

Submission to Enquiry: The social and economic impacts of rural wind farms

Submitted by Hamish Cumming.

My submission is in relation to section d) and e):

- (d) The interface between Commonwealth, state and local planning laws as they pertain to wind farms; and
- (e) Any other relevant matters.

I would like to concentrate my submission on the Planning Panel process and the liberties consultants and proponents take to ensure the projects have the best chance of success even if truth, community and common sense are the casualties.

I would also like to comment on the fact there seem to be no penalties for bad behaviour of proponents and consultants which causes tension and splitting of communities. Community tension is further exacerbated by the apparent lack of intervention by the Police, even where intimidation, assault and arson are used as tactics to deter opposition to the wind farm projects.

Planning

The main flaw I see in the planning process is that the consultants are given free rein to do and say what they want with no ramifications or penalties if they mislead or deceive the reader of their reports. There is no crossover of information between state and federal environment bodies unless objectors force it. For instance I have been involved in two projects where it was decided based on consultants' reports that no EPBC action was required, yet using DSE data and some additional information both federal decisions were overturned. The EPBC referrals were reassessed and controlled actions were put in place for both projects. DEWHA and DSE should have come to this decision on their own without the intervention of an objector like myself.

There was a parliamentary inquiry into fast tracking the approval process of wind farms in Victoria. This enquiry came up with many recommendations, as shown in the box below, regarding development of enforcement provisions against consultants using false and misleading information, as well as a code of conduct, and random auditing of environmental assessments.

RECOMMENDATION 8.5

The Victorian Government should insert provisions under both the *Planning and Environment Act 1987* and the *Environment Effects Act 1978* in relation to false and misleading information, similar to the provisions in the *Environment Protection and Biodiversity Conservation Act 1999* (Cth). p209

RECOMMENDATION 8.6

The Victorian Government should support the development of a national Code of Conduct for environmental consultants through the Council of Australian Governments in accordance with Recommendation 24 of the Independent Review of the *Environment Protection and*

Biodiversity Conservation Act 1999, or alternatively, develop a Victorian Code of Conduct, which should be made enforceable under an appropriate mechanism. *Page 209*

RECOMMENDATION 8.7

The Victorian Government should implement a system of random auditing of the adequacy of wind farm referrals and environmental assessments and the accuracy of predictions made in assessments. The results of the audits should be used to inform decisions in relation to enforcing the Code of Conduct as well as feed back into the improvement of the assessment process. p210

The government at the time did not implement the recommendations. I have asked the new Victorian government to implement the recommendation outlined above, but so far I have had no response to my correspondence.

Government Agencies not doing their job under Victorian Labor Government.

I have personal accounts of trying to get wind farm companies, consultants and government departments to do the right thing from December 2007 right up to today. I managed to have EES referrals overturned, EPBC referrals overturned and controlled actions put in place. All this was done by showing clear evidence that the consultants' reports were omitting key known and publicly available information. I personally believe I should not have been required to do any of this – I believe it was DSE's responsibility to have ensured the consultants used all the available information in the first place, instead of letting proponents get away with their standard practice of omission.

I am a farmer and an engineer who has had to put my contract engineering business on hold for the past 3 years to stage this fight. The cost to me in lost chargeable hours was approximately \$300,000 at the time of the Mortlake Planning Panel in March 2010 – it would now be close to \$400,000 because the same consultants are still out there at other locations still peddling the same dubious reports. I will continue to fight them with evidence, logic and proof until they either start behaving ethically or the government starts to penalise them for trying to mislead and deceive the planning process and the Planning minister.

Over numerous wind farm proposals it is repeatedly the same consultants, be it noise, visual impact, environmental assessment or bird death modelling. Panel after panel the consultants work is questioned, shown to be wrong at best and intentionally misleading and deceptive at worst. But nothing is ever done to stop the consultants doing it again and again. If there are no objectors, then proponents and their consultants get away with the deception, projects are approved and no one is the wiser until after the turbines are built. It is too late then for the people who get sick, for the birds that have died and for the RECs that are paid even though no greenhouse gas has been saved. There has been no real post-construction analysis, no penalties for breaching permit conditions and no prosecutions for fraud. It has only been in very recent times when the proverbial is starting to hit the fan at Waubra, Portland, Toora and other locations, that concerns about noise are finally being listened to.

Finally sick people are getting an ear and some are being compensated (bought off by the wind farm companies to try to keep a lid on the problem and stem the potential court cases that will

follow). But the problem just keeps getting bigger and bigger and will rival asbestos and tobacco claims in the future if the planning applications are not given the proper scrutiny that projects deserve. Governments must start saying no to inappropriate sitings of wind farms.

