



Review of EPBC Act

- B&B's Wind Development Business will soon to become part of Infigen Energy (the new name for B&B Wind Partners)
 - Infigen Energy is the Largest Owner of Wind Farms in Australia and the 6th Largest in the World
 - 220 wind turbines constructed in Australia so far
- B&B's Wind Development Business did not make a submission last year as we were generally satisfied with the operation and administration of the EPBC Act
 - The one month timetable for a decision, or request for further information, is a very important characteristic of the Act that should be maintained
- However, the recent issue of reconsideration of EPBC 'not a controlled action' decisions under Section 78(a) has caused significant concern
 - **Accionia's Mortlake Wind Farm**
 - Not a controlled action decision: June 2008
 - Reconsideration Request granted: November 2008
 - Controlled Action decision: March 2009 (reversing earlier decision)
 - *Wind Farm developer subject to "Double Jeopardy" as next door neighbour, who made a submission with regards to the original referral, gets a 2nd bite at the cherry*
 - **International Power's Winchelsea Wind Farm**
 - Not a controlled action decision: June 2007
 - Reconsideration Request granted: March 2009
 - *Wind farm developer subject to a potentially different decision nearly two years after receiving EPBC approval*
- **A reconsideration request being granted just prior to, or anytime after, financial close of the wind energy project (or any other development) could easily cost tens of millions of dollars**
 - A regulatory delay can, in fact, stop a project from being built at all
 - Sellicks Hill Wind Farm in SA
- **It is a fundamental tenant of any planning system that the decision of the 'responsible authority' must be final; a planning approval can not be rescinded, once given**
 - NIMBYs are most often concerned with visual impact
 - However, they recognise that more 'quantitative' objections are likely to be given consideration
 - The EPBC Act must have the same certainty

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- **Two proposals to address this situation**
 - Requests for Reconsideration could only be entertained by State Governments and certain defined Referral Agencies
 - Alternately, if Requests for Reconsideration from Private Individuals were maintained, the Act needs to be changed so that such Requests for Reconsideration have the same deadline as those from a State Government
 - Requests for Reconsideration must be submitted within ten business days to be considered

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