

28 September, 2023

Mr Andrew Dyer Australian Energy Infrastructure Commissioner

Via email: cereview@dccew.gov.au

Dear Andrew

Community Engagement Review

Council is pleased to make a submission to the Community Engagement Review and would like an opportunity to discuss this submission further with you.

Moyne Shire is within the South West Renewable Energy Zone (SW REZ) in Victoria and already has 7 operating wind farms comprising 300 turbines, 2 wind farms currently under construction and at least 5 projects in the planning and feasibility stage with some having recently received planning permission. A map of energy projects across the Shire is appended (Attachment 1).

Council in September, 2022 updated its Wind Farm Position to seek that the State Government pause the issue of permits for wind farms in the Shire until such time as strategic land use assessment planning was undertaken for the SW REZ and that it considers a range of matters including social and economic benefits, proximity to settlements and undergrounding of transmission infrastructure. A copy of Council's current advocacy position is attached to this submission (Attachment 2).



In regards to your current review Council provides to you its view as per issues raised in your Discussion Paper and the Terms of Reference.

1. Proponent capability for effective and successful engagement with landholders, community members and neighbours, local Councils, First Nations communities and environment groups – including identifying capability gaps that require immediate improvement;

In Council's experience, no two companies approach community consultation in the same manner. This could be improved by having one standard approach or guideline, rather than them relying on advice of consultants or peak bodies such as the Clean Energy Council or Re-Alliance for example or the companies own processes.

It will always be difficult to gain effective and successful engagement when the host landowners are already committed to a project prior to any meaningful community engagement occurring.

Council considered your 2017 recommendation of needing an approval to prospect for a renewable energy project, thinks this has substantial merit and is of the view that this recommendation is still suitable now that REZ have been declared.

Open and transparent engagement will assist a community and individuals to understand the need, scope, process and options for a project.

The renewable energy developers use a variety of consultation techniques to engage with Council and our community including visits to residents close to the project, community drop in sessions, newsletters and website updates.

Consultation with a community occurs over different stages of a project and this can be confusing as to what the developer is seeking to gain from the community or what the community can gain from the consultation. There has been a significant move away from town hall style meetings to open houses but there is probably a need to provide a format that combines both styles of consultation as often some community members are reticent to ask questions and what to hear from the developer and the community. An open day that incorporates scheduled presentation and question sessions in a town hall format may provide greater benefit to a broader audience.



The State Government is not active in the engagement space, even with VicGrid now taking a more active role, but the need for transition and the important role of rural landholders and communities, is not well understood.

Most of our communities that have experienced renewable energy projects are approached by developers, and it is not until a statutory approval is required is there any State Government facilitation, and when this occurs it is in a limited and time restricted manner calling for submissions.

Moyne has taken an approach of appointing project-based Community Engagement Committees (CEC's) that are directed by a charter that has sharing of information between the developer and community as its core activity. Some of these committee's are established pre-permit and some after a permit has been issued. A copy of an example Charter is attached (Attachment 3).

Council has seen very little evidence of meaningful Traditional Owner consultation and a guide to how developers undertake this consultation would be of benefit.

The period from initial engagement with host landholders to approval of a project, in our experience, is in the range of 5-8 years. Continued, transparent and effective engagement over such a long period of time is difficult and this review could address how to plan and deliver consultation activities over such a long time and what are key project phases or elements where community engagement is critical and what methods of engagement should be considered.

2. Landholder experience and expectations for how they have and should be engaged by proponents;

It is Council's experience that the landholders are not able to openly discuss with Council or their local community the demands placed on them as they are approached to be a host of a renewable energy project.

The process could be improved by offering a range of tools to a host landholder prior to entering into legal agreements such as guides to issues and matters they should consider, similar to what you have on your website, covering costs of independent legal advice, considering the scale and type of infrastructure to be developed and how this aligns with their agricultural practices, facilitating discussions with existing hosts to hear of benefits and impacts.



The strengths of many local communities is how they work together, particularly when facing significant challenges, and this resilience is undermined when a host landholder is not in a position to discuss with neighbours, other hosts or the broader community the feasibility of a project.

