industry more broadly.

In addition to more effective consultation with neighbours throughout the life-cycle of a wind farm project, some developers have introduced the concept of 'neighbour agreements' to provide a level of compensation to the neighbour for the possible impacts of the wind farm and to gain the neighbour's support.

The content of a neighbour agreement is typically confidential to the parties, but may include one or more of the following:

- annual compensation payments to the neighbour (including payments during the development, construction and operating phases of the wind farm)

- a one-time payment at the commencement of the agreement
- reimbursement for, or provision of, items such as visual screening, insulation, double-glazing, air-conditioning, energy efficiency programs, solar panels, electricity consumption
- an option for the neighbour to request that the developer acquire the neighbour's property.

There may be a requirement for neighbour agreements to be offered and established as a result of planning permit conditions, which may prescribe mandatory components to the agreement. However, many neighbour agreements are voluntary and it is up to the developer to propose and negotiate with the neighbour.

Screening of the visual impact of the wind farm by planting trees is often proposed by developers to wind farm neighbours and may be a mandatory requirement of the permit. A common issue is the time it generally takes for a new tree to grow to sufficient height to be effective in providing a screen, bringing into question the effectiveness of such mitigation. It should be noted that Appendix 2 of the recently issued New South Wales Government's *Visual Assessment Bulletin* (NSW Department of Planning, 2016) outlines a range of potential mitigation measures that may be applied.

The Office has observed some proposed neighbour agreements containing clauses that may not be fair and reasonable to the neighbour. Such clauses observed include the right for the wind farm not to conform to the permit conditions that would normally apply to the neighbour (including noise levels and shadow flicker), the ability for the wind farm to terminate the agreement while the wind farm is still operating without cause and/or with questionable cause, restrictions on further development by the neighbour as well as clauses that could be construed to restrict the neighbour's right to make a complaint.

Inclusion of such clauses can significantly impair the ability to negotiate a fair and reasonable agreement and create distrust and anxiety amongst neighbours towards the wind farm.

2.2. Recommendations

2.2.1. Developers of wind energy projects should proactively identify all potential neighbours at the commencement of the development activity and implement an effective, ongoing consultation program with all neighbours throughout the project. While it may vary by project and geography, neighbours affected may include residents that live in a proximity range of 0.0 km to 5 km from potential turbine locations as well as residents in close proximity to other wind farm related infrastructure, such as power transmission or supply infrastructure. This indicative distance range for consultation may need be greater in situations where, for instance, turbines are erected on a ridge.

2.2.2. Key stakeholders to a developing wind energy project (for example, planning authorities, investors, regulators) should seek and require material evidence of neighbour identification and effective neighbour consultations as part of any due diligence and approval criteria.

2.2.3. Developers should fully consider the merits and use of appropriate neighbour agreements as a key component of its neighbour consultations and project strategy. Neighbour agreements should be negotiable, be fair and reasonable, be written in plain English, and the neighbour should have access to and obtain appropriate legal and financial advice before entering into any agreement. Agreements should not restrict the neighbour from being able to raise issues and concerns about the wind farm or make complaints about the wind farm nor should they subject the neighbour to conditions that exceed permit requirements. There may be existing, operating wind farms where a retrospective neighbour agreement should be considered.

2.2.4. Screening solutions proposed by developers should be realistic and effective. If trees are proposed, trees should be of sufficient maturity and be well maintained so to provide visual screening within a reasonable timeframe. Other screening solutions, such as structures, should also be considered when proposing and negotiating a visual screening agreement.

3. Community Engagement

3.1. Observations

Effective community consultation and engagement is essential for wind farm projects to gain widespread support and earn the 'social license' to operate within the community.

The extent of community engagement varies widely across the wind farm projects observed to date. A key observation is that initial project developers that intend to on-sell the project to a long-term developer or operator may not invest sufficient time and resources in community engagement and neighbour relations to be effective. These limited efforts can result in lower levels of community support and more divided communities, compared with projects where the project developers appropriately focus on effective community engagement from the very start of the development activity.

In some jurisdictions, such as New South Wales, the planning guideline framework has provided for an early and continuing focus community engagement, including the establishment of a Community Consultative Committee (CCC) that is maintained throughout the project. Further, recent feed-in tariff arrangements established by the ACT Government (and proposed by the Victorian Government), may place a significant weighting on selecting developers that have proposed and demonstrated effective community engagement and proactively conduct such community engagement as a high priority.

Many projects also establish Community Engagement Funds, funded by the developer, to fund a wide range of initiatives that benefit the local community. In some cases, such funds are a condition of the permit approval, but largely these are voluntary arrangements proposed by the developer.

Overall, there are a range of opportunities for developers to further broaden and improve community engagement with respect to wind energy developments. Some key suggestions gained from observations of various practices across the industry are listed below.

3.2. Recommendations

3.2.1. The developer should commence and invest early in community engagement, well before the commencement of the permit approval phase. An acquirer of a developing project should conduct detailed due diligence on the extent and effectiveness of community engagement activities undertaken by the original developer prior to finalising purchase of the project, and be prepared to make the necessary additional investments in community engagement going forward.

3.2.2. The developer should identify and establish effective relationships with key community stakeholders, including stakeholders that may be opposed to the project.

3.2.3. The developer should, in consultation with the responsible authority, establish a CCC, or equivalent, with an appropriate charter and membership, whether mandated by the responsible authority or otherwise. The CCC Chair should, where practical, be a respected and suitable member of the community at large and be independent of any direct impact or beneficiary of the proposed wind farm.

3.2.4. The developer should provide information and education opportunities for community members to better understand the impacts of wind farms and address any questions and concerns raised. Initiatives can include:

- establishing a ‘shop front’ in the community town centre that provides project/permit information, a map and model of the project, information about wind farms and an ability to address questions or concerns raised by community members
- providing an informal channel for community members to ask questions and provide feedback about the project, and be able to do so anonymously if required
- providing opportunities for community members to visit operating wind farms
- providing a wind farm noise simulator event to explain wind farm noise and experience simulated wind farm noise conditions
- providing and maintaining an up-to-date project website with full transparency on project and permit information
- providing information sessions about the project and wind farms more generally, at convenient locations within the community, including presentations from key stakeholders, along with regular project newsletters and updates
- publishing the minutes of CCC meetings and allowing observers to attend CCC meetings.

3.2.5. The developer should establish a complaints/enquiry process, including a system and a transparent register of complaints/enquiries, commencing at the initial stage of the development activity to allow community members to formally raise concerns and have these concerns addressed in a timely, consistent and transparent manner.

3.2.6. The developer and CCC should consult widely and communicate effectively and extensively on the proposed construction and transport plan. The developer should also ensure appropriate restoration and ‘make-good’ activities and generally leave local infrastructure in better condition than prior to the development. The developer should also proactively provide communications during construction using all forms of relevant channels, including text messaging.

3.2.7. Further to Recommendation 3.2.6, the developer should seek out opportunities to help facilitate improvements to other related infrastructure, such as mobile phone coverage, which would benefit both the wind farm and the community.

3.2.8. Local council(s) should proactively engage with the project and community and be clear in communicating the council’s support for the project as well as its role in facilitating effective community consultation.

3.2.9. Where possible, the developer should engage staff locally to carry out community engagement activities and respond to community concerns and complaints.

3.2.10. Once a wind farm is in operation, the developer should continue to proactively provide information and updates about the wind farm and provide opportunities for the community to visit the wind farm (such as an ‘open day’).

