

PARLIAMENT OF AUSTRALIA
SENATE COMMUNITY AFFAIRS COMMITTEE INQUIRY

SUBMISSION to Senate Inquiry.

THE SOCIAL AND ECONOMIC IMPACT OF RURAL WIND FARMS

Department of the Senate
P.O.Box 6100, Parliament House, Canberra, ACT 2600, Australia.

Submission by:
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Also on behalf of wife Wendy Bouker, and son Sam Stone.

Date: 1 February 2011.

Submitted online by pdf.

'Windfarm' is synonymous with WEF - "wind energy facility".
The Devon North windfarm is also referred to as the Yarram Windfarm in some documentation.
VCAT - Victorian Civil and Administrative Tribunal.

I, Peter John Stone, live at 104 Ingles Road, Devon North, near Yarram, Victoria, with my wife Wendy Bouker and son, Sam. We moved to the home in 1999 in order to raise our son, and to enjoy the quality of life that a rural-residential area provides. I am a writer and publisher; my wife is a primary school teacher. We chose to live in a quiet rural valley predominant with farms used for raising dairy cattle and fodder agriculture. There are some thirty homes within a three kilometre radius of my home.

In 2005 my neighbour announced that he had signed a contract with Synergy Wind to construct nine wind turbines on his property. The nearest of these would be within 500m of my home. We later realised that four of the 80 metre turbines would be visible from our home. We were advised by our *neighbour* "not to worry as there will be no noise". Initial ignorance on my part accepted my neighbour's reassurances but further research into the construction of 'windfarms' gave me great concern for our wellbeing. In 2007 the Wellington Shire Council rejected the permit application made by Synergy Wind. In August 2007, Synergy Wind took the matter to VCAT. In December 2007, VCAT over-ruled the Wellington Shire's decision, and allowed construction of the windfarm, with certain provisos, to be commenced within four years (not the normal two years) as Synergy Wind said they were uncertain of what the economic situation may be with regard to future government grants and subsidies.

My submission uses my experience with the proposed Devon North windfarm as 'evidence' of our family concern and the concerns of my neighbours. These have been documented in several reports to council and VCAT, and in communication to all three levels of government, and to Synergy Wind. My experience in communicating with the (previous) state government, and with Synergy and AusWEA (then representing the wind energy industry) has been far from satisfactory.

What makes the Devon North wind farm proposal disturbing is that there are many neighbouring properties, at least twenty on Bolgers Road, Ingles Road, and connecting roads, which are residential, all of which will be affected in some way by the windfarm. The surrounding area is not all large-holding farmland, nor pine forest, as may be the case elsewhere, where residences may be scattered over a wide area. Western Bolgers

Road is, for all intents and purposes, a 'residential strip', with small rural-residential acreage used solely for residential purpose. The owners have built or acquired their home on the basis that they may enjoy the right of quiet existence with fine rural and distant ocean views toward Wilsons Promontory and south-east toward Port Albert and the coast. Our residential property in Ingles Road was purchased under the sole incentive of the excellent rural view, quiet existence, health and safety considerations, and proximity to the township of Yarram, in order to raise a child. To deny us this right would be a personal tragedy.

It is to be stressed that neither I nor my family are 'against' the concept of wind energy. We respect the need to reduce greenhouse gas emissions, and although I understand that wind-generated electricity in Gippsland does not diminish the burning of brown coal in the Latrobe Valley, I accept that windfarms in non-residential more remote areas may have local benefits. I also appreciate that small remote towns dependant on diesel generated electricity benefit from one or two wind-turbines (as seen in Western Australia). Were there no alternative to the siting of this proposed windfarm at Devon North, perhaps I would need to concede my family concerns with that for the greater good. But there are alternative sites in less densely populated areas of the state where wind turbines would not pose an insidious intrusion, and where the State government objectives for clean energy would not be compromised. For Synergy Wind to propose a windfarm in the populated area of Devon North is not only a moral disgrace but a commercial lapse of judgement.

