

## **A JOINT SUBMISSION BY: Angela & Frank Kearns.**

Our credentials: Angela Kearns, Aged 69 semi-retired Registered Nurse.  
Frank Kearns Aged 71 semi-retired Accountant  
Married 46 years. 6 children and 12 grandchildren

### **Part 1- Angela Kearns**

#### **The Social and Economic Impact of Rural Wind Farms**

We wish to address these issues as listed by the Community Affairs Reference Committee.

As a preface to our comments, our involvement in the whole wind farm debate stems from the following facts.

In 2001 we purchased our 16 hectare property in Condies Lane Mt Egerton near Ballan with a view to retiring within a few years. We spent considerable time, energy and money developing and improving it and were very happy here until May 2009 when a large white envelope was found on our doorstep informing us that West Wind Energy was applying for a permit to construct a 128 turbine Wind Energy Facility. The now ex Minister for planning in the Brumby Government Hon Justin Madden called the project in in February 2010. This precluded any appeal to VCAT. The only avenue of appeal left to all of us is Supreme Court action. The cost of such an action is prohibitive even though we have been informed by eminent lawyers that we have been denied natural justice and would have a case. We requested an Environment Effects Statement which Mr Madden refused to provide, despite the fact that we live in close proximity to the Bungal State Forest that is 1.5.Km to our north and other native forest to the south, including the Brisbane Ranges famous for unusual flora and fauna and blue gum plantations to the south east. These forests abound with native wildlife including the wedgetailed eagle. The nearest turbine is situated less than 1km from our dwelling and apart from the obvious noise impact we will be subjected to shadow flicker and loss of visual amenity. There will also be red aviation hazard lights on the tips of the spinning blades.

#### **Conflict Of Interest**

The Ex Minister of Planning in the Brumby Government Mr. Justin Madden is an example of a conflict of interest as he has relatives through marriage who will have turbines on their property therefore having a pecuniary interest in the Wind Energy Facility.

#### **The Panel Hearing**

A Panel Hearing by the Department of Planning and Community Development was conducted in May and June 2010. This hearing which took place over a period of eight sitting days plus property inspections by panel members and proponents with their team of legal experts left much to be desired.

As non-host landowners we sat day after day patiently listening to explanations, expert witness statements and submissions for and against the proposal.

We understood that the basic role of a panel was to give submitters an opportunity to be heard in a non-judicial manner and it was not a court of law. We were lulled into a false sense of security and felt our views would be respected as we live in a democratic society. How wrong we were!

The proponents were flanked by a Senior Counsel and two instructing solicitors. We have since discovered that the Law Firm representing WestWind Energy, Freehills has a team of **renewable energy lawyers** who have an enormous amount of experience in project delivery, financing, environment and planning just to mention some of their areas of expertise. Freehills obviously had a job to do which was to get the project approved no matter what the cost was to the community as both State and Federal Governments have a very significant policy in support for development of renewable energy. So their Senior Counsel, Ms Michelle Quigley was well able to counteract the objections of the submitters as she had heard it all before. In her reply to the panel regarding the submissions she was very scathing towards those of us who cared enough about the enormous impacts of developing an industrial wind energy facility in an area that is patently unsuitable. Ms Quigley's assertion that submissions were received from only 4.92% of the dwellings within 5 Kms of the Site and objections were received from only 3.81% seems very unfair. The Proponents then submitted that "the admittedly strong opposition to the proposal from a small section of the community is not representative of the broader community view and that submissions alleging a significant community rift are grossly overstated."

In May 2009 there was a public meeting in the Ballan Mechanics Institute hall where more than 200 people packed the hall. It was estimated that 96% of the people present were against the proposal. The most annoying and frustrating point is that Frank and I fully understand the need for urgent action to produce clean green power, but there has to be better planning.

There are many people who do not have the confidence to either write a submission or appear at a panel hearing. As the panel hearing was conducted during the working week it was impossible for most affected people to attend as they had to go to work to earn their living.

Throughout the hearing all the experts called by the Proponents spoke with their backs to us which made it very hard for us to hear them. When the microphone broke down it was left unrepaired.

On the final day of the hearing, in her closing submission, Ms Quigley SC informed us all that "it is simply wrong to assert that there is any taxpayer funding of this application, or any part of this hearing. The Proponent is responsible not only for their costs, but for the costs of the panel also."

This caused a lot of consternation as, up to that point we naively believed that the panel hearing was unbiased and we were all given a chance to have our say. The Panel members endeavoured to explain that they were paid indirectly by the proponents, but as they were selected by the DPCD to act on their behalf their role was not to be on the side of the proponent but to make sure that the planning process was correct.