3.2.11. The developer should establish and maintain a community engagement fund and ensure there is appropriate community involvement in the governance and management of the fund. This should include appropriate opportunities for community originated submissions to obtain funding for project proposals. Prioritisation of funded projects that may be of benefit to those community members more directly affected by the presence of the wind farm should be encouraged.

3.2.12. Stakeholders to the project, including the responsible authority, council, investors and regulators, should require documented evidence of both the project's community engagement plan and outcomes of the plan's execution as part of any decisions or conditions the stakeholder may place on the project and developer.

3.2.13. Industry bodies, such as the Clean Energy Council (CEC) and the Australian Wind Alliance (AWA), should continue to promote effective community consultation activities and recognise industry members that are achieving excellence in positive community engagement outcomes.

3.2.14. State governments should further increase their focus and prioritisation of promoting effective community engagement in wind energy projects through initiatives such as demonstrable community engagement requirements as key criteria for eligibility to be awarded feed in tariff arrangements through to formal permit conditions.

4. Length of and Renewal of Planning Permits

4.1. Observations

Once approved, a wind farm planning permit is typically granted for a period of around five years for the wind farm to be constructed. The developer then has that period of time to commence and complete construction of the wind farm consistent within the permit requirements and conditions. However, there have been numerous cases of wind farm projects where the permit has been extended or renewed for a further period, often with changes to the wind farm's design along the way.

As a hypothetical example, design and development activities for a proposed wind farm may have commenced in the 2001-2002 timeframe. In 2005, an approval or planning permit with a five year expiry may have then been issued to the wind farm. If construction of the wind farm had not been completed by the time the approved permit expired in 2010, the planning authority regulator may allow the permit to be renewed for a further five years until 2015, based on some level of commencement of the project. If the wind farm construction was then completed 2015, the results of post-construction testing (such as noise-testing) may not be known until the 2016-2017 timeframe.

Therefore, it is feasible that a period spanning 15 years or more can occur between the original prospecting for the wind farm site and the wind farm being fully operational with testing complete.

Delays between obtaining a permit approval for a wind farm and the commencement of construction works can occur for a variety of reasons—typical reasons being delays in obtaining financial close or changes in policy.

These lengthy timeframes for a wind farm project are significant and can raise a number of issues for consideration, including:

- Standards, such a noise standards, may change over the course of the development process. For example, at the time of initial project development, the project and permit conditions may have been based on the NZS 6808:1998 noise standard. Although the standards may have been revised in the ensuing period, the project and permit will still be based on the 1998 standard, rather than the updated 2010 noise standard, even though the wind farm may have been built more than 15 years after the initial project development.

- Changes in standards and planning guidelines could therefore conceivably take many years before they are introduced and reflected in planning permits for proposed wind farms.

- Technology, such as wind turbines, may change over the project time frame. The original project design and permit conditions may have been based on turbines of a certain energy capacity (for example, number of megawatts per turbine) and physical size (for example, turbine hub height

and blade diameter). The developer may then propose to change turbine selection over time, potentially altering a number of material characteristics and impacts of the wind farm including turbine layout, visual amenity, noise and shadow flicker.

- The requirements on the developer to qualify for renewal of the permit for a further period may be minor relative to the total project scope (for example, the building of a shed or roadway, to demonstrate some level of activity). These minor works may questionable in being considered substantial enough to declare that the project has materially commenced within the permitted timeframe.

- The community affected by the wind farm can be subjected to a long period of uncertainty as to whether or not the project will proceed. This can affect a range of individual decisions and discourage or prevent other potential development within the wind farm's planning envelope.

- Community engagement may also not be sustained by the developer and may deteriorate during the elongated period.

- Other wind farms may have been subsequently planned and/or constructed in the area, which may result in possible cumulative impacts for nearby residents.

4.2. Recommendations

4.2.1. Approval of permit renewals should require the developer to obtain approvals for any material changes to the wind farm's design, taking into account the existing approvals previously granted where practical. Re-approval of permits should also be considered when there is a change of ownership of the wind farm.

4.2.2. Further to Recommendation 4.2.1, permit renewal submission requirements should require the developer to declare actual or potential material changes to the wind farm's design and technology for approval by the responsible authority. Where necessary, pre-construction assessments investigating issues such as noise, amenity, environmental impacts and shadow flicker should be reviewed, updated and re-submitted as part of the renewal approval process.

4.2.3. The responsible authority should be able to apply and introduce the current guidelines, standards and permit conditions when assessing a request to renew and approve a wind farm planning permit. For example, a developer seeking to renew a permit expiring 31 December 2017 may be required to comply with the guidelines and standards in force at 31 December 2016 and prepare the renewal submissions in accordance with those guidelines and standards.

4.2.4. Evidence of ongoing community engagement and support for the project should be updated and submitted to the responsible authority as part of the renewal approval request. This should include evidence of community consultation with regard to any proposed changes in the wind farm's design and layout subsequent to the original permit approval.

4.2.5. In considering a renewal or extension application, the responsible authority should assess any compounding effects of other proposed or constructed wind farms in the vicinity with respect to residents who may be affected by the proposed wind farm that is seeking permit renewal approval.

4.2.6. Further to Recommendation 4.2.5, the responsible authority should assess and take into account other planning approval requests in the vicinity when considering a wind farm renewal application.

4.2.7. In the event that the wind farm is seeking a renewal/extension of the permit period to allow for construction completion, the responsible authority needs to be fully satisfied that material construction has already commenced and provide extensions only for the period where it would be reasonably expected for the construction to be completed.

4.2.8. Vendors selling properties within 5 km of a proposed, approved wind farm should be required to disclose the proposed wind farm to purchasers in contract of sale documents, based on information provided by the local planning authority.

4.2.9. On the basis that a wind farm permit renewal is to provide, in effect, an extension period for construction to be completed, the maximum period between approval of a planning permit application and completion of construction of the wind farm should be no greater than seven and a half years, including any renewals or extensions of the original planning permit.

5. Governance and Compliance of Standards and Permit Conditions

5.1. Observations

The design and governance of wind energy projects relies on a range of standards and various compliance mechanisms to enforce those standards.

Standards are often set and maintained by the responsible authority (for example, a state planning department) and there are a variety of arrangements in place for enforcing compliance with the standards. Standards may be 'borrowed' from other jurisdictions (for example, the New Zealand Noise Standard), set by the planning function or set by the state agency responsible for environmental management and regulation.

Enforcement of standards and permit conditions also varies by jurisdiction and the type of standards. Generally, there are no proactive audit regimes in place—rather, compliance relies on receiving complaints or alleged breaches of permit conditions. The pathway to make a compliance complaint or allegation again varies by jurisdiction and type of complaint—in some cases the state environmental regulator can receive and investigate environmental complaints about wind farms, in other cases it may be a local council, state planning department or the relevant Australian Government Department.

It is often unclear to community members where or who they should lodge a complaint to regarding wind farm construction or operating compliance. Planning permits may not clearly state the accountability and responsibilities with regard to compliance oversight, nor may they prescribe a process for handling potential or actual non-compliance. Further, local councils and state planning functions may not have the necessary skills and expertise to handle and investigate a compliance complaint.

Typical standards and permit requirements relevant to a wind farm's development and operation can include matters such as operational noise, shadow flicker, visual amenity, set-back distances, environmental matters related to flora & fauna, and noise and dust levels during construction.