My concerns is the placement of the Devon North windfarm in what is ostensibly a rural-residential area, affecting the amenity of some thirty residences, and being so close to my home that issues such as noise, flicker, rural amenity, and reduced property value are of major importance. Also of concern, even greater than the issue of the Devon North windfarm itself, has been the greater social issue of lies, lack of communication, indifferent attitude and a total lack of community concern shown by the owners of the proposed windfarm land, the wind-energy company Synergy Wind, the so-called 'experts' called by Synergy Wind to the VCAT hearing, and to the (previous) State government under Premiers Bracks and Brumby, specially the Planning Ministers Hulls and Madden, and Health Minister Andrews.

Synergy Wind indicated, on their application to VCAT, that the Wellington Shire Council rejected the permit application on the grounds of noise emissions and disruption of views. Synergy Wind have failed to indicate that these were just two of the issues raised by councillors. The issue is not about the windfarm *per se*, but where it is to be located, and that such a location so close to a significant number of residences is not acceptable.

To this date, six years after the announcement of the proposed Devon North windfarm, I have not met the principal representative of Synergy Wind, Christian Spitzner, despite being a neighbour to the proposed site. The lack of communication from Synergy Wind has been negligible, in contravention of the very guidelines laid down by AusWEA, the wind energy lobby (at the time). AusWEA, on the siting of a proposed windfarm, state *et al*, the need for: (a) Broad community support and acceptance, and (b) low population density.

The Wellington Shire councillors recognised that the site proposed by Synergy Wind was not appropriate for a commercial wind-farm. The council recognised the value of wind-energy but deemed the site inappropriate because of its location in an region surrounded by so many homes.

It should also be noted that the permit application submitted by Synergy Wind to Wellington Shire Council was flawed in that it did not provide adequate detail as to issues arising from its construction of a windfarm, in particular, noise emission, shadow flicker, land stability, electromagnetic interference (TV transmission). It is appreciated that under current state government planning guidelines, a windfarm is a 'permitted activity' in a rural zoning. The Permit Application by Synergy Wind was simply been taken at face value, and the Shire's planning officer recommended approval of the permit despite the inadequacies of the permit application and lack of specific detail. The councillors however noted the omissions and rejected the application, recognising the affect on the local community - again, it being an inappropriate location.

The evaluation of wind energy and the concerns of the residents were carefully considered and evaluated by

councillors, in keeping with an understanding of the State government's mandate on renewable energy, and planning guidelines. We have elected councillors to represent the people, to oppose undesirable issues, and to instigate change when required. Local councillors have the intelligence and community concern to make a difference within their greater community. And unless a measure of incompetence or vested interest is demonstrated, their decisions should be final.

Synergy Wind took the matter to VCAT.

SOME SPECIFIC OBJECTIONS AND OBSERVATIONS

These objections are typical of any proposed or existing windfarm. Since the initial proposal of the windfarm at Devon North, there have been thousands of wind turbines erected in Australia and overseas. Whereas in the past we have speculated on matters affecting nearby residents to a windfarm, such as noise, visual amenity, flicker, vehicle disruption, landscape degradation, and reduced property values, there is now sufficient factual evidence to document genuine events that have led to health issues, community disruption, devalued and abandoned properties - as well as raising the debate on the economic issue of wind-energy in this country.

Turbine noise, generator and blade.

Noise intrusion affects quality of life and will intrude on health and general quality of life. This has been well documented, however Health Minister Andrews (previous Labor Govt) had refused to acknowledge this with the statement that "*there is no peer-reviewed evidence to suggest that windfarms are a health issue*". I request, indeed expect, that any Health Minister would consider the seriousness of the real health issues that have arisen here in Australia and overseas. He and his departments have failed to consider what the community is telling them. I cannot comment on the situation with the new Liberal government, but I do expect any government to listen to the people. This has clearly not happened in the previous Bracks and Brumby governments.

Specifically to the Devon North windfarm proposal, I note that the anticipated noise levels, as presented by Synergy Wind in their Permit Application, indicate that at times they will certainly exceed the acceptable NZ standard (which we adopt). Synergy Wind suggest that the proposal complies with the general limits set by the NZ6808:1998 standard, yet Synergy Wind does not provide adequate indication as to what the combined noise level of nine turbines in close proximity on small acreage will be on the neighbouring residents. And, the evaluation of acoustic measurements and the forecast of sound levels was made by a German company who did not visit the area and who, by their own omission, suggest that the figures as presented may not be accurate. Yet these same figures were presented to Wellington Council planners, and accepted by VCAT. And, the application gives no indication as to what remedial action would be taken by Synergy Wind when the recorded noise levels are exceeded. There are two significant points however to be made: all the pre-construction measurements and evaluations cannot accurately model what will actually occur, so provision needs to be made to correct an adverse situation should it arise, ie turn off the turbines; and, it is near impossible, indeed arrogant, to set a level of 'noise' that is acceptable to the neighbour.

