

WESTERN PLAINS LANDSCAPE GUARDIANS ASSOCIATION

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July 23, 2009

The Hon. John Pandazoupoulos, MP
Chair
Environment and Natural Resources Committee
Parliament of Victoria
Spring Street
Melbourne 3002

The Approvals Process for Renewable Energy Projects in Victoria

Dear Mr. Pandazoupoulos,

I refer to our submission to The Approvals Process for Renewable Energy Projects in Victoria, which submission is listed as No. 15 on your website.

Since that submission, we have been informed that under the Federal Government EPBC Act, the proposed action "Development of the Stockyard Hill Wind Farm" has been declared a "controlled action" (see attachment).

The principal points in my submission were directed at the deployment of wind turbines which seem at this point in time to be the renewable of choice. The major points were:

- subsidies are already high enough to guarantee adequate profits for developers;
- the planning guidelines are already so developer friendly that they are causing developments to be sited in areas where the resident density is such that a high volume of objections is virtually guaranteed;
- it is the objectors who cause the bulk of the delays;
- listen to the objectors and see if a range of the objections, common to all or most projects, can be dealt with in an equitable way;
- such action is highly likely to reduce objections, thus speeding up the approvals process.

1. An Update

A demonstration of the substance of my submission arose last week.

The Stockyard Hill wind project was declared a controlled action under the EPBC Act after a request for more information did not satisfy Minister Garrett. The EPBC determined that the initial submission by the proponent was inadequate and must have remained so even after the further details requested did not remedy the concerns. Now this project faces a further delay of unknown extent.

I am sure the subcommittee agrees that people (all rural residents) living close to turbines have a democratic right to become objectors.

I hope that the subcommittee also understands that most of the objectors have genuine concerns. (I can guarantee that they do; and this is one of the matters I would like to discuss with the subcommittee).

People who live in rural areas are becoming increasingly sophisticated and will effectively object and fight inappropriate developments. If the processes are inequitable, as they are, then they will only fight harder, event to the point of going to the courts if necessary.

In the case of the SYH project being declared a controlled action, local residents were incensed at the quality, veracity and lack of depth of the proponent's work; particularly its study of the effects on flora and fauna. Accordingly they made submissions themselves to the EPBC which, almost certainly, have caused first the request by the EPBC to require additional information (a 3 or 4 month delay), and second, the declaration of the project as a controlled action (maybe 6 months delay).

Had Minister Madden required an EES, these inadequacies would have been shown up earlier and time saved. In other words, an arbitrary decision by the Minister, against all common and scientific sense, but made in order to speed up the project, has done exactly the opposite.

2. What Might be Learnt from This?

- First, these wind projects cover and affect such large areas, **that they all need an EES.**
- Further, as long as we are going to have guidelines that encourage developers to site their projects in relatively closely settled rural areas, the EES should become an E&HES (**Environmental and Human Effects Study**). It would not be inappropriate for the Minister to decide which is necessary in a particular project. Once this becomes the norm, developers will just advance these studies within their project timetables so there will be no additional total time required.
- The **potentially unhealthy relationship** between certain developers and favoured experts is a problem, as evidenced by certain complaints now before the State Ombudsman, and needs to be addressed to speed up the process.
- A means of addressing this would be for the DPCD to prepare and provide a list of **qualified and independent experts** from which the proponent may choose one or more to prepare the necessary reports for the Planning Panel and other relevant parties.
- A proponent should not be able to use the same consultant more than once in three applications.
- The approved expert lists should include experts in **environment** (flora and fauna), **landscape, heritage and cultural, social and community, water and health.**
- **Planning panels be required to fully consider the evidence presented by independent experts.**

Once again **proper and equitable processes and guidelines** will, apart from being appropriate and democratic, **speed up the process** and will lead developers into more suitable areas rather than as present into relatively closely settled areas.

There are a growing number of sophisticated objectors who, like me, could help the panel understand why there are objectors, and why they cause delays. Arbitrary reductions in the guidelines, voiding need for an EES, etc., will just increase the volume and tenacity of objections and be counterproductive to your objective.

Yours sincerely,

Peter R. Mitchell, AM, BChE



**Notification of
REFERRAL DECISION AND DESIGNATED PROPONENT – controlled
action**

STOCKYARD HILL WIND FARM, CENTRAL WESTERN VICTORIA (EPBC 2009/4719)

This decision is made under section 75 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

proposed action	Development of the Stockyard Hill Wind Farm in central western Victoria, which includes the installation of approximately 242 turbines and associated on-site infrastructure, in addition to the construction of an external 132kV overhead powerline to the south as described in the referral received on 28 January 2009.
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decision on proposed action	The proposed action is a controlled action. The project will require assessment and approval under the EPBC Act before it can proceed.
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relevant controlling provisions	<ul style="list-style-type: none">• Listed threatened species and communities (sections 18 & 18A)• Listed migratory species (sections 20 & 20A)
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designated proponent	Stockyard Hill Wind Farm Pty Ltd (ACN 118 119 501)
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Decision-maker

Name and position	Michelle Wicks A/g Assistant Secretary Environment Assessment Branch
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signature	
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date of decision	15/7/2009
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Caroline Williams/ParlOfficer/PARL
23/07/2009 03:30 PM

To Karen Taylor
cc Derek Benjamin, Tess Burton/ParlOfficer/PARL@PARL
bcc
Subject Fw: Renewable Energy Project C'tee ltr

Caroline Williams
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----- Forwarded by Caroline Williams/ParlOfficer/PARL on 23/07/2009 03:30 PM -----



"Susan Richmond"
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23/07/2009 02:10 PM

To <enrc@parliament.vic.gov.au>
cc
Subject Renewable Energy Project C'tee ltr

Please find attached letter to the Hon John Pandazoupoulos, MP, Chair of the Environment & Natural Resources Committee, and a notification from the Federal Dept. of Environment, Water, Heritage and the Arts.

Regards,



S Richmond for Mr. P. R. Mitchell Ltr 23-7-09.doc EPBC Act decision.pdf