3. Community and neighbour expectations for how they have and should be engaged by proponents;

As discussed above, rural communities and townships should have the opportunity to engage on and about renewable energy projects. So far, this has largely been left to developers to lead and Council has seen this occur at different stages and with differing levels of success.

Most recently, the first a community was made aware of a wind farm, was when the planning permit application was lodged with the Minister for Planning. When the developer was questioned on this method, the recent changes to the planning framework requiring a planning permit for a dwelling or accommodation within 1km of a wind farm property boundary was cited as the reason to not consult early so that the project could not be put in jeopardy.

Again Council has seen a range of consultation techniques used, as outlined above.

Expectations of neighbouring landowners are growing with the more projects delivered in the area and the ability to hear from like or nearby communities what impacts they have experienced from both the planning, construction and operation of renewable energy facilities.

Wind farms are now not a new land use in Moyne or our surrounding municipalities and the engagement and consultation activities need greater consultation forums to reflect the learnings and knowledge.

Again, any project related engagement would benefit from scene setting of the renewable energy targets and legislative framework, particularly from the State Government, where the responsibility for assessment and approvals of projects sits.

Council continues to be frustrated that it has to lead in this space to provide the community with information about state government roles and responsibilities. There is a need for greater engagement by the State Government whether it be VicGrid. DTP or DEECA.



4. The role of local Council in the development and deployment of the energy infrastructure, along with both their engagement expectations from proponents as well as Council's own engagement with the community on such projects;

Council over the last 10 years has had to take an active role in engagement on renewable energy development to support its community, to get developers to discuss their projects and to seek process improvement.

As has been highlighted above, no two developers approach community engagement in the same way. This has led to Council establishing Community Engagement Committees, as Advisory Committees to Council. Each CEC is project based, has Council, proponent and community representatives and meet on a regular basis according to project stage. This is a Moyne initiative aimed at improving information sharing between a developer and a community. The committees are often established whilst the project is in its early stages and remain meeting until the project has been constructed and operating for 2 years, allowing monitoring reports to be considered.

Council has reviewed the operation of the CEC's and adopted this report and implemented key changes (Attachment 4 – Council report on CEC review). The effectiveness and role of the committees will again be reviewed in early 2024.

Council has been advocating for its community since 2018 where it took a position to oppose any new farms until recommendations of the National Wind Farm Commissioner were implemented. This position was not as successful as hoped and was revised in September, 2022 as outlined in the introduction.

In order to reach its current position Council invested in seeking the views of its community by undertaking a 400 household telephone survey in addition to seeking views of the general community, renewable energy developers and our community engagement committee members. The results from the community survey are available on our website and may be a good source of information for your review. Advocacy, Engagement and Information (moyne.vic.gov.au)

Council, also has a statutory role to play as responsible authority for administering and enforcement of the planning permits issued for a renewable energy project. This role has seen Council invest in compliance resources. Working with state government agencies to deliver compliance is an area where significant improvement could be made.



5. The leadership and vision that will bring Australians together to support and enable this massive energy transformation.

Council is of the view that the vision of governments, other than the transition to clean energy is not well understood. How to deliver this change, where and how it will occur and what benefits and impacts could occur is not clear.

Vicgrid has been established to assist in transmission delivery but there are so many departments and functions of State and Federal government involved in this space that it is difficult for Council and the community to navigate.

The development of large scale renewable energy projects is predominantly occurring in rural and regional Australia yet the bulk of the engagement and regulatory activities are still being driven from capital cities. In order to gain community confidence, there needs to a substantial resource shift to having government representation in the REZ's so that trust, relationships, knowledge and information can be sourced closer to where the impacts are occurring.

6. Appropriate and effective community engagement during the planning, environment and economic approval processes for new projects

It is our experience that the system is heavily weighted towards the developers when in the approvals process. The developer can be consulting about the merits and statutory requirements of a project for 10 or more years, leading to a comprehensive assessment.

Once an application is lodged with the State Government, the community is given a mere 8 weeks to consider and determine its position on a complex development application that may be detailed in thousands of pages of reports and plans. This is hardly a fair scenario, even knowing that a 14 day statutory process has been extended to 56 days.