Standards relating to wind farms currently vary by state. For example, the wind farm noise limit standard in Victoria is 40 dB(A)* measured outside the residence. South Australia varies between 35 dB(A)* and 40 dB(A)* based on the location of the wind farm, New South Wales is 35 dB(A)* and Queensland's standard is 37 dB(A)* during the day and 35 dB(A)* during the night. The approach to

* or background noise plus five dB(A), whichever is the greater amount. Measurements of A-weighted sound pressure level are generally taken on the basis of LA90, 10min.

measuring the noise emitted from a wind farm can also vary by project and jurisdiction which can lead to debate over the veracity of the noise assessment results.

World Health Organisation Guidelines for Community Noise recommends a 30 dB(A) limit, measured inside the residence, to prevent negative effects on sleep. However, it can be difficult and intrusive to carry out noise testing inside a residence.

Current noise standards therefore rely on the effects of attenuation of the noise by the residence structure and would assume that a noise level of 40 dB(A) measured outside the residence should be less than 30 dB(A) measured inside, based on an expected attenuation in the order of 10-15 dB(A). This attenuation may be greater if the windows are closed and the residence is of solid construction and well insulated, however the effective attenuation may be less if windows are open and/or construction and insulation of the residence is less robust.

Debate continues as to whether or not a low frequency standard should also be introduced, such as a dB(C) and/or dB(G) weighting. The prevailing argument to date is that the 'A-weighted scale' accommodates a sufficient proxy for low frequency noise and that low frequency noise can be difficult to detect at levels that would breach threshold targets. However, based on some complaints received, the possibility remains for annoyance for some people living in proximity to a wind farm and experiencing low frequency noises while inside their residence. More work is required in these cases to determine whether or not the noise source in question is the wind farm or some other source.

Set-back distances from the turbine to a residence also vary. Victoria originally had no set-back distance, then introduced a 2 km set-back distance in 2011 and, subsequently, changed it to 1 km in 2015. Queensland has introduced a set-back distance of 1.5 km, while New South Wales framework is based on a merit assessment of each project against the criteria and performance standards in the framework. Note, turbines can be closer to a residence than the default set-back distance, however typically require an agreement to be reached between the resident property owner and the developer.

While set-back distances are typically based on the distance from the wind turbine to the residence, there may also be circumstances where the distance of the turbine from the neighbour's property boundary should also be a consideration. Such circumstances could include the potential effect of wind turbines on animals such as horses, or other situations where turbines may impact neighbouring properties due to their proximity to land use activities on a property. The British Horse Society recommends a set-back distance of 200 m from wind turbines to horses on the basis that horses can react to noise, blade rotation and shadow flicker impacts from wind turbines, as outlined in their publication *Wind Turbines and Horses – Guidance for Planners and Developers* (2015).

There may be other sources of noise as a result of the wind farm's operation, in particular noise that would emanate from the wind farm's electrical infrastructure, including power substations, transformers and back-up generators. The impact of such noise sources should be assessed during the design phase and tested for compliance during any post-construction noise testing.

Electrical infrastructure required for the wind farm, such as transmission lines, may also cause a change in visual amenity for community members. Consideration should be given for those impacts and set-back distances may also be appropriate to mitigate visual amenity loss and noise issues arising from the infrastructure.

The opportunity exists for a clearer framework of standard setting and enforcement of standards, whereby there is independence in the setting and enforcement of standards from the planning function. Such independence allows for increased community confidence in the objectivity of setting standards and assessing compliance. It also allows the relevant independent agency to acquire and maintain the appropriate skills and expertise to fulfil its standards and compliance responsibilities.

The opportunity also exists for increased harmonisation of key standards across state jurisdictions, such as noise and set-back distances, providing a consistent approach and expectations for governments, industry and the community. Consistency across the states will not only provide a more equitable outcome for residents potentially affected by wind farms, but may also result in the additional benefit of driving improvements in the technology across the entire market based on the more stringent standard.

While there may be a number of ways to address these issues, best practice appears to be vesting the setting and compliance oversight of environmental-related wind farm standards with the state environmental regulator, while the application of the standards to specific projects rests with the state or local government planning body. The current arrangements in place in New South Wales and South Australia generally reflect practices along these lines.

Finally, once a wind farm commences operations, it may be deemed to be compliant in some jurisdictions even though post-construction assessments have not been commenced or completed. There may be an opportunity to introduce more formal processes to properly confirm that a wind farm is actually compliant in a timeframe for which that must occur. This 'grey area' can cause a range of community concerns. Anecdotally, some wind farms have been described as being 'not non-compliant' when unable to demonstrate compliance with required permit conditions, highlighting the difficulty of declaring a wind farm to be 'non-compliant' when its default status is compliant.

From our observations, a solution to this issue is for a wind farm to be licensed by the appropriate environmental regulator. Under this scenario, the wind farm would need to confirm and maintain its compliance with the applicable license and permit conditions or risk losing its license to operate in the event of unrectified material breaches of the license and/or permit conditions.

Measurement approaches for measuring compliance with the standards can also vary between projects and jurisdictions. Given the extraordinary number of variables to be measured, consideration needs to be given to the consistency of measurement, calculations and reporting for assessing environmental measures such as noise and flora & fauna impacts when setting permit or license conditions. For example, there is much scope for variability when determining the 'line of best fit' for a set of noise data points–such variances could mean the difference between compliance or otherwise when assessing the results of a noise testing program.

5.2. Recommendations

5.2.1. State governments should review their current arrangements for the setting of wind farm environmental standards and oversight of compliance with those standards.

5.2.2. Based on the outcome of the review outlined in Recommendation 5.2.1, state governments should consider whether or not the current arrangements are appropriate and consistent with best practices for independent development and governance of wind farm environmental standards.

5.2.3. In considering the above recommendations and outcomes, the potential roles of an independent agency (such as a state environmental protection or regulatory authority) could include responsibility to:

- Set and maintain the environmental standards applied to wind farms, including noise, shadow flicker, visual amenity and flora and fauna (noting the role of the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* with regard to Matters of National Environmental Significance including protected flora & fauna), along with specifying the methods and procedures for measurement.

- Review planning applications for wind energy projects and recommend/require permit conditions related to the environmental standards. Environmental standard conditions in wind farm permits should also clearly state the process for how the measurements are to be undertaken, reported as well as provide the opportunity for peer review of the process, calculations and results.

- Provide or facilitate peer review and audit of expert reports, including review of testing and modelling programs, submitted by the developer related to permit requirements.

- Where appropriate, license the wind farm once it is constructed and issue and monitor license conditions for the operation of the wind farm that may be subject to review and renewal. State Governments should also receive and review regular reporting against those licence conditions from the wind farm operator and may withdraw licences in the event of unrectified material breaches of applicable license and permit conditions.

- Receive and investigate complaints related to environmental standards, including alleged breaches of non-compliance.

- Confirm compliance or non-compliance of a wind farm with regard to environmental standards and related permit conditions.

5.2.4. Planning permits (and applicable licenses) for wind farms should clearly state:

- The oversight organisation or person accountable for determining compliance of a wind farm with its permit (and license) conditions.

- The process and contact details for lodging a complaint or alleged breach of permit (and license) compliance.

- The process to be followed in the event that a wind farm is found to be non-compliant with one or more of the permit (and license) conditions.

- A requirement for the developer or operator to publish transparently, on the wind farm's website, the process and contact details for making a complaint or alleged compliance breach to the designated oversight organisation.

5.2.5. During the period between the commencement of a wind farm's operation and the completion of any required post-construction assessments, the wind farm may be designated to be in 'provisional compliance', pending the results of the assessments. In that scenario, a wind farm can only move from 'provisional compliance' to being 'compliant' once the responsible authority (or regulatory authority) has confirmed it is satisfied that the wind farm is compliant. If compliant status is not achieved within a prescribed period, the wind farm may be declared to be non-compliant by the responsible authority or regulator. These provisions may be best managed by the 'licensing' of a wind farm to operate and the requirement to maintain that license through ongoing reporting of compliance with license and permit conditions.