And just as disturbing is the attitude of Synergy Wind, and no doubt other wind-energy companies, to summarily dismiss 'noise' as a health issue. If the wind-energy companies literally bury their heads in the sand and do not recognise that a noise health issue exists, they will never be in a position to eliminate it. That the wind-energy companies can hide behind such lies is, I suggest, based on their perceived support from the state and federal governments that wind-energy comes well before any community health issue and disruption. The wind energy companies place profit well before any concern for community quality of life. I again raise the point that in six years I have never spoken to Spitzner of Synergy Wind, and correspondence by post or email is never answered.

Visual amenity.

On the visual aspect, Synergy Wind have the audacity to state, “We do not believe the visual amenity of the residents will be unreasonably affected”, despite the permit objections submitted by neighbours. Such an opinion is not relevant to any permit application and only serves to express the indifference and ignorance of Synergy Wind. And yet, the same opinion was legally offered by the VCAT tribunal.

Nine proposed turbine towers, now reduced to seven, of some 80 metres height, and a further 40 metres of blade, are proposed within 520 to 1000 metres from our home, which will intrude into our visual enjoyment of the rural setting that we have had since we purchased the property for such a beautiful vista ten years ago. I believe that such huge towers and blades in such close proximity to our home will be a great distraction to our rightful passive enjoyment of the visual environment. Other neighbouring residences will be even closer to the proposed Devon North windfarm.

Evidence was given by a ‘landscape consultant’ representing Synergy Wind that included a grading system of what could be regarded as defining what is acceptable or otherwise to the amendment of a visual landscape aspect. The highest grading was that of a continuous and permanent deterioration of the visual aspect, defined as ‘extreme’, down to the lowest number that would be relevant to a visual aspect from several kilometres distance. The ‘extreme’ highest grading recommends that a windfarm should not be constructed as proposed. A lesser number, although defined as ‘substantial’, suggest means of reducing the visual impact - planting of trees etc. The landscape consultant was invited to sit in my family room and observe the rural scene that is always dominant from this constantly used room, and from the dining room. He noted that we had no curtains nor blinds and the view is continuous. He conceded that the proposed windfarm would be permanently and constantly in view, even at night if beacon lights were required. According to the consultant’s own use of the grading system, my property alone would have meant that the windfarm not be constructed, or at least some turbines relocated. And yet, at the VCAT hearing, he downgraded the rating and failed to even mention the specific property. Any suggestion by our legal representative was brushed off - VCAT considered only the ‘evidence’ of the ‘consultant’; I invited the VCAT chair and assistant into my home when they planned to visit the region. They refused.

Paragraph 68 of VCAT Order P2691/2006, states. “*We (the VCAT tribunal) agree that many residents have views of the site and the turbine towers will be visible. However, for many of these properties, these views are not the principle views obtained from their dwellings or surrounding open space. In these cases, the view to the site is one of many available from the properties. We do not consider that as such the visibility of some or all of the towers in one view shed along one view line constitutes such an adverse impact as to warrant refusal of the WEF.*”

This is a totally incorrect statement and indicates the bias of the tribunal. The proposed windfarm site is indeed the principle view from my home, and from several other homes. And, by suggesting that *many of these properties* have other important views implies by logic that for some properties the view to the windfarm is indeed the principle view.

Paragraph 56 of VCAT Order P2691/2006, referring to visual amenity states, “*.... the extent of this impact is mitigated by other available views to forest or bushland landscapes*”. That is interpreted at meaning, ‘if you don’t like the view, simply look elsewhere and you may find a more pleasant one’. How absurd.