The current speed with which submissions are referred to an independent Panel and call for a hearing which follows the submission process has been a shock to Council. with this occurring within weeks of submissions closing.



The panel process is where the issues are litigated, and Council has invested significantly in legal representation to ensure we have an equal seat at the table to the developers.

Council has a role to advocate for its community and does so by calling for the community to make submissions to it to influence what is contained in our submission and panel submissions.

Council has been impressed with the community approach to Panel hearings, some appointing legal representatives, other making their own submission and some seeking expert witnesses on issues of significant concern particularly for noise.

Community engagement in these processes is lacking, one of the stark contrasts is that in all processes leading up to the Panel, the community is hearing from the developer, once in front of a Panel the developer is silent, its legal team is predominantly the only party heard from, other than expert witnesses, where cross examination is the only option available and this can be intimidating.

Improvement processes for decision making on renewable energy projects is not benefiting from the Panel hearing and reporting process. Council has made several submissions in the last 6 months on wind farm projects where an issue is being reprosecuted based on a recommendation from a panel 10 years ago, where deficiencies and process improvement was recommended.

Council and community faith in improving renewable energy projects by having regard to previous decisions and lived experience is not receiving the attention and traction that it should by the Government who are seeking communities to embrace a transition to renewable energy.





- 7. Perceived or actual impacts of energy infrastructure development on the environment or on agricultural land, including:
 - o Emergency management, including fire and biosecurity risks
 - o Increases in landholder insurance premiums
 - o Tourism impacts and other aesthetic and cultural considerations
 - · Perceived or actual impacts of energy infrastructure development on Indigenous heritage and land rights

As has been stated throughout Council's submission, wind energy is not new to Moyne, the lived experience should be contributing to better decision making frameworks, to more effective planning permits and to substantially better community engagement.

In the 2022/23 fire season there were 2 grass fires in or near wind farms, one at Dundonnell and the other at Ararat. In the case of the Dundonnell Wind Farm it became apparent that the wind farm operator and local CFA had not been in regular communication and that a pre-fire season briefing had not occurred. Ensuring this occurs should be a developer responsibility. In the operational phase of a wind farm there are generally few staff on site so the need for current contact details is crucial.

Bio-security issues are greatest during construction where a wind farm spans multiple farms, each with there own plans. Council's experience is that the contractual arrangements to build a wind farm involve multiple companies delivering different elements and compliance with inter-farm and access arrangements requires active monitoring and diligence. Environmental management plans are extensive and require stringent controls and reporting.

The documents are often prepared by subject matter experts and do not often translate well to on-site deliverables. As these plans have now been delivered on a range of projects there is an opportunity to audit them, and deliver a template for authorities and developers on what works best and can secure the management practices required for a range of positive environmental outcomes.



Tourism as an outcome of renewable energy projects has not been well scoped in Moyne. To a large degree, many in our community would say the landscape and amenity impacts of clustering wind farms is having a negative impact.

8. Community engagement and benefit sharing including financial, local infrastructure, knowledge sharing, and any other types of benefit.

Council has let community benefit sharing develop from project to project with developers working with our local community (Attachment 5).

In its 2022 position Council seeks to maximise economic and social benefits from wind farms.

In reviewing this position there is a striking difference between what is offered, from some wind farms offering nothing to substantial funds being leveraged for community benefits.

Council is currently working through an advocacy position on the minimum ask for renewable energy developers, that should include review of existing benefit sharing schemes. Attached to this submission is a Council report outlining a range of benefit sharing initiatives and a table that outlines what is currently offered in Moyne.

It is important that Council advocate in this space, but not take over the community role in receiving and investing in community benefits.

From a transmission perspective there is opportunity to support effected communities on a larger scale and develop regional programs and legacies.

9. What is needed to ensure best practice engagement is achieved in all future projects?

Council is of the view that consistency of approach is needed to ensure best practice in engagement so that our communities know what to expect and how to engage. Leadership from State government is key in setting the scene about the transition to renewable energy based on strategic land use assessment and learning from lived experience.







