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Our Ref: BMIN011632

Mr Brett Wickham
Pyrenees Wind Energy Developments Pty Ltd
Level 1, 95 Coventry Street
SOUTH MELBOURNE VIC 3205

Dear Mr Wickham

WAUBRA WIND FARM, PERMIT COMPLIANCE

I refer to my letter to you dated 10 December 2010 and your response dated 11 January 2011.

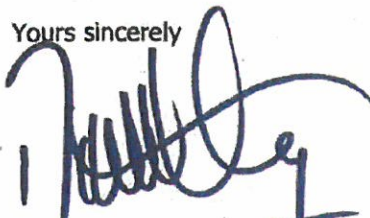
The Waubra Wind Farm Planning permits, PL-SP/05/0150 and PL-SP/05/0152 were issued on 26 May 2005 by the Minister for Planning as responsible authority and specify compliance requirements for operational noise at conditions 14-18.

In the attachment to this letter I outline my consideration of the information you have provided to date. At this time I am not able to reach a determination that the wind farm is compliant with the performance requirements specified.

Accordingly, I require further analysis and reporting, as outlined in the attachment, to be completed and supplied to me as consistent with the timelines specified in the attachment.

Should you have any queries about the matters I have raised, please telephone Mr John Phillips, Acting Director Planning Policy in the Department of Planning and Community Development on 03 9223 5344.

Yours sincerely



MATTHEW GUY MLC
Minister for Planning
15.9.11

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**ATTACHMENT TO BMIN011632 – WAUBRA WIND FARM
PERMIT COMPLIANCE, AUGUST 2011**

On 8 October 2010 Pyrenees Wind Energy Developments submitted a report entitled 'Waubra Wind Farm Post Construction Noise Compliance Assessment' by Marshall Day Acoustics, (the Report) in accordance with Condition 18 of the permit. The purpose of this Report is to demonstrate whether the wind farm is operating in compliance with the New Zealand Standard, as modified by Condition 14 (the noise standard).

My letter of 10 December 2010 outlined a number of concerns with the Report and the post-construction noise monitoring program to which the report related. I indicated in the letter that I was not satisfied that Conditions 14, 15, 17 and 18 of the permits had been or were being, complied with.

In your response to me dated 11 January 2011 you attached a draft letter from Marshall Day Acoustics dated 10 January 2011, which I will refer to as the Supplementary Report.

The Supplementary Report discusses investigation of special audible characteristics. The report however does not explain:

- the trigger point for why a special audible characteristic assessment was undertaken;
- why the selected times and locations were selected;
- who undertook the assessment; and
- whether this person or people were qualified and experienced to do so.

I require you to provide this additional information, in order to enable me to satisfy myself that the assessment and investigation of special audible characteristics has been properly undertaken in accordance with the noise standard.

The background noise extrapolation levels remain a cause of uncertainty that have the potential to materially affect compliance. The best practice method to address this is through on-off shut down testing. I request that you advise me of the reasons why this has not been undertaken, or if it will be undertaken to improve the accuracy of background data.

Assessments undertaken at properties

In your letter you state that noise complaints have been recorded, evaluated and actioned in accordance with Condition 15 of the permits.

You mention that Pyrenees Wind Energy Developments undertook noise monitoring in response to complaints at 5 properties. However, the information that you have provided to date in relation to these 5 complaints is incomplete. Specifically, you have not provided records of the time the complaints were received, a description of the noise complained of (in most instances this has not been included), and weather conditions at the receptor. Condition 15 requires these details to be recorded in the complaints register.

I require you to provide this additional information, in order to enable me to undertake a proper assessment as to whether the noise standard is in fact being met at these 5 properties as you claim.

I note that the complaint register identifies potential special audible characteristics at 1962 Sunraysia Highway on 15/4/2009, 377 Stud Farm Road on 26/05/2009, 508 Stud Farm Road on 10/9/2009 and Maggie Dixon's, Stud Farm Road on 14/12/2009. Condition 14 (b) requires a 5 dBA penalty for the presence of a special audible characteristic, which would have the effect of causing a breach in compliance.

Two assessment days are listed, covering 12 properties on 7 September 2009 and 9 properties on 31 August 2010. Noises identified include turbine swoosh, high frequency noise, turbine brakes, low frequency hum and mechanical noise. Subjective assessment is insufficient to rule out that these noises are special audible characteristics.