5.2.6. The non-compliant facilities of a wind farm should be subject to a possible suspension of renewable energy certificates for energy generated by those facilities during the period of confirmed non-compliance and may also be required by the responsible authority (or regulatory agency) to cease operating the non-compliant facilities until compliance can be achieved.

5.2.7. Governments should consider a consistent standard across all jurisdictions for noise limits and set-back distances. Based on observations to date, it would appear that an appropriate level for a consistent noise limit would be 35 dB(A)*, measured outside of the residence, and a minimum set-back distance of 1.5 km between a residence and the nearest turbine. Applied penalties for specific noise conditions such as tonality and special audible characteristics be set at 5 dB(A), however such noise conditions should also be assessed on a subjective and reasonableness test by an approved, independent expert. In addition to a set-back distance between a turbine and a residence, a set-back distance of 200 m between a wind turbine and a neighbour's boundary should also be considered.

5.2.8. The noise assessment design and compliance testing conditions should include assessment and testing of the wind farm's electrical infrastructure and back-up generators and noise levels from these sources need to be compliant with the applicable standards.

5.2.9. A set-back distance between a residence and electrical infrastructure, such as transmission lines, should also be considered to help alleviate visual amenity impacts and noise considerations. Where possible, such transmission infrastructure should be placed underground. If this is not possible, a set-back distance of 100 m should be considered in planning guidelines.

5.2.10. Consideration should also be given to the current standards for shadow flicker. A typical standard is that there should be no more than 30 hours of shadow flicker per year at a resident's external window. A more appropriate standard may be no more than a total 15 hours of shadow flicker per year and no more than 30 minutes of flicker on a given day. Neighbours likely to experience or are experiencing shadow flicker that is annoying should also be provided with the opportunity for having visual screening installed.

6. Selection and Use of Experts

6.1. Observations

The design and approval of a proposed wind farm relies heavily on third-party consultants (or 'experts') to prepare a range of reports related to noise assessments, visual amenity, shadow flicker and various environmental assessments.

Experts are selected and paid for by the developer. The expert reports are typically included with the developer's submission to the responsible authority when seeking approval for the wind farm project. Much of the report information is based on results from predictive computer modelling and therefore the accuracy of the reports and recommendations is dependent on the quality and precision of the computer model, the accuracy of the data used and the skills of the expert in interpreting the output of the modelling analysis.

Once the wind farm is built, experts are then re-engaged to carry out post-construction assessments. These assessment reports utilise actual data from the wind farm, however still rely on technology to analyse the data and present in a format for review and conclusions.

It is very common that the experts engaged to perform the design assessments and reports during the planning phase are the same experts engaged by the developer to perform the post-construction assessments. Developers often use the same experts on multiple projects.

The selection and use of the same expert in both the design and then operating phases of a wind farm may give rise to perceived or real conflicts of interest between the developer and the expert. As a

* or background noise plus 5 dB(A), whichever is the greater amount

hypothetical example, an acoustician who was engaged to assess the proposed wind farm's design for compliance with the noise standard and is then engaged to assess the operating wind farm for actual compliance, may be placed in a difficult situation if the acoustician discovers the operating wind farm is in fact non-compliant, particularly if areas of non-compliance may be a result of errors made in the original acoustician's pre-construction assessment.

There is certainly scope for a better separation between the experts used for the predictive assessments versus the experts used for the post-construction assessments of a wind farm, along with peer review of the expert's work so as to minimise errors, maximise transparency and better manage perceived or real conflicts of interest.

6.2. Recommendations

6.2.1. Given the reliance on information provided by experts in wind farm planning and compliance decision-making, experts used for wind farm compliance assessment engagements should be selected from an approved panel or list. The panel or list is to be maintained by the responsible authority (or environmental regulator) and expert selection for a given project is to be approved by the responsible authority.

6.2.2. The expert organisation (or expert) selected to perform post-construction assessments at a wind farm should be a different expert organisation (or expert) to the one that was engaged for the design/planning phase.

6.2.3. Expert reports and techniques used for compliance decision making should be reviewed and assessed by an independent auditor appointed by the responsible authority and/or environmental regulator.

6.2.4. The appointed independent auditor (refer to Recommendation 6.2.3) should have the ability to assess the integrity and accuracy of the expert's report and be able to identify and confirm compliance or non-compliance with the relevant permit conditions.

7. Wind Farm Complaint Handling and Emergency Procedures

7.1. Observations

Wind farms are typically required to establish a complaint handling procedure and supporting systems and processes as part of their compliance with planning permit conditions. It is also common sense that the wind farm be able to properly receive, investigate and resolve complaints as part of normal operations and effective community engagement.

Complaint handling procedures are generally required to be submitted and endorsed by the responsible authority. However, requirements for these procedures are often limited to noise and construction complaints only. Limited guidance is provided in permit conditions as to the scope, requirements and standards that the complaint handling procedure should adhere to.

While wind farms are likely to be compliant with the requirement to submit and have an endorsed complaint handling procedure, our observations are that few wind farms publish the procedure or communicate the procedure to the community. This makes it difficult for community members to know how to make a complaint and the process by which they should expect their complaint to be handled.

Further, our observations are that many wind farms are not following their own documented procedures when handling complaints, leading to situations including:

- multiple complaints from a resident about the same issue with no action being taken by the wind farm operator to investigate or resolve

- a lack of rigour in investigations and correspondence, and
- a lack of clarity regarding next steps in the process leading to numerous complaints that remain unresolved and/or have not been closed.

Even if the endorsed complaint handling procedures were being followed, there is also a wide range of wind farm complaint handling procedures in place that vary by developer and project, resulting often in a lack of consistency in the quality and effectiveness of the procedures. Although wind farm operators possess a wide range of complaint handling skills, there are further opportunities to improve the capability of staff and effectiveness of the wind farm industry's complaint handling procedures.

We have encouraged a number of wind farm developers and operators to voluntarily publish their complaint handling procedures on the wind farm's website and many have complied with this request. Some wind farms are in the process of also revising their complaint handling procedures as a result of discussions with the Office. The Office has also made suggestions to improve existing complaint handling procedures to industry members who have sought assistance.

While objective measures and standards are used to determine compliance with noise restrictions, it is also evident that there is further scope to investigate complaints relating to noise emissions from turbines and other infrastructure. In assessing noise-related complaints, the objective 'tests' currently in place do not necessarily capture the tonal character of noise emissions that a complainant may be experiencing. For instance, insufficient maintenance of infrastructure (for instance, a turbine or a substation transformer) may lead to harmonic frequencies that produce a harsher tone to the human ear. While this is not typically represented in noise assessment data, contemporary noise measurement or recording devices can be used to indicate that the tonal character of a particular noise emission may reasonably be considered to be disturbing or offensive to a complainant.

The Victorian Government has recently introduced additional permit conditions related to complaint handling procedures and transparency based on our observations and recommendations made to that Government. These additional conditions are being applied to both new and renewing planning permits for wind farms in Victoria.

Finally, industry bodies such as the CEC, may have a key role to play in leading the development and promotion of a consistent, best practice complaint handling procedure for the wind energy industry that can be adopted by industry members and configured for their specific operations.