Matters that are not well prosecuted yet but need addressing are:

- How and when to assess cumulative impacts (environmental, social and economic) and are thresholds part of the decision-making framework.
- How to use the lived experience of Moyne and other municipalities to better statutory outcomes to provide confidence in the system from one project to the
- An urgent review of Panel Reports from the last 15 years to consider process improvement recommendations and provide a framework to evaluate and implement such changes.
- To have branches of State Government agencies in the regions working alongside our communities rather than being based in Melbourne or other regional centres leading best practice outcomes in planning, engagement and assessment.
- Addressing economic benefits and impacts including developing local training programs, housing and accommodation solutions for work forces and support of key local infrastructure to support the transition to renewable energy.

Conclusion

Council thanks you for the opportunity to make comment on this extremely important review.

Council would like to take the opportunity to present to you further on this submission.

Should you have any queries, please contact Michelle Grainger, Manager Environment & Energy in the first instance mgrainger@moyne.vic.gov.au

Yours faithfully

Brett Davis CEO

Attachments – Moyne Wind Farm Map, September, 2022 Wind Farm Position, Community Engagement Committee Charter and Committee Engagement Review, Community Investment and Benefit Review Council report and attachments.







Confirmed at Council Meeting 28 March 2023

Background

The Mortlake South Wind Farm Community Engagement Committee (CEC) was established by the Moyne Shire Council on 27 March 2012.

The CEC is an Advisory Committee of Council. An Advisory Committee provides an advisory or recommendatory role for Council, and does not have delegated decision-making authority.

Purpose of Committee

To enhance the timely flow of information about the Mortlake South Wind Farm between the community, the proponent, Council and other relevant stakeholders.

To establish productive working relationships between the wind farm proponent, community, Council and other stakeholders.

To assist in the resolution of issues that may arise during all stages of the Mortlake South Wind Farm.

Membership

a) Basis

- 1 Moyne Shire Councillor
- 6 Community Representatives
- 2 Proponent Representatives

Community Representatives can only hold a position on one CEC at a time.

A Councillor can be a member of up to 2 CECs at any one time.

Agency representatives with particular expertise may be invited to attend meetings where relevant, but they will not be regarded as members of the Committee.

Such invitations will be made by the Responsible Officer upon authorisation from the Chair.

b) Quorum

Half plus 1 of members, with 1 Councillor and at least one member from the proponent and the community required to be present.

c) Chairperson

The Chairperson of the Committee must be the Moyne Shire Councillor.



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d) Term of Appointment

Community representatives are appointed for four years, in line with the term of Council. Councillor representative may be changed via a decision of Council.

e) Code of Conduct

Committee members are expected to adhere to the CEC Code of Conduct (attached) at meetings and on other Committee business. Breaches of the Code can be reported using the process outlined in the Code.

Meeting Attendance

If a member fails to attend 3 consecutive Committee meetings without a reason as deemed satisfactory by the Committee, that member will forfeit their position on the Committee and Council will advertise the vacancy.

Committee Spokesperson

The Committee spokesperson is the Chair of the Committee.

Meeting Frequency

- · Quarterly for projects from feasibility through to pre-construction stages.
- · 6-weekly for projects under construction.
- · 6-monthly for the first 2 years for operational projects.
- Or as required.

When the project has been operating for 3 years, the CEC may request that Council dissolve the Committee. Council will ultimately make this decision.

Meeting Procedure

a) Questions on Notice

Questions on Notice are to be submitted at least 7 days prior to a meeting, or deferred to the following meeting.

b) Agenda

The agenda and accompanying attachments for a CEC meeting will be distributed to members at least 3 business days before the meeting. The agenda and attachments should not be passed onto non members before the meeting.



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Agendas will contain a section for proponent, community representative and Council updates.

Items that have been finalised at a previous meeting will not be revisited at a subsequent meeting, unless new and relevant information emerges.

c) Voting

All items of business (including any business that results in the making of a Recommendation to Council) dealt with by the Committee must, wherever practicable, be determined by consensus. If, however, in respect of any item of business one or more Committee members require it, an item of business will only be deemed to have been dealt with by the Committee if a formal vote is taken.

