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SUBMISSION TO DISCUSSION PAPER

SAFEGUARDS FOR AIRPORTS AND THE COMMUNITIES AROUND THEM

The Clean Energy Council (CEC) is the peak industry body representing the renewable energy and energy efficiency sectors in Australia. Its membership encompasses the majority of large wind farm developers and operators, manufacturers of turbines and components, and consultants and others supporting the expansion of the industry. The Council welcomes the opportunity to make a submission to this discussion paper on behalf of the wind energy industry.

GENERAL COMMENTS

In June 2008 the Clean Energy Council on behalf of its members wrote to both Minister Albanese, and the CEO of CASA expressing concern with respect to CASA's approach to aircraft safety and wind farms, and in particular the requirements of Advisory Circular 139-18.

That letter sought action in the following three areas:

- A review of the technical requirements for lighting. This review should take into account the needs of all stakeholders including the local community, the industry and the aviators. It should be informed by test flights of operational wind farms and global best practice.
- The provision of certainty to industry that once a safety case is determined by CASA it cannot be retracted by another authority.
- The streamlining of regulatory administration including a review of the roles and responsibilities of CASA, planning authorities and industry to improve alignment.

It is pleasing to see that since that letter, the above mentioned advisory circular has been withdrawn and CASA has commenced a review process. The consultants appointed by CASA to undertake this review have indicated a desire to engage actively with the industry.

In addition, it is pleasing that the Discussion Paper to which this submission is made, seeks to explore the guidance material available to regulators to make sound decisions with respect to wind farms and aviation safety.

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It is noted that there are currently three processes underway at the National level that touch on wind farms and aviation safety:

- The CASA review (to replace Advisory Circular 139);
- The Department of the Environment, Water, Heritage and the Arts process through the Environment Protection and Heritage Council to develop national guidelines for wind farm developments; and
- This discussion paper on Safeguards for Airports and Communities around them which has a section dedicated to wind turbines.

There is some risk with three such reviews taking place coordinated by different departments/jurisdictions at Commonwealth level that further inconsistency and confusion will result from the review process and its outcomes.

WHAT GUIDANCE DO STATE, TERRITORY AND LOCAL GOVERNMENTS REQUIRE ON THE SITING OF WIND FARMS AND THE POTENTIAL IMPACTS ON AVIATION

It is critical that the decisions made with respect to wind farms and aviation impacts are based on sound and robust information. There has been much advancement in international knowledge in this area which could be accessed to inform local decision making.

The industry contends that there are a range of possible solutions to ensure that wind farms do not impact on aviation safety. These solutions or mitigation approaches must be based on a case by case risk assessment to determine if there are any risks associated with the development and what strategies should be put in place to manage these. A key impediment that is being encountered by the industry has been the unwillingness of CASA to share their data. A more constructive relationship where the industry has access to this data would be of benefit to all.

Sustainability Victoria has recently engaged aviation consultants, HART Aviation, to undertake a study *Wind Farms and Aviation Interests* which provides a range of useful guidance material on what is occurring internationally in this area, along with suggestions and strategies to improve safety. A key recommendation in this work is to ensure that all wind farms developed in Australia appear on all aeronautical charts produced by Airservices Australia (who produce the World Aeronautical Charts – WAC) and RAAF Aeronautical Information Services which maintain a data base of tall structures. To date, it is understood that only a few of the developed wind farms in Australia appear on these charts.

The experience of the industry over the past few years has been that CASA will generally require lights to be placed on wind turbines. This has a significant amenity impact on local communities.

It is acknowledged that state, territory and local governments do not have the necessary expertise to undertake safety risk assessments of this nature.

At present there is no clarity in relation to the responsible authority to determine on this matter. Wind developers have engaged “aviation experts” to undertake safety risk assessments and advise on mitigation approaches, the advice of which has not been accepted by regulators. CASA has in the past acknowledged that it has no legal jurisdiction for developments that generally occur more than 30 km from an aerodrome (aerodrome obstacle limitation surfaces – OLS), or for obstacles under 110 metres above ground level. It has expressed a view however that wind farm proponents that do not follow its advice may be liable for any eventual aircraft-related incidents.

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Greater clarity for developers with respect to the processes and documentation they need to provide to demonstrate that they have addressed any risk associated with the development and aviation safety, along with confidence that the advice of “aviation experts” for areas outside of CASA’s jurisdiction will be taken into account.

It should be noted one areas of inconsistency which requires clarification is with respect to the height of the obstacle, with CASA’s previous guidance material specifying 110 metres, and the discussion paper referring to 152 metres. The industry would support an increase in this height limit to 152 metres as this is consistent with international trends.

SHOULD DEVELOPERS OF WIND FARMS BE REQUIRED TO PROVIDE CASA WITH A REPORT ON THE POTENTIAL IMPACTS ON AVIATION AND AVIATION INFRASTRUCTURE OF THE TURBINES

As the Department would be aware, CASA is currently undertaking a review of wind farms and aviation safety, to determine what guidance material should be put in place following the withdrawal of its draft advisory circular 139-18. It is understood that this is to be a consultative process involving the wind energy industry and other stakeholders. This review process has just commenced, and it is difficult to determine what CASA expects will be its level of involvement with respect to wind farms and aviation safety until it has been completed.

It is considered appropriate that CASA, along with RAAF and Airservices Australia should be kept informed/notified of any wind farm development that is occurring to ensure, as previously stated, that wind farms can be portrayed on the relevant aeronautical charts.

The industry contends that it is not appropriate that CASA assessment or approval is sought for every wind farm development that occurs around Australia. Many wind farms are developed well away from aerodromes, and a risk assessment by an appropriate aviation consultant should suffice to demonstrate that any risks have been considered and mitigation strategies have been put in place.

In closing, the wind energy industry supports the responsible development of wind farms in Australia. To that end it does not seek to undermine community safety, but wishes to explore a range of possible solutions to this issue including: better information for aviators (via up to date information on aeronautical charts), use of other mitigation technologies such as shielding of lighting, minimizing the amount of lights required on some developments, and lights that activate when aircraft are in the vicinity. This will ensure that there is a balance between perceived safety issues with respect to aircraft and wind farms, and the amenity impact on communities residing near wind farms.

The Council and its members would be happy to discuss this issue further with you as your review progresses. In the interim if you require any further information please do not hesitate to contact me on sjones@cleanenergycouncil.org.au or 03 9929 4100.

Yours sincerely

Sarah Jones
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