Paragraph 63 and 64 of VCAT Order P2691/2006, states “*We (the VCAT tribunal) are confident that while visible, there will be little adverse impact to the landscape values when viewed from the public realm*”. This remarkable statement presumes that the tribunal has made themselves familiar with what is acceptable and not acceptable by the public with respect to the landscape and windfarms. The tribunal at no time indicated that they had made a study to familiarise themselves with such public perception, based on analytic studies of this particular site or on other sites of proposed or existing windfarms. The tribunal presents no studies whatsoever and assumes that they and they alone can account for what is acceptable or not in the

public mind. A decision made without analysis is dictatorial and represents at best an arrogance, at worst a legal misuse of their powers.

I understand the Victorian government has yet to determine a quantitative evaluation of landscape amenity. In as much as the 'enjoyment of the landscape' is a personal preference, there are factors that could be used to give some indication of the 'importance' to a viewshed with a ratings as indicated in what was called the Hansen Report of VCAT Order P2691/2006. Without further guidance, council planners and VCAT hearings are subject to the personal whims of the decision makers. Even though current noise specifications are flawed, there is at least some yardstick to consider. A quantitative evaluation of a specific view shed would no doubt assist the tribunal. Better still, a defined 5 km exclusion zone around a residence would at least mitigate the problem.

The Devon North VCAT hearing concluded with, "*We (the VCAT tribunal) do not find that the (visual) impact to be so adverse as to warrant refusal of the application. Some management of the impacts can be achieved for those that are closest to the site.*" This simply sums up the previous points: obscure the view, retire inside and forget about your right to a rural view.

The concern here is that VCAT did not attempt to see for themselves, nor to gain an appreciation, of the degradation of the landscape. Visual amenity is only one point of concern for the neighbouring community, but it is an important one and should not be dismissed lightly.

Shadow Flicker.

Given the location of our home in respect to the location of the seven wind turbines, with our large living area windows facing north and west, there is no doubt that the strobe-like shadow flicker will intrude into our main living area during the late afternoon and sunset. This is of prime concern for our health and in particular to that of our son. Synergy Wind have made the statement that they will ensure that there is no flicker on our home, and if so, "*the offending turbine would be programmed to shut down for the duration that this problem would otherwise occur*". I have no confidence that this would be done, and there are no provisions in the permit approval presented by shire planning to ensure that this be complied with.

I have no confidence that measures would be put in place by local, state or federal government to ensure that 'promises' made by Synergy Wind (and other wind energy companies) are adhered to, and that effective policing measures are active.

Property devaluation.

It has been stated by shire planning that neighbouring property devaluation is not an issue when considering land use. Such an evaluation may be true in statute law, but not in reality. There is direct evidence that an adjacent windfarm, even a proposed windfarm, does affect property values. Even if there is no immediate proposal to sell a property, the devaluation exists, which can specifically affect a loan application (I have evidence of this), and the effect a devaluation has on the health of the neighbour due to a state of anxiety. I am in this situation. I am 67 years of age and self-employed; one day I may need to sell my home and to live in more modest surroundings. It is conservatively estimated that the loss of real assets of the neighbouring and nearby residents to the proposed wind farm at Devon North will be no less than one million dollars. Also of consideration - this significant loss of taxable property will not be adequately balanced by any increase on the land revenue of the windfarm property, hence the shire and all its residents are significantly disadvantaged.

My concern is that there is no formal recognition by the governments at all levels, that windfarms affect neighbouring property values. My concern also is that Synergy Wind and other wind energy companies, and the wind organisation AusWEA, claim emphatically that there is no evidence of property devaluation. I am also concerned that VCAT do not consider the prospect of property devaluation and fail to consider the social

and economic implications.

Land stability.

The proposed windfarm lies directly on the Yarram Monocline, regarded as the most significant geological fault formation in south-east Victoria. The land is also directly above a large aquifer, a major resource for the communities of Gippsland now and into the future. Synergy Wind have not addressed this consideration in their Permit Application, presenting no consideration of geological stability and aquifer integrity. They have completely ignored, knowingly or ignorantly, this very important aspect of the proposed windfarm location. Principal Hydrologist Patrick O'Neill concludes, "... based on the geological and hydrogeological review of the (proposed windfarm) site, the site is considered to be unsuitable for the development of a windfarm."

VCAT chose to completely ignore this extremely important situation. Their incompetence in doing so is quite remarkable, as the recorded facts are quite clearly available. Minor earth tremors are experienced regularly in South Gippsland. I have experienced several myself. Consider the stupidity of building an 80 metre wind-turbine right over a monocline. Yet, this seems to concern neither Synergy Wind, VCAT, and the state government (planning).