If a formal vote is taken, the matter will be decided by the majority of votes of members who are present. In the event of a tied vote, the Chair will have the casting vote. The CEC is an advisory committee to Council therefore any recommendations are not binding on the Committee or Council. Any recommendation from the CEC will be referred to Council for decision.

d) Minutes

Minutes will contain a summary of the proceedings and any recommendations made for Council's consideration.

Complaints/permit compliance issues raised in meetings will be referred to the relevant complaints handling process.

Unconfirmed Minutes must be reviewed by the Chair before being distributed to the CEC, and confirmed at the following meeting.

Confirmed Minutes will be forwarded to the Moyne Shire Records Office and to each Committee member following every meeting.

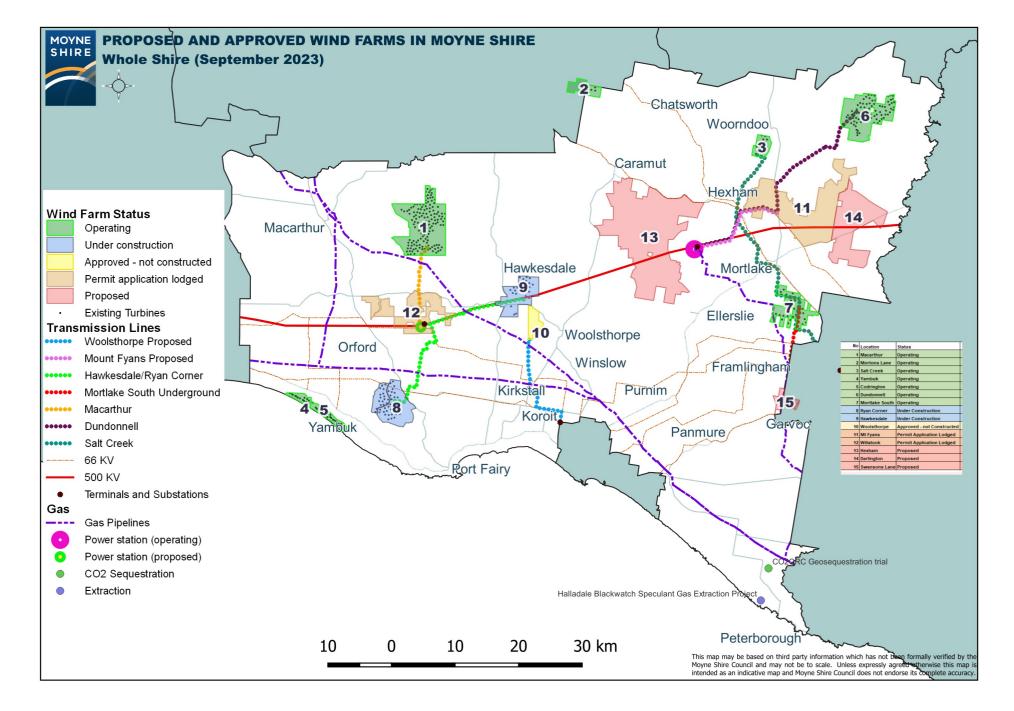
Confirmed Minutes will be placed on the Council website following every meeting. The Council website will contain confirmed Minutes from the previous 12 months CEC meetings.

Recommendations are to be submitted to the following Ordinary Meeting of the Council.



Confirmed at Council Meeting 28 March 2023

The Common Seal of Moyne Shire Council	
was hereunto affixed this	
of	
DR/	
Councillor	
(15e) Q	
Chief Executive Officer	







The cumulative impacts of wind farms and transmission infrastructure is a current issue for Moyne Shire Council and its community. Noise, traffic, environmental, agricultural, visual, housing, social and economic impacts are consistently raised by the community as areas of concern.

As at January 2023 Moyne Shire has 6 operating wind farms, 3 projects under construction, 4 projects seeking planning approval and one in the feasibility stage. 282 turbines are operating, 110 under construction, 268 seeking planning approval and feasibility studies for up to 61 more. If all these wind farms are constructed the Shire will host approximately 720 turbines, generating about 3 GW of electricity. Wind farms will cover approximately 12% of Moyne Shire's rural land area, equivalent to the size of over 100 Melbourne CBDs. These wind farms are creating 2 distinct geographical clusters; in the west near Hawkesdale, Macarthur and Woolsthorpe and in the north east surrounding Mortlake.