A panel hearing has to be seen to be fair and unbiased and how can it be if the costs are borne by the Proponents?

Our opinion regarding the hearing is that the result was a foregone conclusion. It was a complete waste of money and time as, if the agenda of Governments is to reach a target of 20% renewable energy by 2020, no amount of lobbying, collecting statistical information or commonsense arguments to the contrary would have had any effect.

One more observation we made regarding the Panel, the chairman of the Panel, Mr Chris Banon was also chairman of the panel which was conducted for the now ill-fated and trouble ridden Waubra Wind Farm owned by Acciona. At least 11 houses have been vacated and at least another 7 have been purchased by Acciona. Apparently noise standards have not been complied with and there is a threat by the Planning Minister Mr Matthew Guy to shut the wind energy facility down unless the permit conditions were met. Landowners who have been bought out have been gagged because of a proviso that they will not talk about the price of the purchase or the negative health effects they experienced.

At the time of all these events taking place our ex Premier Mr Brumby was promoting a “Fairer Go For All Victorians.” Somehow, those who oppose wind farms for various reasons seem to have missed out.

We are not climate change sceptics, are not part of any organised anti-wind farm group and we are in favour of renewable energy but we think governments must choose suitable localities for these developments and most importantly, take notice of the experiences of the overseas renewable energy projects and learn from them. In Australia, which has so much sunlight, why are we not concentrating more on solar energy? Could it be that there is a more sinister reason for forcing these facilities on us? Are we to be sacrificed for the so-called greater good of the population? It is not too late to halt these plans, especially as evidence is mounting which cannot be ignored that there is a very big downside to wind farm viability. Why are we exporting so much coal to be used by overseas countries to produce energy while our own Australian citizens will be faced with escalating electricity costs? We are aware that all of these issues are too big for two older people like us but all we are asking for is consideration from Governments and planners. A lot of these problems could be solved with more thought and better listening processes.

To return to the **social and economic impacts** of rural wind farms:

#### **(A) HEALTH**

As a health professional, it is inconceivable to me that reports from all over the world about adverse health effects from living too close to turbines are being ignored. The suggestion that reported illnesses are due to the fact that the people who do not gain financially because there are no turbines on their properties is quite insulting. It is true that there have not been enough scientific studies done to prove the claims of ill health but how much more anecdotal evidence is needed? Even if most of the symptoms that affected people experience are attributed to stress, is not stress an identifiable illness which leads to all sorts of physical and psychological problems? If I was caring for a patient who developed adverse effects after taking certain medications, the sensible course of action would be to withhold treatment and investigate the reasons for the patient’s reaction.

The Department of Planning and Community Development produced a bar chart entitled “Frequency of issues raised in submissions”.

There were approximately 60 submissions for the Moorabool Wind Farm Development. At the top of the chart was “impact on the health of residents”. The frequency of that issue raised extended right across the chart to 58 people. Health issues obviously overrode every other impact. Below is the Panel Report for the Moorabool Wind Energy Facility.

## **The Panel's Conclusion and Recommendation on Health**

### **Conclusion**

We are not convinced on the evidence presented that there is a causal relationship between WEFs and general health effects described to us as being experienced at Waubra and elsewhere.

It follows that we have not heard evidence that would prevent the issue of a permit for the Moorabool WEF on this issue. However, in the interest of allaying the community concern expressed at the hearing it would be **beneficial** for the Government to consider commissioning independent research on this issue.

### **Recommendation**

**That the Victorian State Government consider commissioning independent research into the possible connection between health issues and Wind Energy Facilities**

In Frank's and my opinions the fact that the above recommendation was made by the panel highlights the fact that it is vital not to ignore reported signs and symptoms as presented. The Panel Chairman Mr Chris Banon knew all about Waubra.

From our point of view we are very distressed to think that, despite all of our pleas for consideration regarding the placement of 150 metre high turbines within 1 Km of our dwelling, we were ignored. There was actually room to move back further from where the turbines were placed on the plan, but I was informed by email by the WestWind Project Manager Mr Phil Burn after the Permit had been granted that there was no way either legally or physically to remove or reposition the turbines. I cannot accept that in spite of the permit being granted – at the eleventh hour – the State Government, which has control of both houses of Parliament, states that they are powerless to prevent any wind energy facilities that have been approved from being constructed.