The concern, again, is that nobody listens. An added concern is that the two VCAT members did not appear to have the experience to even consider the issue.

Compensation.

Land owners whose property is used for a windfarm gain financially, at the expense of their neighbour.

"It is morally reprehensible for a land-owner to gain financial benefit at the expense of his neighbours."
Jared Diamond, "Collapse - How Societies Choose to Fail or Survive", Penguin Books, 2005..

I am not in favour of compensation being the answer to the neighbour's complaints. I personally do not wish to be compensated for the Devon North windfarm. Money is not the answer. And it would be dangerous to instigate a compensation system based on, say, distance of residence from nearest turbine. The location of a windfarm should be considered with health issues in mind and no 'compensation' is appropriate if a health issue is present. But there may be some other consideration where a neighbour resident is compensated for lack of amenity or quality of life disturbance.

Flora and Fauna.

We have no Yellow-bellied parrots to express our concern, but it is acknowledged that a pair of Wedge-tailed Eagles, *Aquila audax*, have been observed during formal observation by Synergy Wind's consultants (Biosis), and we concur that these birds are observed on most clear days. The Victorian government prevented the development of a windfarm in central Victoria in 2005 as a result of the presence of a pair of Wedge-tailed Eagles. Perhaps this is a precedent in itself for the refusal to allow the construction of the Devon North windfarm. I understand that Swift Parrot, *Lathamus dicolor*, (an endangered species on the Victorian government list), and the Powerful Owl, are visitors to the area.

The preservation of important flora and fauna is vital, not just to the local community but to the nation as a whole. It is appreciated that any construction will disturb, to some extent, the flora and fauna, but the state government in particular must be serious in their consideration of the preservation of important flora and fauna. Again, the issue is the appropriate placement of a windfarm.

Rural road use.

Access to the windfarm property is via a number of narrow, unsealed, winding roads (Old Whitelaws Track, Bolgers Road, Ingles Road), which are only just adequate for residential traffic. They are access roads for residents, farmers, and school buses. They were not constructed for heavy duty traffic, both in terms of load (during construction), and in frequency of use. Our shire will need to expend additional funds to maintain these roads because of the additional use as a result of the establishment of the windfarm. Such funds would be at the detriment of other infrastructure requirements. These costs must be considered by Vic Roads and local councils.

There is no consideration given by Synergy Wind to the difficulties of access to the proposed windfarm site at Devon North. There has never been any discussion on the issue with local property owners, and I suggest it has not been raised with council.

Bush fire risk.

There is now ample documented evidence that wind turbines have erupted in flames and have caused ground fires in Australia due to malfunction or burning oil. Any increase in bush fire risk is unacceptable. The proposed Devon North windfarm property borders a well established pine plantation, another large pine plantation lies within a kilometre north of the property; and a large State-owned natural bush also lies within a kilometre of the property. It is unacceptable that my family should be exposed to any additional bush fire risk in an already risk-prone area, and we thus see our property and personal safety at risk.

Yet - VCAT, in their reasoning to allow the Synergy Wind windfarm to go ahead, stated that I, and another property owners, plant trees close to my home to reduce the view of the wind-turbines. This is an absurd, frivolous and irresponsible proposal. Firstly, the trees would take years to grow and need to be over thirty metres high if planted on my home boundary. Secondly, my property is less than two acres, so the planting of trees even on the far boundary would be within twenty metres of my home; I do not wish to add a further fire hazard. And thirdly, it is arrogant to suggest that I should plant trees to block off a view that I constantly enjoy from my family room and is one of the main reasons for living here in the first place.

Again, the problem is, in this instance, of VCAT, and their inability to recognise a genuine concern of the neighbour resident, due perhaps to the tribunal's incompetence (my belief) or pure arrogance and expediency in coming up with a 'solution' irrespective of its practicality.

Planning consideration.

