



Submission template

REVIEW OF THE NATIONAL WIND FARM COMMISSIONER

The Climate Change Authority is an independent statutory body established to provide expert advice on climate change policy issues.

The Minister for the Environment and Energy, the Hon Josh Frydenberg MP, has asked the Climate Change Authority to conduct a special review of the role of the National Wind Farm Commissioner.

At the time the National Wind Farm Commissioner was established, the Government said it would review the role in 2018. This review responds to that undertaking. The Terms of Reference for the National Wind Farm Commissioner are attached. The Authority is asked to consider to what extent the Commissioner is fulfilling its Terms of Reference, the ongoing need for the role, its scope and possible models for funding. The Authority's Terms of Reference for this special review can be found on the Authority's website. More information on the role of the Climate Change Authority is available at www.climatechangeauthority.gov.au. Information on the National Wind Farm Commissioner is available at www.nwfc.gov.au.

Submission Instructions

Submissions are invited until 13 April 2018.

Submitting via email

submissions@climatechangeauthority.gov.au

Submitting via post

Submissions
Climate Change Authority
GPO Box 787
ACT 2600

Contacts

Should you require further information about making a submission, please contact the Climate Change Authority on freecall 1800 475 869 or via email at enquiries@climatechangeauthority.gov.au.

Overview

Submissions on the National Wind Farm Commissioner review are invited, ideally using this template to assist with the Authority's analysis of submissions. However, organisations and individuals wishing to make submissions should not feel constrained by the questions below and should feel free to provide any comments they wish. The Authority is also happy to accept submissions in other forms, including letters or emails.

Contact Details

Name of Organisation: Civil Aviation Safety Authority

Name of Contact, Role: Andrew Sparrow, A/g Manager, Air Navigation, Airspace and Aerodromes

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Date: 12 April 2018

Confidentiality

All submissions except those made in confidence will be published on the Authority's website.

For submissions made by individuals, all personal details other than your name and the state or territory in which you reside will be removed from your submission before it is published.

Do you want this submission to be treated as confidential? No

1. Have you interacted with the National Wind Farm Commissioner on a complaint about a proposed or operating wind farm? If so, please tell us about the nature of the complaint.

In particular:

- I. Did the complaint relate to an existing or proposed wind farm, or was it a general complaint?**
- II. What was your role in the process - were you the complainant or was the complaint made against you or your company?**
- III. If the complaint was about a specific wind farm, in what state and local government region is it located?**

CASA has interacted with the National Wind Farm Commissioner (NFWC) in relation to the proposed Naroghid Wind Farm (Shire of Corangamite in Victoria).

The proposed Naroghid Wind Farm involves the construction of several wind turbines in the vicinity of Cobden Aerodrome

Pursuant to the National Airports Safeguarding Framework (NASF), CASA provided advice to the Land Use Planning Authority (LUPA) in Victoria about the potential risks to aviation safety from the proposed wind farm.

The Standing Council on Transport and Infrastructure (SCOTI) of the Council of Australian Governments (COAG) agreed to the NASF in 2012.

2. If you have interacted with the National Wind Farm Commissioner on a complaint about a proposed or operating wind farm, would you like to comment on how the complaint process was conducted?

In particular:

- I. Were you provided with information about the process for dealing with your complaint?**
- II. Were you made aware that participation in the process to deal with your complaint by other parties (like state government agencies or wind farm operators) is voluntary?**
- III. Were you asked to provide information to assist the Commissioner in dealing with your complaint? Did you do so?**
- IV. Was your complaint progressed in a timely way?**
- V. Did the Commissioner work with wind farm proponents or operators and other bodies (like state or local government agencies) on the complaint?**
- VI. Were you satisfied with the process undertaken to resolve the complaint?**
- VII. Were you satisfied with the outcome of the complaint?**

Please note that CASA's involvement **did not** relate to a complaint by CASA.

CASA involvement in relation to the Naroghid Wind Farm with the National Wind Farm Commissioner was not based on a complaint made by CASA.

Concerns about the proposed Naroghid Wind Farm were raised by aircraft operators and the operator of Cobden Aerodrome (Corangamite Shire Council).

The NWFC contacted CASA to understand our position. The NWFC worked with the Victorian Government and assisted CASA by explaining to stakeholders the basis of our position on aviation risk assessment of wind farms and the consistency with which we have applied this position across multiple wind farm projects.

In this case, the proponent was initially resistant to the advice provided by CASA. However, the current status is that the proponent has engaged a different aviation consultant to conduct a new risk assessment.

CASA is limited in the resources it can allocate to interacting with stakeholders to explain our position on matters such as potential risk to the safety of aircraft operations from wind farms.