Victorian Liberal Government starting to ask questions.

Finally questions are being asked by DPCD about the massive bird kills or bird absences which consultants claimed in their pre-construction reports would not happen (even though years of bird death information and studies showing birds leaving habitat within 3km of turbines was available from overseas turbine installations).

Every wind farm installation in Victoria seems to have issues. People getting sick, or native birds being killed or scared off from their traditional nesting and feeding ranges, loss of land value and lost tourism. It is time that the planners put the wind farms in locations where these issues do not arise, and produce overlays for areas where turbines can never be built. Finally DPCD are asking questions about whether wind farms are meeting their permit conditions regarding noise.

Community Division and harassment

For my outspokenness I have been personally victimised, threatened, harassed and labelled in the media as a 'lone objector' by wind farm companies. For the Mortlake proposal the proponent kept saying I was the sole objector, when in fact over 100 objections were lodged. I have presented at the Parliamentary enquiry and two planning Panels and suffered accordingly. I was offered \$500,000 to remove my objection to one proposal, but I chose not to. I was threatened by a consultant's solicitors as to what they would do to me if I presented at another panel. I have had written threats and bottles of petrol left at my gate with threatening notes. The police did nothing even though I had photographs of a suspected vehicle and witness confirming no other car used the road the morning the threat was left. The Police said all they could get them for was littering!~!!!!

Then a week before one of the panel hearings I had two woolsheds and three hay sheds burnt to the ground in the early hours of the morning. This was not the first fire, a house on the property had been burnt down about two years before. Some say it was an early warning. The police reported the first fire as not suspicious and no known cause, even though the insurance company not only said it was arson, but said how and where the fire was lit. The insurance company also named the police detective present and said they took the arson evidence back to their station. This is the same policeman who wrote up the report saying the fire was not suspicious and the cause of it was unknown. I had to get the police commissioner involved before the Policeman finally corrected his reporting to arson.

Lack of Police interest and crime prevention in relation to wind farms.

With the March 2010 fires the police interaction is even stranger. It will be a year since the fires, yet still they have not taken a statement from me, tenants in the houses on my property or my neighbors. The insurance company said that the police detective had told them not to send their forensic investigators down, which they said was a first. Just a few days after the fires two other landholders were visited by persons trying to "encourage them" not to present at the panel hearing. All three of us still presented and the consultants work was shown to be flawed and the project did not receive a planning permit for the half of the project that I was objecting to. As I said, that was nearly a year ago and to my knowledge the Police have not taken a single statement.

This was my personal account, but the same thing seems to happen at many other wind farm locations. Usually people take the money offered to withdraw objections, or are scared off by the threats, or in some cases physical beatings. The police seem to do nothing, as if there was some sort of government directive by the previous government not to get involved, or to turn a blind eye to the actions which support development. One case I know of (and I hope the persons affected come forward to this enquiry) a person would not be bought off or intimidated so a number of people “encouraged” him to back down, one of the persons reportedly involved in an “encouragement beating” was an off duty policeman. I understand this objector got himself a second beating when he tried to report what happened.

A regional Mayor told me a shire planning department employee was beaten to “encourage” the shires planning position on one project, and an environmental group had a person beaten to “encourage” their withdrawal of evidence from a panel.

People were harassed, threatened and intimidated at the Sisters, Macarthur, Portland, Yambuk, Mortlake, Berrybank, Waubra, Evansford, and many other locations when they objected to wind farm proposals. One person withdrew their objections and ended up agreeing to host turbines after the shed next to their house was shot up with rifles one night. They were too scared to object any longer.

My hope for the future.

I am hoping that with a new government in Victoria there is a new attitude. I hope this new attitude will continue to take notice of the concerns of people regarding their health and community cohesion. I hope also that the environment of native birds and plants and animals will be given greater consideration than the money-making concerns of wind farm companies, forcing them to only site the wind farms in appropriate locations. I hope the real greenhouse gas usefulness (or lack thereof) of wind farms will be openly and honestly discussed by government and society, and that the RECs are only paid for real net GHG reductions. I hope all these things not only come true in Victoria, but will be considered as relevant throughout Australia.

I will be taking my personal situation up with the New Police Commissioner and the New Police Minister to have the matter opened up for an investigation into the persons concerned for both the fire attacks at my property.

I thank you for the opportunity of making this submission.

Regards,
Hamish.