



DAVID MAUGHAN  
ARCHITECT

Thursday, February 11, 2010

2009 Victorian Bushfires Royal Commission  
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[enquiries@royalcommission.vic.gov.au](mailto:enquiries@royalcommission.vic.gov.au)

Dear Sir,

McHarg Ranges Central Victoria

My Wife and I were asked to join the Mitchell Shire Bushfire Recovery Group to represent the Tooborac area. Throughout 2009 we have had many meetings to discuss the issues arising out of the fires that devastated our State in that year. Although Tooborac was not burnt out, the town and surrounding areas was under threat for a considerable time during the days following Black Saturday with all the fears and apprehensions the fire at Redesdale on one side and the Kilmore East on the other, brought to this community.

From the meetings with the MCRAAG group it has become obvious to me that local residents have not been listened to by Authorities and we have found that our approach to Government on matters concerning residents in this area are being ignored which is the opposite to what is headlined in the press.

This submission is to place on the record the community's concerns for the future. It is with this hope that the Commission will at least take note of this and reach a conclusion based on common sense rather than bureaucratic opinion devoid of local knowledge.

The Tooborac and MchHarg Ranges is fast becoming part of the rural urban interface and is slowly being recognised as such. The Victorian Government publication "Understanding Rural Victoria (Barr 2005) disaggregates rural Victoria into four distinct zones. The Tooborac area and the ranges is part of the rural amenity zone or adjoins it, this is becoming well established to the changing values of land from purely rural production to lifestyle.

Justice Leonard Stretton the Royal Commissioner appointed by the Victorian Government into the 1939 fires made some incisive insights into departmental rivalry when he stated "public departments who, being our servants, have become so much our masters that in some respects they lose sight of our interests in the promotion of their mutual animosities"<sup>1</sup>. This observation could apply to the Ministry of Planning and other departments that are so blinkered and so focused on promoting their own ideas when it comes to the development of wind "farms" that they simply ignore, other deeply concerned views, whether they are local residents, councils, or the local CFA to name but a few. No doubt there are many others including responsibility for future control of facilities, the management and ownership of transmission lines, the enforcement of permits and obligation of the proponents and the responsibility of the control and reporting of incidents including a fire that maybe the result of a turbine catching alight.

The planning issues that have arisen during our meetings with the MCRAAG group and one with VBBRA, has highlighted inadequacy in the planning arena. In Tooborac/Pyalong a planning issue that

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<sup>1</sup> Paul Collins "Burn" Page 125

the local Councils, the State and Federal Government ignore is the inherent danger of building a wind farm on land that has been identified as high risk. The local residents have genuine fears that any industrialisation of the McHarg Ranges will be a catastrophe waiting to happen.

A proposal to build 100 wind turbines in this high fire prone region defies all common sense. I refer the Commission to local knowledge and point out one resident for example who has lived and owned property on and adjacent to the McHarg Ranges for a period of some fifty years. This person is Lady Marigold Southey, a past Lieutenant Governor of Victoria and someone of considerable respect and standing in the community who has tried to advise Premier Brumby and the State Government of the potential danger that this project will bring to the area. The Premier referred her via a secretary's response to her letter, to the Minister for the Environment who referred her to the Minister of Planning which in colloquial terms was a case of "passing the buck". This is a shame for her wealth of knowledge of the area I would have thought was invaluable. Further weight to her authority could be given by her manager Mr David Anderson who is the local CFA fire captain. Mr Anderson has brought to the attention of many of us that to fight a fire in the McHarg Ranges is extremely difficult because of its terrain and thick bush cover in many places. The area is strewn with great outcrops of granite boulders and escarpments that make fire fighting from the ground in many areas impossible. He explained that the most effective method of combating this is by air. The building of 100 turbines on the Ranges makes fighting fire with aircraft extremely dangerous and in and around the towers would be prohibited.