The complaint register identifies a complaint having been made by the owner of property H263. According to the Supplementary Report, low frequency noise and mechanical noise was detected at property H263 in 12 metre/second wind speed in upwind conditions. The nearest turbine was not in operation in 8 m/s upwind conditions. This is an inadequate assessment to rule out the presence of special audible characteristics.

This complainant has advised DPCD that down wind conditions in moderate wind speeds with stable atmospheric conditions are of greatest concern and that he has since vacated his dwelling because of noise concerns. The discussion in the Supplementary Report of noise impacts at property H263 does not indicate whether noise at the property was assessed in the weather conditions identified as being of greatest concern by the complainant.

Furthermore, the discussion in the Report appears to be contradictory. On page 80 of the Supplementary Report, Marshall Day Acoustics does not consider that a special audible penalty should apply in relation to this property, whilst on page 81, it is stated that:

"Additional monitoring would be required to better establish whether compliance is in fact achieved.

This could be done by continuing unattended monitoring to capture a more representative long term average (if current data is limited) or by attended monitoring with shut down periods to determine the direct contribution of wind noise emissions at the residential properties."

Accordingly, I am not satisfied that Condition 14 is being complied with in relation to property H263. In particular, I am not satisfied that a penalty for special audible characteristics at this property is not required under the noise standard.

Further information requested

On the basis of the concerns outlined above, I remain unsatisfied that compliance with the permit conditions relating to noise has been achieved.

In particular, I am not satisfied that the assessment of special audible characteristics has been properly conducted in accordance with the noise standard, as required under Condition 14.

I therefore request that, within 4 weeks of the date of this correspondence, you commission independent targeted, objective special audible characteristic noise assessment for the Waubra Wind Farm.

This assessment must:

- obtain my written approval for the assessment methodology prior to commencement;
- specifically investigate the incidence of potential modulation, impulsiveness, low frequency, tonal and mechanical noise, applying industry best-practice objective techniques;
- be undertaken for an initial period of 2 weeks;
- detail the names, qualifications and relevant experience of the people undertaking the assessment and field work in all stages;
- include assessment of the following properties and in the conditions specified (note that the assessment should not necessarily be limited to only these properties):

Property No.	Owner	Address	Conditions
Include reference number	Stepnell	67 Lobbs Road	6, 7, 8, 9, 10, 11 and 12 m/s wind speeds, in south, southeast and northerly directions, including in stable atmospheric conditions between 10 pm – 7am
H49	Coleman	Quoin Hill Road	6, 7, 8, 9, 10, 11 and 12 m/s wind speeds, in southwest, south, southeast and northerly directions, including in stable atmospheric conditions between 10 pm – 7am
H263	Dean	377 Stud Farm Road	6, 7, 8, 9, 10, 11 and 12 m/s wind speeds, in southwest, south, and northerly directions, including in stable atmospheric conditions between 10 pm – 7am
Include reference number	Harrison	Harrisons Road (add property address)	Note: Detail rationale for targeted conditions for the remaining properties, ie. interview, complaint records, field observations
H26	Include details	"	"
H64	"	"	"
H68	"	"	"
H76	"	"	"
H85	"	"	"
H285	"	"	"

- If special audible characteristics are identified, noise level curves are to be provided showing the implications for compliance with a 5 dBA noise penalty, with measures to be undertaken to achieve compliance, in accordance with the permit conditions.

I require an analysis and explanatory report of the assessment to be provided to me within 4 weeks of the completion of the monitoring period. Please also provide within 4 weeks a copy of the following:

- an updated wind farm location map cross referencing the location of complainant properties and noise assessment reference numbers (with stakeholder land clearly marked);
- an updated, current copy of the noise complaint register, including details of dates, times, noise descriptions and weather conditions and responses and rectifications, in accordance with Condition 15;
- records of the nature of complaints received from complainant properties subsequently purchased, including Trish Godfrey's former property, H63 and H65 (this material can assist in identifying the nature of noise impacts under certain weather conditions and potential corrective actions elsewhere);
- a copy of all turbine maintenance records, including the nature of any recurrent problems, such as from blade drain plugs, nacelle brakes, etc; and
- the program for noise optimisation of the wind farm, as requested in my previous (10 December 2010) letter.
- copies of the independent test reports: DEWI S AM 138/04, 2004-07-23 prepared by Deutsches Windenergie Institut GbBH (for the AW77 model) and WT 5489/06, 2006-10-31 prepared by WINDTEST Kaiser-Wilhelm Koog GmbH (for the AW82 model), referred to in the MDA 'Addendum Report 2006184 001 R01, revised WTG layout, 28 June 2007', referred to in the submission for development plan approval.