Decommissioning will be the next challenge to face Moyne with Yambuk and Codrington wind farms. Council will need multi-agency support during this process.



Council's Current Position

In September 2022 Council set a new position on wind farm development in the Shire. The position was informed by the results from an extensive community consultation process and independent telephone survey of 400 residents.

Moyne Shire Council strongly recommends that the State Government pause the issuing of all wind farm planning permits in the Shire until strategic land use planning in the South West Renewable Energy Zone (SWREZ) is completed in consultation with Moyne Shire and other affected Councils and communities.

This is supported by ensuring that strategic planning must provide for:

- a. Increased wind farm turbine buffers to
 5 km from towns and settlements, 2 km
 from houses and 1 km from neighbouring property boundaries;
- b. A methodology developed to consider cumulative impacts of wind farm development and used to assess all future planning permit applications. Assessment should include flora, fauna, vegetation communities, agriculture, emergency management, visual amenity, noise, traffic, road condition and housing availability;
- c. An agreed cap on development for Moyne Shire that considers the number, location and density of turbines; distance between individual wind farms; development constraints; and cumulative impacts on residents and the environment:
- d. Significant long term economic and social benefits provided by companies and the State government for local communities and residents, incorporating local decision making. Economic development through the use of local businesses, employment and training during construction and operation of wind farms.

- e. Undergrounding of high voltage power lines where technically feasible and where there are no significant environmental or heritage impacts. Where not feasible, high voltage powerlines and infrastructure should be shared between wind farm developments;
- f. A decommissioning policy that includes statewide decommissioning guidelines, a strategic plan for reusing and recycling components within the State (preferably in SWREZ) and a standardised system for financial security deposit from companies before construction commences:
- g. Assessment to ensure prime agricultural land and food & fibre production in the Shire is not adversely impacted;
- Processes that ensure significant flora, fauna and vegetation communities are protected from the impacts of development;
- Wind farm development buffers placed around airstrips and airports, and height thresholds on turbines which will retain current Minimum Safe Altitude (MSA) levels, and not impede on current Obstacle Limitation Surfaces (OLS).



Learnings

- VRET supported projects (Dundonnell and Mortlake South) set new standards for community benefit sharing. In 2023 wind farm developers are offering far in excess of those standards.
- Developments with onsite or adjacent quarries significantly reduce traffic and road impacts during construction. Onsite quarries have many advantages and should be encouraged.
- The Mortlake South Wind Farm has shown that underground transmission lines are economically and technically feasible.
- Policies and planning decisions are creating clusters of wind farms. Better guidelines for the assessment of cumulative impacts is required.
- Technology is resulting in taller turbines. Buffer requirements to residences or environmentally sensitive areas have not been reviewed to take on board these changes.
- Although developments in Moyne Shire generate substantial power for Victoria, Moyne residents and business are not adequately compensated through subsidised electricity.
- Council as responsible authority for administration and enforcement of planning permits has recognised the need for a dedicated compliance officer.
- State Government needs to collate impacts and benefits from reporting by operational wind farms - to improve outcomes and refine frameworks such as BAM Plans, Brolga protection and cumulative visual impacts.

Fast Facts

- The wind energy industry is now 20 years old in Victoria and each new project and approval should be benefiting from changes in technology, construction methods and impacts, environmental monitoring, economic and social impacts and benefits. We are happy to contribute to this by sharing our experience.
- In 21/22 financial year Council collected \$1.4 million in rates from operating wind farms.
- It is estimated that wind farms in Moyne Shire, if operating at full capacity, generate enough electricity to power over 500,000 households and abate 3.4 million tonnes of CO2 per annum.
- Since 2005 wind farm community funding programs have allocated over \$1 million to local community projects in Moyne and the South West region.
- The length of the blades at Ryan Corner and Hawkesdale wind farms will be the same as the entire height of the turbines at the Codrington wind farm. Proposed turbine tip heights now reach up to 260 metres.
- Wind farm developers are now offering up to \$3000 per turbine per year to local community funding programs.
- 3 wind farms are offering funding for tertiary education scholarships or local education programs.