We had hoped to stay on our little farm and share it with our six children and twelve grandchildren until our days ended or until we could no longer look after each other. Unfortunately, unless the whole project is either abandoned or the plans altered to stop adverse impacts on nearby residents, we will have to leave. Frank has a genetic condition which affects the electrical activity of his heart called Long QT Syndrome and also is on medication for hypertension. Three of our children and four of our grandchildren also have the condition. It is a cause of sudden death, especially in young children and young adults. It is very possible that any one of these family members may at some time in their lives require a pacemaker or defibrillator. We are quite concerned about exposure to electromagnetic interference and feel that there has not been enough research done to preclude any possible ill effects from prolonged exposure. We have been informed that at the Wind Energy Facility at Cape Bridgewater near Portland in Victoria, anyone with a pacemaker is warned not to enter the turbine towers. As the back of our property is very close to the nearest turbine we are often quite close to our boundary as are the rest of our family.

### **Visual Amenity**

The proponents spent a lot of time explaining the obvious, that in Condis Lane it would be impossible to have meaningful mitigation screening from high turbines, the

upper parts would remain visible or even prominent. The expert, Mr Stephen Brown stated that “that assessment is very distressing, albeit honest”. In considering our ages, 69 and 71, if the proponents intend to plant trees to try to create some mitigation, they had better begin very soon or we will be dead before they are even partly effective. Condie Lane has the least mitigation of all the affected properties and this causes us much distress as, if only the planners had listened to us re a 2 km buffer zone we would not have had to go through all this emotional and physical trauma. Obviously the panel members ignored our input as they had a job to do; make sure that the wind energy facility was approved.

### **Conclusion**

I also wish to thank Senator Fielding for taking an interest in the distress of so many of us. We have put such a lot of thought and anguish into our submissions and we see-saw between optimism and despair about the outcome. The DPCD representative in Ballarat stated that it will probably open up a broader discussion of the social and economic impacts of rural farms; we need more than discussion, we need our voices to be heard. It is not a very good feeling for us to think that our property may not support us in our old age if, when the time comes for us to realize our asset the value has fallen to such an extent that we will become a burden on the community. We are not in the age group who have superannuation, our property is all we have. We learned during the panel hearing that very little weight is given to loss of property values. Very little weight seems to be given to any of our concerns.

**Angela Kearns**

## **Part 2 – Frank Kearns**

### **(C) Property Values**

(1) Properties in my area have been devalued and once potential buyers are told of the wind farms next door or in the near vicinity, at least 70% lose interest. Price accordingly falls on average 30% and then only a limited number of people are interested. This information is common knowledge among Rural Real Estate Agents. A 157 acre property which was purchased about 4 years ago for \$1.4K was put up for auction last November. It did not attract one bid. There are proposed turbines opposite the property. As an exercise I enquired about a small property for sale near Winchelsea in Victoria. As the advertised price was approximately \$50000 less than I would have expected I did a little research and discovered that there was a wind farm which had been approved within 3 Kms of the property. That speaks for itself. As a former CPA Accountant of 30 Years, now semi retired I can envisage huge problems occurring in the future. The question has to be asked. What **value** has to be put on property near wind farms? The Balance Sheets and Financial Statements of Businesses are useless for determining the value of property to borrow against for mortgages and loans. It is realistic to state that this will affect the very fabric of business and turn the value of rural properties near Wind farms on its head. Government Policy on Wind Farms has to change as this is a great problem. Who is responsible? Banks, lending authorities, and all dealing with land values need answers. Rates in turn will be affected, devastating local councils as it follows logically that the revenue from rates paid by the landholders will have to be reduced along with the Capital Improved Values. This will also affect Centrelink assessments when they work out how much a person's assets are worth. It is unbelievable that a proponent of a wind farm can move in on your neighbor's property and construct industrial turbines taller than the Sydney Harbour Bridge, and nothing can be done about it. Local Government regulations can be ignored, no compensation given to landowners devastated by planning department decisions, and local Communities wrecked. An example of this is the large wind energy facility at Waubra in Victoria which we described earlier.

### **(2) Employment Opportunity**

Much has been made of this issue by the Proponents of Wind Energy Facilities, but the facts are not as true as they seem.

During the construction phase which is mainly carried out by experienced personnel who do specialized work there is limited opportunity for people to gain employment in the area. It is the experience of other wind energy facilities that after the project is up and running the wind farms only employ as least as possible personnel to service the site so in general there are no long term employment opportunities.

### **(3) Farm Income**

Farm income of the area is greatly reduced because of the people leaving the adjoining farms and the surrounding area. In the Moorabool area, where it is a prime livestock fattening country, people will be forced to reduce herds because of the wind farms disruptive building activities. As there will be less primary producers in the area as affected people move away, work for Stock & Station Agents, Vets, livestock carriers, live stock supply stores etc. will lessen greatly. This will affect the local economy very badly. It is now becoming evident that" food "is quickly becoming the new oil and the world in future will need all the fertile land available for

production, not cluttered up with inefficient wind turbines only 30% effective: In 2010 in Victoria alone, figures published on the Department of Primary Industries web site has a total of 1591 operating or approved turbines. A further planning permit application for 12 turbines has been lodged with Local Councils. Feasibility studies are underway for a further 21 wind farms.