CASA believes that the initiative of the NWFC to understand the basis of our position and reinforce it with stakeholders helped the proponent to understand the importance of considering alternative means to assess the risk to aviation safety from the proposal.

As explained above, this is an ongoing issue and the Victorian Government will eventually make a decision on the proposed Naroghid Wind Farm.

3. The Terms of Reference for the National Wind Farm Commissioner say that the Commissioner will lead efforts to promote best practice, information availability and provide a central, trusted source for disseminating information. Do you have any comments on this aspect of the Commissioner's role?

CASA's experience is that the NWFC has acted as a central and trusted source for disseminating information relating to aviation safety impacts to all parties.

In 2016, the NWFC took the initiative to approach CASA and obtain a briefing on the application of the NASF to wind turbine farms. The NWFC had heard concerns about the risk to aviation safety from the Gullen Range Wind Farm in Crookwell, NSW. CASA explained the basis for the aviation risk mitigation measures adopted by NSW Planning for this project. Subsequently, the NWFC met with CASA to broaden his understanding of CASA's approach to risk assessment and the consistency of our position with that of major overseas aviation safety regulators.

As discussed previously, our experience is that the NWFC has assisted us by promoting stakeholder awareness of NASF Guideline D (Managing the risk to aviation safety of wind turbine installations (wind farms)/wind monitoring towers) and the role of CASA.

For information, NASF Guideline D was developed with extensive stakeholder input in 2011. However, with the passage of time, CASA has seen cases where there are gaps in the understanding displayed by some proponents of the provisions of NASF Guideline D. As time goes by, it is possible that there may be increasing cases of such gaps in awareness. CASA is working with industry to help wind farm consultants and proponents understand the recommended practices contained within the Guideline and is also working with the Department of Regional Development and Cities to actively update the NASF Guidelines where required.

CASA believes that the NWFC can continue to act as a central trusted source for disseminating information and promoting best practice with respect to managing the risk to aviation safety from wind farms.

4. Do you think there is an ongoing need for the Commissioner? Do you see this changing in the future? If so, how?

CASA thinks there is an ongoing need for the Commissioner.

CASA's understanding is that there will be continued growth in the wind energy sector. Our understanding is based on comments such as:

Wind is an important part of Australia's clean energy transition, and is forecast to make a substantial contribution to the Renewable Energy Target. (Clean Energy Finance Corporation); and

Wind power is the lowest cost renewable energy technology that can be rolled out on a large scale. The national Renewable Energy Target provides an incentive to build the lowest cost renewable energy projects, meaning that wind power is likely to be a key contributing technology supporting the target this decade. (Clean Energy Council)

Importantly, CASA understands that the length of new wind turbine blades is projected to be longer than current models because of technological advances. Many wind turbines are mounted on high ground, and coupled with the increasing size of turbines, we expect to see projects covering large land areas that significantly infringe navigable airspace and may increase the risk to aviation safety.

As discussed previously, there has been a nationally agreed framework run by the Department of Regional Development and Cities for assessing aviation safety risk from projects such as wind farms since 2012. This was developed after extensive consultation with industry and government stakeholders. However, CASA continues to encounter some cases where the proponents appear to be unaware of the need to mitigate potential aviation safety risks.

As the size and number of wind turbines grow, the number of projects involving significant intrusions into navigable airspace will continue to increase. Rural Australia depends to a significant extent on aircraft operations and Australia has a large number of aerodromes to serve these aircraft operations. There is therefore an increasing possibility that there will be projects that raise aviation safety concerns.

In most cases, it is possible for aviation safety risk to be mitigated. However, some proponents may find it difficult to understand the aviation safety assessment process and this is where the NWFC can examine the process to ensure it has been complied with and give stakeholders confidence that CASA conducted its assessment rigorously.

CASA recognises that there are a range of stakeholders with a wide variety of views on wind farms. CASA has limited resources to engage with stakeholders. We therefore believe that the continuing presence of the NWFC as a trusted and knowledgeable source of information about the regulatory process will contribute to community, wind industry and aviation industry confidence that land use planning decisions relating to wind farms are based on a robust process.

5. Do you think the Commissioner's scope, which is currently focused on proposed and operational wind farms is sufficient? Or should it be expanded to other large scale renewable energy projects, such as solar and storage?

CASA does not have a position on this question.

6. The Office of the National Wind Farm Commissioner is funded from the Commonwealth budget at a cost of approximately \$676,000 per year. Do you think the Commissioner's office should continue to be funded in this way or should other funding models (like cost recovery from industry) be considered?

CASA does not have a position on this question.

7. Do you have any other comments about the role of National Wind Farm Commissioner?

CASA has no other comments on the role of the National Wind Farm Commissioner.

Attachment: 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.