I object to the construction and operation of a commercial, industrial wind-energy complex on rural land, such as the proposed windfarm at Devon North, on the basis that we purchased our property with a view to quiet existence, knowing the laws of the country, and we find that the construction of an industrial windfarm operation on the neighbouring property is an event that we could not have reasonably expected when making the decision to purchase. Current local laws clearly define the use of rural land for grazing and cropping and it is reasonable to expect that such a definition of rural land use excludes a commercial industrial operation such as a windfarm. There has been argument that a wind energy facility is indeed appropriate use of rural land as it 'farms the wind'. How absurd!

Whereas it may be difficult, indeed impractical, to define every land region as being suitable or otherwise to wind-energy use, the state government need to adopt a finite boundary where a windfarm facility is not permissible. Victorian Premier Ted Baillieu has noted a consideration for an exclusion zone of a two-kilometre radius from any residence other than the windfarm landowner's residence. I think this exclusion zone should be extended to five kilometres and should include the land owners residence. It is important that prospective and existing residence owners know exactly where they stand. There should be no surprises when it comes to purchasing property.

Electromagnetic interference.

As the proposed windfarm is in direct line between the transmission tower and our residence I have grave concerns that the wind turbine generators will disrupt our television and radio reception, and interfere with our mobile phone reception, resulting in a significant reduction in our leisure enjoyment, knowledge, the education of our son, and also poses a serious safety risk to our family in the advent of a rural emergency (such as bushfire), and a safety risk to our family if mobile phone reception is not available during a land-line telephone outage (which, unfortunately, happens all too frequently).

My concern, again, is that no-one seems to take this matter seriously. Synergy Wind have offered no detail in their submission, and there is no requirement for them to do anything about it if I did have a problem.

Conclusion of operations.

Synergy Wind did not offer any indication as to what would happen at the conclusion of the life of the wind-turbines for whatever the reason. A bond system must be implemented whereby the cost of dismantling the turbines and their towers and returning the land to its near original condition must be implemented. The bond would raise interest for the wind energy company, less the gradually inflated costs of dismantling; and an administration charge of course! The bond system must be a legal requirement.

Retrospective legislation.

Recently elected Victorian Premier Ted Baillieu has spoken on the issue of windfarms, and had indicated his preference for a two-kilometre exclusion zone around neighbouring residences. He has also stated that he can not (will not?) enforce retrospective legislation to ensure that current windfarm permits comply with this (at yet not legislated) regulation. Whereas retrospective legislation is always of political concern, I would hope that Premier Baillieu does consider it.

Community angst.

There has been much said in the press and via the internet on community angst and division when a windfarm is proposed. I can only comment on what I have experienced. In general, there has been no division of any consequence within our township (of 2,000 residents, another 3,000 in the wider community). I have experienced a general support for my opposition to this particular windfarm at Devon North. A coalition of residents within a few kilometres of the proposed windfarm included some thirty members. No resident, that I am aware of, within a five kilometre radius was in favour of the Devon North windfarm (other than the proposed windfarm land owner of course). The proposed windfarm land owner, my neighbour, was a close social friend, with frequent home visits, diner invitations, and support and assistance with tasks on our respective properties. This ended when I opposed the application for a windfarm. I made it quite clear to my neighbour and his family that I did not in any way object to his legal right to negotiate and contact with a wind energy company. I wished to remain friends. Yet my neighbour and his family refused my right to oppose the application. At one stage he used foul language in front of my then seven year old, and endangered our life when he drove at speed past us when walking on our access road. During the 2009 bushfire alert in our area I could not count on his support. This is most unfortunate.

Of some concern was the idea propagated by Synergy Wind that the Devon North windfarm would power so many local houses. Some residents in town thought that the Devon North windfarm would provide them with cheap power. Individually, they were angry that anyone could oppose such cheap electricity. They were unaware of the infrastructure of grid loading and I think most were appeased when they understood.

I have heard of community division because of the Toora wind farm, and where neighbouring residents have walked off their land, but I cannot comment further with specific evidence.

I know of only one incident where a community member verbally accosted a resident who opposed the

windfarm.

The local press, through the Yarram Standard News, published several 'letters-to-the-editor' denouncing the proposed windfarm, and one supporting it. The newspaper also provided extensive editorial, where the views of local residents were reported. Christian Spitzner of Synergy Wind threatened to sue the paper for its bias reporting.

Veracity of Information.

