

WESTWIND ENERGY PTY LTD

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4 March 2011

Dr Timothy Kendall
Acting Committee Secretary
Community Affairs References Committee
Australian Senate Parliament House
CANBERRA ACT 2600

Dear Dr Kendall

Inquiry into the social and economic impacts of rural wind farms

Thank you for your letter dated the 16 February 2011 providing an opportunity to respond to allegations made about the conduct of proponents and wind energy companies.

We propose to address the following claims made in the submissions, which cover the following recurring themes:

- approaches to landholders;
- lack of consultation by wind energy companies;
- lack of appeal rights provided by planning processes; and
- community division as a result of wind energy developments.

Some of these comments relate to wind energy proponents generally and WestWind Energy and its projects specifically.

WestWind is not in a position to comment on the actions of other wind energy proponents. However, in addressing these adverse comments we hope to provide the committee with an understanding of *our* approach and conduct when developing projects.

Dealings with landholders

Supportive land holders are critical for the success of a project. Land for wind energy projects is acquired only through negotiation. There is no compulsory acquisition of land to secure land for the erection of turbines or to secure access to a resource.

Landholders who have been approached by WestWind Energy have had a strong interest in being involved in a wind energy project. In a number of cases, including our recently approved Moorabool Wind Farm, WestWind was approached in the first instance by landholders who invited us to consider the potential for a wind energy facility on their land¹.

¹ Additional landholders were also approached.

The project's host landholders earn a living from running well managed farm businesses. It has been critical in the development of projects to ensure that management regimes and the views of host landholders are considered with regard to wind turbine layout and the location of infrastructure, access points and construction details.

Obtaining development approval of a project is a multimillion dollar process. The construction of a wind project will cost hundreds of millions. It is critical that a robust agreement is in place with a landholder prior to determining project feasibility and developing projects. These agreements are between the landholder and the company. We will not breach the trust of our landholders disclosing such arrangements to anyone.

Landholders are encouraged to have any landholder agreement reviewed by a legal practitioner of their choosing. Financial assistance is made available to assist with this cost. Our landholders are not subject to 'gag' orders² with regard to supposed health impacts.

The only requirement placed on a landholder is to accept a higher limit with regard to noise and shadow flicker – standard land use planning practice. Even still these standards are not excessive and equate to the requirement for neighbouring properties in many countries.

It is simplistic, but a clever ploy, for our opponents to refer to the above arrangements as 'secret agreements.'

Opposition to a wind energy proposal will often start simply by not including certain properties within a project. Even neighbouring land may not be appropriate for wind energy development. Land may be too close to houses, have a poorer wind resource or have significant environmental values. Alternatively land may be excluded for simply defining project boundaries. This is no different to other resource based land uses. This is recognised by many wind farm developers and operators who offer significant community development funds in recognition of the desire to share the benefits of projects more widely than host landholders.

We strongly believe that if there were more operating wind farms in Australia (compared to approvals) there would be many more good examples of community support from industry.

Consultation with immediate neighbours and broader communities

"Consultation by any of the wind companies is an absolute disgrace and is so bias that it is actually quite predictable. They are very poor at consulting residences, tell lies, cover up the truth, avoid public meetings, manipulate the media, generally dishonest people, have host land owners sign "gag" agreements and always have an answer for everything."³

The above extract is from an objector to WestWind's Lal Lal and Moorabool Wind Farms. Unfortunately this submission provides no specific examples to respond to. The above extract provides a summary of the many claims in other submissions. The best way to respond to it is to outline our consultation process for our recently approved Moorabool Wind Farm.

² Submissions 296, 390

³ Submission 296.

Key elements of WestWind's consultation process for the recently approved Moorabool Wind Farm are summarised below:

Project information

When the project was announced an information pack was delivered to all existing dwellings within 3km of proposed wind turbines locations. Each information pack contained:

- A proposed layout plan. While indicative, this plan responded to constraints of the site identified at the time such as communications links and native vegetation⁴;
- An introductory brochure outlining proposal details, key facts, information on specialist studies to take place, details on future consultation steps, indicative timeline for planning assessment and project construction, Project Manager's contact details, website details.
- A diagram illustrating the approvals process for wind energy facilities over 30MW in Victoria;
- Invitation to meet and discuss the project with WestWind;
- Invitation for people to provide their details to WestWind to receive future information and updates on the proposal and a stamped self addressed envelope
- Illustration of a wind turbine; and
- WestWind produced DVD 'myths and the facts' based on Sustainability Victoria's fact sheet.