We have also observed opportunities for clearer protocols to be put in place between wind farm operators and emergency response agencies, in particular as it relates to aerial firefighting and the ability to direct a rapid shutdown of wind turbines and the positioning of turbine blades during a shut-down to minimise the obstacle. Other obstacles to aerial firefighting, such as meteorological masts, radio towers and powerlines may also exist around the wind farm site and pilots need to be well aware of this infrastructure.

7.2. Recommendations

7.2.1. Planning permit conditions should stipulate that wind farm complaint handling procedures support all types of complaints raised about the wind farm and also meet minimum standards for complaint handling processes. The developer should implement appropriate systems and processes to support the procedures and maintain an appropriately detailed complaint register.

7.2.2. Planning permits should include a condition requiring the endorsed complaint handling procedure and the complaints register to be published on the wind farm's website. The

website should include a toll-free number and an email address for making contact with the wind farm to make an enquiry or compliant.

7.2.3. Planning permits should include a condition requiring the endorsed complaint handling procedure to be followed and be complied with by the developer.

7.2.4. The responsible authority should have the powers and capability to audit a wind farm's complaint handling activities and complaints register to monitor compliance with the procedures and the planning permit conditions.

7.2.5. The complaint handling procedure and the wind farm operator should have the capacity to handle urgent or emergency complaints. These complaints may be related to safety issues as well as unacceptable noise conditions due to damage to the turbine caused by external events such as lightning or insufficient maintenance. The wind farm operator should respond immediately, on-site, to address and rectify such issues. While objective measures and standards may be in place for assessing noise emissions, a subjective, reasonableness test should also be applied when assessing noise emissions such as tonality, special audible characteristics and low frequency noise.

7.2.6. For extreme emergency conditions, such as a bushfire, the wind farm operator should have appropriate controls, protocols and procedures in place, consistent with the emergency response requirements, to ensure the wind farm can be rapidly shut down. Power network operators should be aware the wind farm capacity may need to be shut down quickly in the event of a bushfire.

7.2.7. Wind farms should also work with the relevant firefighting agency to review procedures related to turbine blade positioning during a fire that minimises restrictions to aerial firefighting. The wind farm should also assist to ensure transparency of other aerial obstacles such as meteorological masts, radio towers and powerlines to the firefighting agency.

7.2.8. The industry peak body (CEC) could provide further leadership to the industry by developing and promoting best practice standards for complaint handling along with community engagement, landowner/neighbour agreements and quality assurance of member companies. The CEC could also encourage or mandate that its industry members voluntarily publish their wind farm's complaint handling procedure and that members are properly trained and skilled in complaint handling.

8. Site Selection

8.1. Observations

The selection of a potential site for a proposed wind farm may take into account a range of factors including the available wind resource and proximity to existing transmission infrastructure.

Current transmission infrastructure was originally designed and built many years ago based on existing energy resources (such as coal) and did not envisage the significant shift to renewable resources such as wind and solar, which are often optimally located in areas away from existing grid infrastructure.

Prospecting developers are not generally restricted in initiating a new project on a particular site and will often commence by holding discussions with landowners to seek their agreement to host turbines. As such, prospective and developed wind farms can be located in a wide variety of site scenarios, from sparsely populated areas to locations inhabited by lifestyle property owners on small acreages.

Our experience to date indicates that there is a much higher likelihood of community issues and concerns to contend with when a proposed or operating wind farm is located near or amongst more

populated areas. Often, more populated areas correlate with the proximity and availability of transmission infrastructure, but they can also result in a very large number of neighbours who will reside in close proximity to multiple turbines.

Further, there may be multiple proposed wind farms in a given area, having the potential for residents to be 'surrounded' by wind turbines if such projects proceed-leading to a range of compounding issues including noise, visual amenity and potential economic loss.

Also, we have found that locating turbines on the top of hills or ridges, while optimum for capturing the wind resource, can have greater impacts on visual amenity, may lead to specific noise and shadow flicker scenarios for residents in the valley beneath and may have other impacts on the community.

Conversely, there appear to be minimal issues raised to date about wind farms that are located on large land holdings, or on flatter or slight to moderate undulating land and sites that are well away from neighbours (noting comments made earlier regarding landowner and neighbour agreements in sections 1 and 2).

There may be opportunities to select and prioritise wind farm projects, from the current pipeline of wind energy generation projects, which better balance the likelihood of acceptance of the project by the surrounding community. Meeting the 2020 goals of the Australian Renewable Energy Target scheme would require approximately only one in four of the prospective projects (on a capacity basis), based on recent data provided from the CEC and the Clean Energy Finance Corporation, to go ahead. There is therefore an ability to select wind farm projects that meet all other key parameters, including economic and regional development goals, while also optimal from a community impact site-selection criteria.

Further, there can be great variances in the final design and turbine layout from the wind farm's original design and approved permit conditions. As these changes occur, there are not necessarily sufficient processes in place to re-assess other nearby wind farm projects for potential compounding impacts on residents and whether or not projects with such compounding impacts should proceed.

Given that existing wind farms have most likely already selected optimal sites for their location, management and selection of appropriate new sites from remaining site options may become more difficult. A more 'top down' approach to selecting optimally located wind farm projects that should proceed may assist greatly in this challenge going forward.

8.2. Recommendations

8.2.1. State and local governments should consider assessing proposed wind energy projects on a wider range of criteria (including the suitability of a location from a community impact perspective and the degree of community support) and then prioritising projects for approval or progression accordingly. 'Reverse auction' feed-in tariff schemes such as the scheme recently deployed by the ACT, could be an example of how to prioritise projects in preferred locations as well as promote best practice community engagement. New visual amenity guidelines introduced by New South Wales could also restrict development in more populated areas.

8.2.2. State and local governments may also consider other criteria in assessing and prioritising wind energy projects, including economic development and the ability to both support regional and industry development through improved local electricity supply and infrastructure in regional communities. Appropriate zoning overlays for clarifying where it would be appropriate to build and operate wind farm developments should also be considered.

8.2.3. Prospecting for new wind farm development sites could be subject to an 'approval to prospect' requirement issued by the responsible authority before prospecting commences.

8.2.4. As part of the assessment suggested in Recommendation 8.2.1, the responsible authority should have processes in place to obtain and verify clear evidence of the developer's consultations with affected landowners and residents and be able to assess the likelihood of strong community support for the project.

8.2.5. Once an approved wind farm has commenced construction, the responsible authority should review other proposed wind farm projects in the area for any compounding effects on residents. The responsible authority should also have the ability to require a modification to the planning permit and turbine layout of such projects that have not already materially commenced turbine construction. Background noise levels should exclude any noise contribution from a neighbouring operating wind farm for the purposes of applying the noise standard.

8.2.6. State governments should publish and maintain a map of all operating and proposed wind farms, including the location of the wind farm, the status (proposed, permitted, in construction or operating) as well as information about the wind farm, including number and size/rating of turbines and information about the proponent.

8.2.7. State governments, in conjunction with appropriate Australian Government bodies such as the Australian Energy Market Operator, should review current and planned transmission infrastructure to ensure it is being developed in such a way that will optimally allow generation from renewable resources to be connected, ideally in locations further away from more populated areas.

8.2.8. Final siting of turbines during construction ('micro-siting') should be limited to a distance of 100 m from the initial proposed site, be no closer to a residence and be properly documented, including the reasons for the change. Micro-siting of a distance greater than 100 m should require written approval from the responsible authority.

9. Health Matters

9.1. Observations

Much has been written and researched on the topic of wind farms and health effects. Debate continues around the world as to whether a wind farm causes physiological harm to residents living in its vicinity.