**(D) Interface between Commonwealth, State and Local Planning Laws as they pertain to wind farms.**

In my opinion this did not exist in the Moorabool Wind farm Project. At the very start the Commonwealth Government ordered the states to introduce 20% renewable energy by 2020. This in my opinion is the crux of matter as they did not have any guidelines or standards to follow; they said 20% by 2020. This opened the door to problem we have today where wind farms are forcing planning authorities to use out of date Standards and guidelines, NZ S6808 1998. There is no Australian standard and this outdated one is out of touch with larger, more modern turbines.

This is like building a modern car with old technology and standards. International lawyers and finance experts Freehills are having a field day controlling proceedings of the hearings of wind farms. The concerns of local government were completely overridden by state authorities and the people that were going to be affected were sacrificed by having an industrial wind farm forced on them with all of the problems associated with it.

**(E) Other Relevant Matters**

The most relevant problem I consider is the complete unfairness of the whole process. "the reasonable man" concept in law is completely dismissed and natural justice is denied to citizens of Australia., who object to Industrial Wind Farms that devalue their property destroy their rural lifestyle, health and wellbeing I now know how the aboriginal people feel when large well organized companies encroach on their lands. At the first meeting we were told by West Wind to get any objection we considered in promptly within 3 weeks so that they could be considered; but now we know that these could have been used against us when West Wind were presenting as they seemed to be knocking out all our objections. We later discovered that the early objections were discarded as no project had at that time been applied for. Discarded we hope or maybe handed to West Wind.

I and my family are not against wind farms as long as they are in the right location and do not destroy people's health, wellbeing, the environment and landscape. In Australia this should not be too difficult. The Panel hearing was a complete sham and should be disregarded. We desperately need an arena to appeal in but this has been denied to us. The Supreme Court is too costly; our only light is this Senate enquiry. Please help!

Freehills, a large international Law and finance firm specializing in all aspects of wind farm construction and renewable energy represent wind farm proponents and it is almost impossible for ordinary people to get their concerns recognized. We were all taken by surprise at the hearing. It was a David and Goliath battle and this time David was beaten. I hope I am wrong but I have the opinion that because Ballan is considered an area with a lower socio-economic population the Proponents know that they can afford to feel confident that their development will go ahead because we simply do not have the resources to fight them. That is not democracy at work.

Objectors have been criticized for being selfish and not thinking of the good of the planet. Decisions by planning departments are made in the city by people who do not

have any idea of what it is like to see the landscape destroyed with no thought to the people who have the responsibility for caring for the land, producing food and caring for breeding stock.

### **Fire Risks**

A final area I have not touched on is the very real risk of fire hazards. Turbine fires do happen and as turbines age and become worn the risk of them catching fire increases. We are situated south of the Western Freeway and between there and our property and the proposed wind energy facility is a large and very dry Whipstick forest. If a fire starts north of where we are situated and the CFA has a regulation that it is not to go any closer than one km of a burning turbine to put a fire out but must let it burn out, we are then in great danger of being burnt out ourselves. Local brigades will not be able to fight fires effectively because of this restriction. The positions of the turbines greatly limit the capacity of aerial fighting to be effective. Black Saturday on February 7<sup>th</sup> 2009 and the tragedies of Marysville and Kinglake are still quite fresh in my mind. I was involved in the 1983 Ash Wednesday fires near Warrnambool as a CFA First Lieutenant and I have a very healthy respect for out of control bush, forest and grass fires. I was given the responsibility of destroying many burnt and injured animals. As I type this there is a hot northerly wind outside and the temperature is nearly 40 Degrees C. It is days like this that I fear even though we are very close to the CFA headquarters at Fiskville as now, if the turbines are erected, their work will be hampered.

### **Conclusion**

In Conclusion we would like to thank Family First Senator ,Senator Fielding for making this enquiry possible as we really felt that we were let down by democracy, and federal and State governments. From a business point of view the value of properties near Wind turbines is an enormous problem: the injustice of consequences is horrendous. Something has to be done. The economic consequences and the flow on effect to mortgagees, bankers, property valuers, Real Estate agents, all will have disastrous results. Wind farms need to be where they cause no problems. We have to protect our fragile environment, native flora and fauna, peoples' property, peoples' health. As responsible Australians we owe this to our future generations.

Frank Kearns