Project meetings

Dwellings within 1.5km of a proposed wind turbine location were visited by WestWind representatives. Where dwellings were unattended a calling card was left behind to encourage residents to arrange a convenient meeting time with WestWind. Calling cards were placed in mailboxes or attached to a gate with a plastic cable tie to prevent them blowing away. Calling cards were laminated to protect them from moisture and the date and time of the visit was provided. WestWind representatives are fully informed and are aware of the details of a project and assessment processes. Follow is provided if specific questions cannot be answered during these meetings.

When requested WestWind met with neighbours out to 3km of the project and beyond.

Visit to operating wind farm

A bus tour through the operating Waubra wind farm was conducted.

Invitations for the bus tour were sent to all of those on WestWind's stakeholder list.

Information flyer

An information flyer containing brief facts on the project was sent to all post office boxes and road side mail boxes to people within 5km of the project. More than 1,500 flyers were delivered via an Australia Post service and through direct delivery by WestWind staff. The purpose of the information flyer was to ensure that all addresses and post office boxes were considered as owners information is not available from the Shire until a formal planning permit application is lodged. The flyer also contained information on where to go for further information.

Information session

An information session was held at the Ballan Mechanics Institute.

The main purpose of this session was to display visual simulations of the project and to allow an informal opportunity to discuss the project with staff on a face to face or one on one basis.

Stakeholders were informed of the information session through direct mail (if registered on WestWind's stakeholder list) and via a notice in the Moorabool Leader and Moorabool News.

⁴ For earlier projects we began our consultation process prior to having a wind turbine layout, and were criticised for having a lack of information.

Website

The website has been continually updated as the project progressed. All information supporting the planning permit application (including all consultant studies) were available on WestWind's website through the statutory consultation period and during the planning panel process.

Project Updates

Project updates have been issued as the project developed advising stakeholders of changes to layout and other news.

Agencies and others

WestWind has also met with community groups such as Rotary on request. Meetings were held with State and federal MPs, the shire and a number of government agencies during the development phase.

There is no statutory requirement to undertake the above steps. The aim of these steps is to ensure that people are fully informed of the projects, know where to come for further information or concerns and where possible have input into the project.

As the company proposing a wind farm it is not possible to agree to the key opposing positions which are to not proceed with a wind farm in the area or to remove specific turbines or sections of the wind farm. As such it is common for objectors to a proposal to form the opinion that 'views were ignored' or that the process was 'biased' as we continued to propose a wind farm.

WestWind Energy is respectful and courteous with all members of the community regardless of their position on wind energy. Questions are responded to, information is provided, telephone messages are returned and emails and letters are responded to (unless overly abusive or threatening). It is common practice to provide information only to have it labelled as 'spin' or 'propaganda'. For example a report on infrasound from an acoustic engineer is ignored and labelled as spin.

Statutory notice period - Planning and Environment Act 1987.

The statutory notice period for wind energy projects would generally involve direct mail notice to all owners and occupiers of land within 5 km of the site and the placement of notices in all local newspapers within the first and third week of a six week notice period.

Hearing by an independent third party

In Victoria, objections and submissions from the community to wind farm proposals are able to have their submission heard by an independent third party, either the Victorian Civil and Administrative Tribunal (VCAT) or a Planning Panel⁵. VCAT's decision is final. A planning panel will prepare a recommendation to the Minister for Planning whose decision on a project will be final. We do not accept that appeal rights, in the context of being heard by an independent third party, do not exist.⁶

Community division

We do not accept that community division is a direct result of wind farm proposals⁷. Such references to community division are significantly overstated and should not be accepted uncritically. Impacts, perceived or otherwise do not equate to negative community impacts.

We do accept there are differing views on wind energy proposals. However, different views should not be considered as a community wide loss of cohesion.

⁵ Depending on whether the project is above or below 30MW capacity. However, the Minister for Planning announced on the 3 March 2011 that local governments are now the sole authority for deciding on permit applications.

⁶ Submission 136 and 9.

⁷ Submission 12 and others

Despite the above, we believe that our organised opponents have community division as a stated objective as part of a fear, uncertainty and doubt (FUD) strategy, to influence public perception by disseminating negative, dubious and false information designed to undermine the credibility of wind energy⁸.