In 2016, the NHMRC announced the funding of two research studies into wind farms and health. One study is focused on the effects of wind farm noise on sleep and is led by Professor Peter Catcheside at Flinders University. The other study is focused on measuring the effects of infrasound and is led by Professor Guy Marks at the University of New South Wales.

In addition, in late 2015, the Australian Government established the Independent Scientific Committee on Wind Turbines (ISCOWT) to provide advice on a range of matters including wind farm noise levels and the relationship to health effects.

A number of complaints about wind farms received by the Office include references to health impacts as a result of wind farm operations. Health conditions cited in complaints include sleep disturbance, headaches, ear-aches, 'pounding' in the ears, tinnitus, tachycardia, high blood pressure, sight impairment, diabetes, chest-tightening, nausea and general fatigue. The complaints generally state that such conditions are caused by audible noise and low frequency noise, including infrasound, emanating from turbines.

Complaints regarding health concerns received by our Office, to date, have provided only anecdotal evidence regarding stated health issues and causality. It has therefore been difficult to confirm whether or not the stated health conditions reported by complainants are a direct result of the wind farm's operations or from some other cause.

It is possible that stated health conditions may be caused by other known causes not related to the wind farm's operations. Of concern is the potential situation whereby a resident may fail to seek and obtain appropriate medical advice for a treatable condition due to the possibly incorrect assumption that an operating wind farm is perceived as the cause of the health condition.

Health conditions may also arise as a result of stress, annoyance or anxiety related to the presence of an operating wind farm or concerns about the effects of a proposed wind farm. Further, uncertainties in relation to whether a proposed wind farm will actually proceed (a period which may extend for several years) may also contribute to stress and anxiety. Again, affected residents may need to seek appropriate medical treatment for their health conditions as well as seek ways to resolve their concerns.

The Office will continue to monitor any results of the NHMRC studies and the work of the ISCOWT along with assessing any further evidence gathered through complaint handling activities.

9.2. Recommendations

9.2.1. Federal and state governments should continue to assess the outcomes of research into wind farms and health, including outcomes of the two NHMRC funded wind farm health studies and recommendations of the ISCOWT. Environmental standards should be monitored and reviewed in line with any recommendations arising from these programs.

9.2.2. Residents living in the vicinity of an operating or proposed wind farm that are experiencing health conditions should be encouraged to seek appropriate medical advice to properly diagnose and treat any health-related conditions accordingly.

9.2.3. Medical practitioners who identify causational links between a patient's health condition and their proximity to the operation of a wind farm should report such incidences in an appropriate way to the relevant professional body, association and/or government agency.

9.2.4. Residents who are experiencing unacceptable noise levels from a wind farm should be encouraged to report such incidents to the wind farm operator, the compliance authority and/or the appropriate regulator.

GLOSSARY

A-weighted scale	A scale that is applied to instrument-measured sound levels to replicate the relative loudness perceived by the human ear.
Amenity	The visual impact a wind farm has on the landscape.
Australian Government	The Government of the Commonwealth of Australia (also referred to as Federal Government).
Australian Wind Alliance (AWA)	A not-for-profit organisation that supports the wind energy industry in Australia, with the objectives of boosting regional economies and reducing pollution and greenhouse emissions.
Clean Energy Council (CEC)	The peak not-for-profit organisation supporting the clean energy industry in Australia. The CEC represents a range of clean energy sectors and works with governments and other organisations to promote the industry.
Community Consultative Committee (CCC)	A CCC is a membership that is set up to facilitate consultation between wind farm developers, the community, local councils and other stakeholders that may be involved in the development phase or operation of a wind farm.
Community Association	A non-governmental association of participating members of a community who facilitate representative community engagement in the development process.
Community Engagement	The consultative process of wind farm developers supporting the participation of community members in the development process.
Commercial Dispute	An issue regarding the contractual goods or services of a wind farm whereby financial compensation has been sought by a party (for example, a host or a neighbour).
Complainant	One or more resident(s) from a residence who has contacted the Office for the purpose of making a complaint.
Concerned Resident	A person who resides in a dwelling within proximity to a proposed or operating wind farm facility, who holds concerns about potential impacts of the proposed or operating wind farm and may make a complaint to the Commissioner.
Construction	The stage in which the wind farm including access roads is being built. The construction stage may last a number of years.
dB	Decibels, a measurement unit used to describe the level or intensity (loudness) of a sound.
dB(A)	A-weighted decibels, a measurement unit that used to express the relative loudness of sounds in air as perceived by the human ear.
dB(C)	C-weighted decibels, a measurement unit that is used to measure low-frequency noise.
dB(G)	G-weighted decibels, a measurement unit that is used to measure to infrasound.

Economic Loss	The potential negative impact that a proposed or developed wind farm may have on a particular community or individuals within a community. This is typically the loss or perceived loss of property values or business within proximity to a proposed or operating wind farm.
Expert	A person who has special skill, knowledge or authority in a particularly field of study.
Health	General physical or mental condition of a concerned resident.
Hz	Hertz, a unit which measures the frequency of sound waves, perceived by the human ear as pitch. The typical range of human hearing is 20-20,000 hz.
Industry Association	An organisation founded and funded by businesses and other parties that have an interest in the wind energy industry.
Industry Member	Employee or other party who is involved as a member of an industry association.
Infrasound	Sound that is lower in frequency than 20 Hz or cycles per second, the 'normal' limit of human hearing.
ISCOWT - Independent Scientific Committee on Wind Turbines	An independent, multidisciplinary, expert group established in 2015 by the then Minister for the Environment, the Hon Greg Hunt. The Committee was primarily established to investigate and provide advice on the potential impacts of sound from wind turbines.
$L_{A90,10min}$	The A-weighted sound pressure level, obtained by using the fast time-weighting, that is equal to or exceeded for 90% of a 10 minute time interval. The values for individual 10 minute time periods are highly variable and a function of the hub height wind speed. The actual value for a particular hub height wind speed is determined by best fitting a polynomial function of hub height wind speed, which can be up to fourth order, to the individual 10 minute time period $L_{A90,10min}$ values when the wind turbines are operating. It is corrected to remove the effect of the background noise by subtracting a background noise function determined in the same way when the wind turbines are not operating. For example, for a particular hub height wind speed, the $L_{A90,10min}$ function determined as described above must be less than the greater of 35 dB and the background noise function determined as described above plus 5 dB.
Micro-siting	The process whereby the specific location of a wind turbine is determined.
National Health and Medical Research Council (NHMRC)	An independent statutory agency and expert body that promotes the development and maintenance of public and individual health standards. NHMRC provides research funding and development of advice, drawing upon a broad range of resources.
Natural Environment	The land, water, biodiversity, flora and fauna and the naturally occurring ecological processes that may be impacted by the development or operation of a wind farm.

