

# Fact sheet: Changes to the regulation of wind farm noise

Wind farms play an important role in ensuring a sustainable, reliable and affordable energy future for all Victorians.

Clear and consistent wind farm noise regulation is needed to provide certainty to industry and confidence for communities.

The Victorian Government is seeking feedback about proposed changes to the way wind farm noise is managed.

## How is wind farm noise managed now?

The Minister for Planning is responsible for approving planning applications for wind farms and setting permit conditions for how they can operate. Once wind farms are built, councils have responsibility for enforcement of their permit conditions under the *Planning and Environment Act 1987*, including ongoing compliance with noise levels.

In investigating complaints about wind turbine noise, councils can also take enforcement and compliance action under the nuisance provisions of the *Public Health and Wellbeing Act 2008*.

## What is changing?

The new *Environment Protection Act 2017* commences on 1 July 2021 and will introduce a 'general environmental duty' to take reasonable steps to minimise risks of harm to human health and the environment, as well as 'unreasonable noise' provisions. These will apply to all industries in Victoria, including wind farm operators.

As Victoria's independent environmental regulator, the Environment Protection Authority (EPA) will be responsible for regulating wind farm noise under this Act, for both new and existing facilities. The permissible noise levels are not changing – they will continue to be based on the New Zealand Standard (NZS 6808), internationally accepted as appropriate for the protection of sleep, health and amenity of residents.

Later this year, changes to Victoria's planning system will be considered to establish EPA as the single regulator for wind farm noise in Victoria. The Victorian Government also intends to amend the nuisance provisions in the *Public Health and Wellbeing Act 2008* to exclude turbine noise from wind farms. The amendment would ensure that wind farm noise is regulated consistently across Victoria by EPA, using the stronger provisions of the *Environment Protection Act 2017* when necessary.

## What's in scope?

This consultation is about how to regulate wind farm noise most effectively under the *Environment Protection Act 2017*. More specifically, this consultation relates to how wind farm noise should be regulated under the 'general environmental duty' and 'unreasonable noise' provisions of the Act.

The operation of the planning system in relation to wind farms and the proposed amendment under the *Public Health and Wellbeing Act 2008* are not part of this consultation process.

## Proposed changes

Three alternative approaches to wind farm noise regulation have been identified and assessed in a regulatory impact statement (RIS):

1. No additional regulation – relying on general provisions within the *Environment Protection Act 2017*
2. Direct regulation – setting specific requirements for compliance
3. Permissions – using a permit or other permission from EPA to specify requirements for compliance.

The RIS analysis identified that the preferred approach is direct regulation, as it is expected to provide greater certainty by creating an explicit and transparent regulatory framework.

The following package of requirements for wind farm operators is proposed under both the direct regulation and permissions options:

- complying in an ongoing manner with the relevant noise standard (the New Zealand Noise Standard NZS 6808)
- implementing a noise management plan, including a complaints management plan
- providing an annual statement of actions taken to ensure compliance
- completing a post-construction noise assessment
- undertaking noise assessments every five years.

Following consideration of submissions and further refinements to the regulatory framework, the new regulatory approach will be introduced on 1 July 2021 with the commencement of the *Environment Protection Act 2017*.



	Existing system	Proposed system under the new <i>Environment Protection Act</i>
<b>Who approves the application?</b>	The Minister for Planning	The Minister for Planning
<b>What are the requirements for wind farm operators?</b>	<ul style="list-style-type: none"> <li>• compliance with the New Zealand Standard</li> <li>• post-construction noise assessment</li> <li>• noise management plan, including complaints management (under recent permits).</li> <li>• different requirements for individual facilities.</li> </ul>	<ul style="list-style-type: none"> <li>• compliance with the New Zealand Standard</li> <li>• post-construction noise assessment</li> <li>• noise management plan, including complaints management (for all wind farms)</li> <li>• annual statement</li> <li>• periodic (5 yearly) assessment.</li> </ul>
<b>Who responsible for enforcement?</b>	The local council	Environment Protection Authority
<b>How are noise concerns managed?</b>	<ul style="list-style-type: none"> <li>• wind farm operators must respond to concerns in the first instance</li> <li>• the relevant council may take action based on evidence of a breach of compliance with planning permits, or of a nuisance under the <i>Public Health and Wellbeing Act 2008</i>.</li> </ul>	<ul style="list-style-type: none"> <li>• wind farm operators must demonstrate ongoing compliance, and must respond to concerns in the first instance</li> <li>• EPA will take action in line with its compliance and enforcement policy.</li> </ul>

### Complaints about wind farm noise

In the first instance, people with any concerns about wind farm turbine noise should contact the wind farm operator, who will respond according to their complaints management procedures.

From 1 July 2021, if people believe they are being affected by noise pollution, they will also be able to report it to EPA via the 24/7 Pollution Report hotline – 1300 372 842. EPA will respond in line with its compliance and enforcement policy.

### How to provide feedback

The Victorian Government invites public comments on the proposed regulatory framework, including which of the regulatory approaches would be the most effective, and whether the proposed requirements for wind farm operators are appropriate.

**This consultation will be available <https://engage.vic.gov.au/changes-regulation-wind-farm-noise>. You can also email comments to [windfarmnoise@delwp.vic.gov.au](mailto:windfarmnoise@delwp.vic.gov.au).**