Such groups aim to achieve this by spreading misinformation and claims such as:

- *Wind energy is a tax payer funded scam* - used to polarise community into climate change believers and deniers by suggesting their taxes will go to projects to address make-believe problems.
- *Secret contracts* - used to polarise neighbours and instil envy by suggesting 'haves and have nots.'
- *Attempting to instil fear and hysteria in the community* - about issues such as human health, fire risk and highly offensive comparisons to the asbestos and tobacco industries⁹. This approach activates sensitivities in the community by arousing fear responses and divisions between these individuals and other people who can't see how wind farms could possibly make you sick.
- *Trying to create a wedge between farmers hosting a wind farm and the wind energy company* - by attacking the financial credibility of the wind energy proponent¹⁰ and directly threatening legal action for being part of a land use that is discretionary and subject to a planning permit (see attached).

A recent example of the organised anti-wind groups at work can be found here.¹¹ This 'information night' was used to disseminate baseless conspiracy theories, pitch the sale of books about 'wind turbine syndrome', and engage those community members present in wild speculation about a non-existent proposal.

WestWind Energy has a small (10m high) anemometer mast on a property near Sunbury, Victoria, (another example of a landholder approaching us to determine the suitability of a site) and although no plans are currently in place for a wind energy facility at this location, the anti-wind organisers had named the project and created emotive visual presentations of the visual and acoustic impact of a wind farm on the surrounding communities. The meeting was held just before Victoria's November election. There was no opportunity for WestWind to address this 'information night' and provide an explanation of our limited activities in the area.

There are a number of other matters raised by our opponents that we have addressed in our submission.

I hope that this letter provides you with an insight into our interaction with the community during the project development stage.

Yours sincerely

Tobias Geiger
MANAGING DIRECTOR

⁸ http://en.wikipedia.org/wiki/Fear,_uncertainty_and_doubt

⁹ Submission 471

¹⁰ Willis Letter in submission 9 and the attachment.

¹¹ <http://yes2renewables.org/2010/11/18/information-night-on-windfarms-in-gisborne-sunbury/>

T F GRUNDY LAWYER

ABN 14 231 249 355

Terence F Grundy Esq., LL.B.
Level 1, 530 Little Collins Street, Melbourne, VIC 3000

13 July 2009

[REDACTED]
Dear [REDACTED]

Re: Moorabool Wind Project proposed by WestWind Energy Pty Ltd

I write to advise that I have received instructions to act for Moorabool Anti-Windfarm Action Group Inc, A0055223G, in relation to the proposal by WestWind Energy Pty Ltd to erect up to 128 wind turbines on two sites in the Moorabool Shire, the "Bungeeltap Section" and the "Ballark Section" ("the proposal").

I am instructed that you and others have either already granted, or intend to grant, or are negotiating to grant a lease or licence to WestWind Energy Pty Ltd, or a related entity, for the purposes of the proposal.

The members of my client are concerned owners and occupiers of property in the region affected by the proposal, together with other members of the general community. Moorabool Anti-Windfarm Action Group Inc was formed to investigate whether the proposal of WestWind Energy Pty Ltd is in the best interests of the community to proceed.

Moorabool Anti-Windfarm Action Group Inc is of the view the proposal is not in the best interests of the community and, thus, should not proceed, as:

- the site of the proposal is partly covered by both a Wildlife Overlay and Environmental Overlay and is in a Catchment Management Area;
- the proposal presents significant health risks;
- the proposal will affect members' use and enjoyment of their property rights;
- members will suffer potential economic loss should the proposal proceed; and
- WestWind Energy Pty Ltd is a company of limited capital, so community member – as well as land-owners – will bear the financial risks associated with its insolvency.

My client has communicated its objections to WestWind Energy Pty Ltd, Moorabool Shire Council, the State Government and community leaders and representatives. These objections have been ignored, and my client understands that WestWind Energy Pty Ltd intends to apply for a planning permit with the State Government.

As you are no doubt aware, the proposal has caused substantial disharmony within the local community, and this will become further pronounced if the proposal comes to fruition and litigation between members of the community takes place.

[REDACTED] [REDACTED] [REDACTED] [REDACTED]

I now write to put you on notice that should the proposal proceed, and you are a party to a lease or licence with WestWind Energy Pty Ltd (or a related entity) or its successors or assigns, to allow the constructions of wind turbines on your property, and as a result thereof, members of my client suffer detriment, then in such event they reserve the right to pursue you, other potential licensees or lessors, and the proponent for any economic loss and loss of enjoyment of property right.

Please contact me should you wish to discuss this further.

Yours faithfully,

Terence F Grundy

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