Neighbour	A resident of a property that is within close proximity to a wind farm turbine/s, but does not host the turbine.
NZS 6808:1998	A recognised standard in New Zealand introduced in 1998 that provides methods for the prediction, measurement and assessment of sound from wind turbines. This standard was based on the United Kingdom 1996 Energy Technology Support Unit (ETSU) report *The assessment and rating of noise from wind farms* (ETSU-R-97, 1996). However the New Zealand standard introduced the L95 measurement used to describe background sound in New Zealand. The standard limit was 40dB, with a 'background +5 dB' variable. This standard was used for all wind farms in New Zealand until the introduction of the 2010 standard and was also adopted in Victoria prior to 2010.
NZS 6808:2010	A recognised standard in New Zealand introduced in 2010 that provides methods for the prediction, measurement and assessment of sound from wind turbines. This standard succeeded the 1998 version. While the 1998 version was introduced prior to significant wind farm development in New Zealand, a number of technical refinements and incremental enhancements were included in the 2010 standard. Notably, the standard also provided for a more stringent 'high amenity noise limit' in special local circumstances.
Ombudsman	Appointed authority to assist the public by investigating and resolving complaints on a specified issue.
Planning Process	A local, state or Federal Government process to determine whether a proposed project will be approved.
Responsible Authority	The planning authority responsible for the project from a planning/approval/compliance perspective.
Safety	The potential for the wind farm to cause danger, risk or injury to residents of a community within proximity to a wind farm. May include issues such as sleep deprivation, fire hazard, or any personal well-being.
Shadow flicker	The shadow cast by the sun over the rotating blades of a wind turbine that results in a rotating shadow affecting neighbouring properties.
Supportive Member	A person who resides in a dwelling within proximity to a proposed or operating wind farm facility, or is a member of the community that is in favour of a proposed or operating wind farm.
Terms of Reference	The specifications that outline the scope and limitations of the Office. See Appendix A.
Vibration	An effect of the infrasound that is produced by turbines.
Wind Farm Maintenance/Operations	Related to the ongoing process of ensuring the upkeep of the wind farm turbines for the life of the project.

Wind Turbine	Device with at least one moving part called a rotor assembly, which is a shaft or drum with blades attached, which is used to convert the wind's kinetic energy into electrical power.

APPENDIX A

Office of the National Wind Farm Commissioner

TERMS OF REFERENCE

The negotiated settlement of the Renewable Energy Target in mid 2015 is expected to lead to increased construction of wind turbines in the next five years.

The Senate Select Committee on Wind Turbines, held during 2015, identified many issues of concern relating to the standards, monitoring and operation of wind farms.

The Government responded positively to the recommendations of the Committee's Interim Report, including creation of the role of a National Wind Farm Commissioner.

The Commissioner will work collaboratively with all levels of government, scientists, industry and the community to resolve complaints from communities about proposed and operational wind farms.

The Commissioner will refer complaints about wind farms to relevant state authorities and help ensure that they are properly addressed.

The Commissioner will work with stakeholders to identify needs and priorities for monitoring wind farms.

The Commissioner will lead efforts to promote best practices, information availability, and provide a central, trusted source for dissemination of information.

The Commissioner, supported by the Australian Government Department of the Environment, will report to the Minister for the Environment and provide an Annual Report to the Australian Parliament on delivering against these Terms of Reference.

The work of the Commissioner will not duplicate or override the important statutory responsibilities of other jurisdictions, such as those relating to the planning and approval of wind farms.

The Commissioner is to draw on the work of the Independent Scientific Committee on Wind Turbines.

The role of the National Wind Farm Commissioner will be established for an initial period of three years and will be reviewed by the Australian Government.

APPENDIX B

Office of the National Wind Farm Commissioner

COMPLAINTS HANDLING POLICY

(Version 1.4 – 1 August 2016)

Introduction and principles

1. The National Wind Farm Commissioner (the "Commissioner" or "we" or "our") is an independent role created by the Australian Government, reporting to the Minister for the Environment and Energy. A primary role of the Commissioner is to receive complaints from concerned residents ("you") regarding proposed or operating wind farm facilities. The Commissioner also works collaboratively with all levels of government, scientists, industry and the community to facilitate the adoption of best practices related to wind farm developments and operations.

2. This document outlines the Commissioner's policy and procedure for receiving and handling complaints. In undertaking this role, the Commissioner may assist parties to find resolutions to complaints. Where appropriate, the Commissioner may refer complaints about wind farms to relevant government authorities and help to ensure that they are addressed.

3. Residents should bear in mind that the Commissioner's role in complaint handling is a facilitation role only. The Commissioner will not formally recommend particular solutions to disputes, arbitrate complaints or provide formal advice. The Commissioner may, however, suggest possible solutions for consideration by the parties.

4. In seeking to address resident complaints, the Commissioner will not seek to duplicate or override the important statutory responsibilities of State and Territory governments or local government authorities.

5. You may still pursue your complaint via other jurisdictions, such as formal legal action or other dispute resolution mechanisms.

6. Core principles that guide the handling of complaints by the Commissioner are:

   - We are independent.
   - Our role is to use best efforts to assist the parties to find acceptable outcomes and reach agreement on a way forward.
   - We will assist parties to share fact and evidence based information relevant to a complaint so that they can work towards an outcome.

- We will always act independently, impartially and ethically.
- We expect that the parties involved in a matter brought to the Commissioner will act with integrity and respect, and be genuinely seeking an outcome to the issues raised.
- The Commissioner's process is a voluntary process.

7. The Commissioner will use best efforts to assist parties to resolve complaints received by the Office, however, the Commissioner will not provide legal, professional or technical advice to any person. While the Commissioner will undertake the role with due care, the Commissioner or the Commonwealth will not be liable for any loss or damage arising from the Commissioner's activities.

Our procedures for handling complaints

8. The Commissioner will receive complaints from concerned residents who reside in a dwelling within proximity to a proposed or operating wind farm facility. The concerned resident may be represented by an appropriate nominee acceptable to and approved by the Commissioner.

9. The Commissioner may decide not to handle a complaint. One of the factors in determining whether or not the Commissioner will handle a complaint will be how current the issue is. For example, the Commissioner is more likely to accept a complaint that relates to a current issue as there will more current and available evidence and prospects of resolution. Older complaints, particularly those that were about issues that occurred more than six years ago, are unlikely to be considered.

10. Our procedures enable us to provide an independent, objective and consistent process for responding to enquiries and for handling complaints from concerned residents. There are five main steps in our complaint resolution process:

    i. **Enquiry**
    ii. **Complaint**
    iii. **Referral**
    iv. **Conciliation**
    v. **Closure.**

Enquiry

11. Your initial contact to the Commissioner will be treated as an enquiry if you:

- are requesting or providing information only
- choose to remain anonymous
- are not a resident or a person working within proximity to a proposed or operating wind farm facility; or
- have lodged an initial complaint and need to provide more information before the matter can be accepted as a formal complaint by the Commissioner.

You may contact us by letter, email or telephone.

Complaint

12. If you would like to lodge a complaint with regard to a proposed or operating wind farm facility, we require the following information from you in writing, via letter or email:

- your name
- your address
- your contact details, including telephone and email
- the name of the proposed or operating wind farm facility
- the approximate distance of the nearest turbine to your dwelling
- the complaint you wish to make about the wind farm facility
- the basis of the complaint
- when you first made the complaint about the wind farm to the other party
- evidence in support of the complaint, including relevant dates
- a summary of any current or previous attempts to resolve the complaint, including relevant correspondence from you and other parties to the complaint
- the practical outcomes you are seeking in a resolution to the complaint
- your written permission for the Commissioner to discuss the complaint and provide your details to the other party or parties to the complaint; and
- other information we may deem necessary to assist us in attempting to understand the complaint and approaches for its resolution.

You may contact the Office for assistance and questions that you may have in preparing the materials to lodge a complaint.

Accepting your complaint

13. When we have received all of the requested information from you to file a complaint, we will accept your complaint, confirm with you that your complaint has been accepted and ensure that you have been provided with a complaint reference number.

14. The Commissioner will review the materials provided and may contact you to discuss the matter. The Commissioner may also contact other parties that are relevant to the complaint and assess their willingness to work to work with us to resolve the complaint.

15. Based on the review of the information and subsequent discussions, the Commissioner will determine the next steps in the complaint handling process.