Synergy Wind offered a half day information session in Yarram to assure the community of the benefits of the construction of the windfarm at Devon North. The manager of Synergy Wind did not attend. The session was led by a business consultant who was not experienced in wind energy, and indeed I and several others were left to inform him of many facts and figures of which he had no idea. By not appearing in person, Christian Spitzner of Synergy Wind clearly demonstrated an arrogance in not wishing to front the community, some of which, at the time, had no thoughts of opposing the windfarm.

The 'information' session consisted mainly of handing out wind industry publications (produced by AusWEA), and sheets from Synergy Wind.

Of particular concern is the emotive language used in promoting wind energy. By stating that a particular wind farm will "take five thousand cars off the road", or will "power 500 local homes" is not just misleading, but are blatant lies. Claims of reducing actual green house gases (as a result of building the Devon North windfarm) were just as spurious because of the unreliability of wind energy and the inability of the coal-powered electricity generators in the Latrobe Valley which cannot be simply switched off when the wind blows. The general public are swayed by language that can be interpreted simply into an event that they can appreciate. If this language is misleading, the conclusion will be likewise. And if the public is misinformed, then it will be the community that is disadvantaged in the long run.

Government Communication and Support

Local government communication was both excellent and indifferent. Wellington Shire councillors listened to a presentation made by the Concerned Residents of Devon North coalition of neighbouring residents. Several made a concentrated effort to understand the concepts of wind energy and understood our concerns. They took the matter seriously. Within the operations of the council however, the Planning Department was less than co-operative, refused to answer written and verbal questions, and demonstrated a lack of concern for the views of the community. It became known that the planner in charge of the application was a supporter of wind-energy. His bias was reflected in the fact that even though the written permit application by Synergy Wind was incomplete, at times misleading, and very poorly prepared, it was still accepted by the planning department. The planner approved the application. At a subsequent council meeting, councillors rejected the application with a vote of seven to two, that being one in favour and one abstaining due to a family connection.

At a State level, our local representative was Peter Ryan MLA, Leader of The Nationals, Member for Gippsland South (now Victoria Deputy Premier). Mr Ryan took a close interest in the proposed Devon North windfarm, spoke to many neighbour residents and visited a number of properties including my own. He recognised our concerns. Being in opposition at the time however, he had little power. The state Labor government had a strong policy of promoting wind-energy. Mr Ryan had little authority to change that. Now that he is Deputy Premier it remains to be seen what specific action he will support but I, and those who know Mr Ryan, have faith in his understanding and integrity. Communication to two Premiers, Bracks and Brumby, and to several ministers of planning and health, all resulted in a standard reply 'form letter' that simply confirmed that the government was not interested in any community correspondence regarding windfarms.

Comments by (then) Victorian Energy Minister Theo Theophanous was reported as saying that the opposition

to windfarms “would deny many farmers the income they received from leasing their land for renewable energy projects. (There is) the need to take steps now to reduce greenhouse emissions so that farmers are not crippled by the impact of climate change.” Such uninformed comments from a state minister are far from helpful.

At a Federal level, Federal Agriculture Minister Peter McGauran visited the Devon North locality and spoke to a number of residents on their property, including my own. In *The Weekly Times*, July 5, 2006, he branded the wind energy industry “immoral” for slashing land values and not paying proper compensation. In a strong attack, Mr McGauran also accused the fledgling industry of exaggerating its energy credentials and using government subsidies to build massive wind farms in regional Australia. “Someone has to blow the whistle on this industry,” Mr McGauran told *The Weekly Times*. The worst aspect of wind turbines was that they “immorally devalued adjoining property values and devastated the landscape”. Mr McGauran said it was “immoral for windfarms to be distorting neighbouring property values without compelling reasons that they are in the national interest, or worse still, without sufficient compensation. Some savvy entrepreneurs have attempted to build the industry on the back of taxpayer subsidies and at the expense of innocent property owners,” he said. “Only where local communities, such as Ararat and Portland, welcome wind farms should they be allowed to proceed.” Mr McGauran gave moral support to the Devon North residents but without legislative backing, there was little he could do with respect to the Devon North windfarm, nor specifically any other windfarm as such use of the land was under state control.

Further VCAT concerns.