Information handling

16. All information received by the Office for the purposes of handling these complaints will managed by the Commissioner and staff in accordance with *The National Wind Farm Commissioner Information Handling Policy*, available at www.nwfc.gov.au.

Referral

17. In many cases, the complaint may be best handled by a direct referral to the other party, such as the wind farm developer, wind farm operator, a State or Local Government department or agency. The Commissioner will assist in facilitating the referral, where possible.

18. When referring a complaint, the Commissioner may need to pass on information that you have provided to the Commissioner, including your contact information, to the other party, department or agency.

19. The other party may contact you directly in writing to address the issues raised in your complaint or provide information to us that we may then share with you.

20. Following any correspondence or discussion between the parties, the Commissioner may contact you and enquire whether or not the complaint has been resolved.

Conciliation

21. In the event that the complaint has not been resolved by referral, the Commissioner may seek to conciliate the complaint between you and the other party. If the parties are agreeable, the Commissioner will invite you and the other party to meet with the Commissioner for a discussion about the complaint and potential solutions. The meeting is an opportunity for the parties to come together, present their point of view and, in the presence of the Commissioner, attempt to resolve the complaint by agreement.

22. The Commissioner will confirm, after consultation with the parties, when and where the meeting will take place and who is to attend the meeting.

23. At the beginning of the conciliation meeting, the parties will be informed by the Commissioner about the way the conciliation will be conducted and the role of the Commissioner at the meeting.

24. If parties do not resolve the complaint at the conciliation meeting, a further meeting may be scheduled if the Commissioner is of the view that a subsequent meeting would be productive.

25. If attempts to conciliate the complaint do not result in an agreement to resolve the complaint, the Commissioner may, at the Commissioner's discretion, make non-binding recommendations to the parties. Such recommendations are not enforceable and are made in good faith for the parties to consider and decide whether or not to accept any recommendations made.

Closure

26. The Commissioner will consider whether a complaint is resolved and/or may close the file and stop handling the complaint at the Commissioner's discretion. Reasons may include where:
    - you confirm that you have accepted the other party's offered resolution
    - information has been provided by the respondent that addresses the questions or issues raised

- the Commissioner has made recommendations to the parties
- you do not provide consent for us to discuss your complaint or share information
- despite our efforts, you have not been able to reach a resolution of your complaint and we consider that further time and effort in handling the complaint will not assist with achieving a resolution
- you advise us that you no longer wish to pursue the complaint; or
- despite our efforts, you cannot be contacted by us to discuss the complaint.

27. The Commissioner may decide to also stop handling a complaint for other reasons. These include where:
    - you have not provided sufficient documentation or evidence by a stated time for there to be an meaningful discussion of the complaint between the parties
    - you have engaged legal representation to handle your complaint
    - you have made threats to our Office or respondents to the complaint
    - your behaviour has been unreasonable and detrimental to the objective of reaching a resolution to the complaint.

When we close the file on an accepted complaint, we may advise you that the matter will not be considered further by our Office and explain our decision. We may also inform the other party, if required.

Respect

28. We expect that all parties to a complaint will communicate with us and with each other in a professional, courteous and non-threatening manner. We take a serious view of communications that contain offensive, rude, abusive or threatening material. In these cases we may take a number of steps, including:
    - suggesting that a party only communicate to the Commissioner in writing
    - editing information that we have received to remove offensive or abusive comments
    - not responding to communications that contain offensive or abusive comments
    - stop handling the complaint; or
    - report issues of concern to a higher level of management or to an external agency or regulator, the police or a law enforcement agency.

Contact details and website:

Email: nwfc@environment.gov.au

Toll free number: 1800 656 395

Mail:
Office of the National Wind Farm Commissioner
PO Box 24434
Melbourne VIC 3001

Website: www.nwfc.gov.au
Our website has a range of resources that may assist, including our *Guide to Conciliation*, which can be found at https://www.nwfc.gov.au/publications/guide-conciliation-meetings.

APPENDIX C

Office of the National Wind Farm Commissioner

INFORMATON HANDLING POLICY

(Version 1.1 – 8 March 2016)

Introduction

1. A key role of the Office of the National Wind Farm Commissioner ("the Office" or "we") is to receive complaints from concerned residents regarding proposed or operating wind farm facilities and to assist the parties to the complaint to facilitate a resolution where possible. Complaints are received, accepted and handled in accordance with the Complaints Handling Policy at www.nwfc.gov.au.

2. All information received by the Office for the purposes of handling complaints will be managed by the Office accordance with this policy.

Information we collect and store

3. We may record relevant information provided by complainants, including:
   - their name, address and contact details (including telephone and email)
   - complaint information and evidence provided in support of the complaint
   - the history of the complaint, including relevant correspondence
   - the outcome being sought in relation to the complaint
   - other information provided by the parties in relation to the complaint.

4. For each enquiry or complaint that we deal with, we may keep a record of:
   - our contact with the resident and the other party
   - any verbal or written authority given for another person to speak on behalf of the resident
   - correspondence we have received and sent
   - information received from the resident and the other parties
   - issues raised and information discussed, both internally and externally.

5. We will make every effort to protect this information from unauthorised disclosure. We record information, in electronic form, in a secure Complaint Management System provided by the Department of the Environment and may also keep hard copies of documents.

How we will disclose information

6. We may share information provided to us and other information relating to complaints with a range of third parties. Reasons and examples include:

   a) Information may be shared with another party to a complaint in order to give them an opportunity to respond to the information where, in our view, the sharing of information will help in the resolution of the complaint. As part of lodging a complaint, complainants will need to give consent to our discussing the complaint and sharing the information they provide with other parties relevant to the complaint. We may also ask the other party to contact you directly to engage in a discussion or convene a meeting with you to allow the other party to better understand the issues and/or directly resolve the complaint.

   b) We may also provide information to government agencies where the complaint is best handled by referral to a State or Local Government department or agency in accordance with our Complaints Handling Policy.

   c) We may also provide some complaint and enquiry information to other organisations where we need to report issues to an external agency or regulator, the police or a law enforcement agency. We will not necessarily ask for permission to share information in these circumstances.

7. If we need to share personal information with a third party in a way that is not contemplated by the *Privacy Act (1988*), our Complaints Handling Policy or by this policy, we will obtain your consent before we share it.

Confidentiality

8. In dealing with a complaint, we may facilitate information sharing between the parties to assist in seeking a resolution or outcome.

9. Information exchanged between parties during conciliation meetings is not confidential, unless the parties agree otherwise. If a party asks to keep specific information confidential, the party will need to clearly identify such information and let us know the reasons why they consider the information to be confidential.

10. When a party requests that information is kept confidential, we will inform them of any impact this may have on the resolution of the matter. Such restrictions may impact on our ability to further assist with the complaint.

Privacy

11. Some of the information that we collect and store may contain personal information. We will handle personal information consistent with this policy, with applicable Australian privacy laws and the Department of the Environment's Privacy Policy at: http://www.environment.gov.au/privacy-policy.

12. If a complainant does not wish for the Office to use or disclose personal information, the complainant will need to make this clear to us when providing the information. We will then advise the complainant if we think that this will limit the way in which we can assist them with their complaint.

13. Regardless of whether or not a person consents to any disclosure of personal information, we may be required to disclose it to third parties where permitted under the *Privacy Act (1988)*. These third parties may include law enforcement bodies, or a House or Committee of the Australian Parliament.

Requests for the release of information from our records

14. When a third party requests information from our records, and the circumstances are not covered by this policy, we will be guided as to whether the information should be released by applying the *Freedom of Information Act (1982)*