It is pertinent to add that the VCAT tribunal rejected the evidence of a prominent Victorian practising geologist consultant because he was a brother of one of the neighbouring residents. His evidence, on the fault line and geological data, was always based on empirical fact and could easily have been verified, but because he was giving evidence on behalf of the neighbouring residents opposing the application, it was rejected. And there was no appeal available. I find this absurd and most disturbing.

The two tribunal members, chair Jeanette Rickards, a lawyer, and Ian Potts, an engineer, appeared not to be well informed in windfarm location matters, if some of their decisions are of any indication. Certainly, they gave the impression that they were not overly concerned about community issues, and had a tendency to show favour toward wind-energy, promoting government policy. They state in VCAT Order reference P2691/2006, “*Consideration of the visual impact of a proposal should be weighted having regard to the Government’s Policy in support of renewable energy development.*”

This indicates clearly that the VCAT tribunal has a preconceived bias with respect to State government policy and begs the question as to what ‘weighting’ was made with respect to the Devon North windfarm.

(A full report on the VCAT proceedings, and their decision and reasoning is available. It shows VCAT to have been in error on many judgements, and not to have given fair consideration to the evidence and submissions by those opposed to the wind farm).

CONCLUSIONS

As this inquiry is about the social and economic impact of rural wind farms, I would summarise my concerns as follows:

Windfarm construction in any area will raise questions and concerns by the community. That is not to suggest that the community will always oppose a proposed windfarm - it simply suggests that as it is of concern to the community, full communication and information must be considered by all parties. There is no room for ignorance, nor arrogance, both of which I have experienced - from the landowners, from the wind energy company, from the wind association, and from the (previous) state government. Specifically, the state government should impose a five-kilometre exclusion zone around any residence.

There is ample evidence of lies and misleading statements, and apathy and ignorance by state government via planning and health departments, and VCAT. The greater good for the nation is important, but never at the expense of the insistent silence of the community and the individual. When we have a breakdown of consideration for the individual we have a breakdown in our social standing and indeed democracy. The Bracks and Brumby governments have been extremely lax in considering the rights of the individual to an acceptable quality of life. Correspondence needs to be replied to with answers to specific questions and not just a form letter that answers nothing. Wind energy companies need to consult with the local community and have an 'open-door' policy to all individuals. (This may exist, but certainly did not with Synergy Wind).

Governments at all levels need to take action and take the initiative to evaluate a situation of community concern (such as health issues) instead of fobbing off the problem with arrogant statements such as "there is no peer-reviewed evidence".

Communities should not be left 'in limbo' when decisions have been made but not implemented. Giving a wind energy company an extra two years to start a project adds to the anxiety of the community. Not knowing what will happen to a windfarm when wind-energy is no longer viable adds to the anxiety. I, my family and my neighbours, have been kept in a state of anxiety for the past six years. This is surely unacceptable to any government. I wish to improve my property but prefer not to do so until I know where I stand with respect to the windfarm. A nearby landowner wants to build on their land but cannot do so if there is to be a windfarm. Other residents live with the thought that one day their lifestyle will change, their rural views desecrated, and their health diminished. Some expect to leave the land if a windfarm is constructed. It is not acceptable to have been left in limbo for six years, with more to come.

The State government needs to be more considerate of the community and individual and so that there is better understanding, lay down laws that are relevant to the construction and operation of windfarms. Whereas some laws may be unacceptable to some, they can then be debated and changed if necessary. The current laissez-faire attitude is confusing to the public. Local government decisions should not be over-ruled except in exceptional circumstances. 'The Policy Planning Guidelines for Development of Wind Energy in Victoria' produced by the Brack's state Labor government, clearly states that *'The Minister for Planning is responsible for assessing all proposals that are 30 MW or greater'*, and further makes it clear that *'for projects less than 30 MW the local council is the responsible authority'*. (30 megawatts equated then to some fifteen turbines now it is less as technology improves). However there is a caveat on this policy statement laid down by the Minister of Planning Delahunty (at the time) and that is *'the local council has the authority to approve or reject a windfarm proposal less than 30 MW but if it disapproves of a proposal the Minister for Planning can come in and overrule the council's rejection'*. This legislation is still in force and gives the State government full power over *any* windfarm proposal. This is unsatisfactory. If the Local government makes a ruling then that should be law and not be over-ruled by the State.

Thankyou for the opportunity to present this submission.

Peter Stone, Yarram, Vic.