Transfield the proponent of this project told a meeting called by the Macedon Council held on the 9<sup>th</sup> February 2010 that their policy is to let the towers if they catch alight, burn themselves out. This is a preposterous proposition for on a day like Black Saturday, the fire would spread far beyond the confines of the tower. I think everyone of us at that meeting were aghast at this method of fire control proposed by Transfield's Mr Terry Johannesen. He went on to say "fire is not a big risk with turbines as the statistics are one to ten thousand". A fire occurring in this manner even at this statistic, is on the law of probabilities one opportunity far too great to allow such a development. However this statistic becomes much more frightening when you do the math taking into account one hundred turbines, the odds of a fire occurring becomes much greater. Of all the open areas available in Victoria far away from homes and towns and perhaps on single holdings, the development of this industrial complex amongst hundreds of residents, when you add the townships of Pyalong, Tooborac and Heathcote in close proximity would be a disaster waiting to happen. Transfield was questioned about the dangers of lightening striking the towers, it was countered by the explanation that lightening rods were built into the structures. This maybe, but it does not necessarily mean that all potential ignition that could be started by such an event won't eliminate one hundred percent the dangers of a fire being started, in fact lightening rods in themselves can cause a problem especially as they are grounded in the adjoining surrounds. Again we are told the statistics of this happening are remote. When you consider that power lines may be the source of the Kilmore East fire, you can hear their words echoed in the past, but as we have seen we could be burnt out through a statistic being given more weight than common sense. Granite country is renowned for lightening strikes. Exposed granite boulders and outcrops attract lightening because of the nature and composition of their geological structures. 110 metre tall steel structures will simply add by 100 the propensity for lightening to start a fire especially when 100% protection is not possible

I speak with some experience as a past resident of Jackson's Road St Andrews where my brother and other friends were recently burnt out, and my residence there for 13 years ingrained in me a fear every summer that one day like where I was brought up in Lilydale, the Kinglake National Park would explode as did the Dandenongs during my early years. I experienced a similar terrifying event that many have suffered during Black Saturday when I witnessed my farm at Yarra Glen being completely burnt out in a matter of minutes as a result of the Christmas Hills fires in January 1962. However this fear has returned to my family, for instead of a National Park threatening us we are now going to be subjected to a man made potential catastrophe that commonsense indicates that it is avoidable by making such a development inappropriate on the McHarg Ranges as it has been prohibited in the Macedon Ranges nearby.

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The Liberal Party can see the merit of this action and has made it their policy that the Macedon Ranges and the McHarg Ranges are prohibited to the development of a wind farm. If this is so obvious to one political party why won't the present Government take our concerns seriously for in this area one to ten thousand is a statistic too high to contemplate. This is exacerbated when you add the overhead cabling that will be necessary to transfer the power to the grid. Generally the power is supposed to be reticulated underground however the Minister for Planning can allow the cables to go overhead through easements acquired by compulsory acquisition. This will occur in this granite country for again through local experience it is impossible to put cables of this nature underground.

Planning is an issue that briefly has caused a great deal of concern to residents in the area. Simply put, planning in any meaningful way has been taken away from residents by the Government. This is to bypass perceived difficulties that arise through local resident's serious concerns that may delay the inevitable for it seems on past applications it is *au fait accompli*. The serious inroads on residents democratic rights has been stripped from them and local councils. The Minister becomes the all powerful entity with the sole right to decide the fate of those involved without the right to be heard or appeal. The Minister has the discretion to virtually do as he wishes. In one fatal sweep the people most affected are simply taken out of the equation. Any wind farm over 30MW is a planning matter that can only be decided by the Minister. He may on receiving an application for a permit simply call it in and that is the end of the matter, or at his discretion refer it to a tribunal appointed by the Minister that by its very nature can't be seen as transparent, independent or at arms length. Expert opinion on fire hazards and other matters is usually a matter for the proponent who by the nature of their engagement cannot be seen as unbiased, transparent or at arms length. When one reviews the process it is becoming clear and all too familiar that the true meaning of democracy and people's democratic rights is being eroded and made impotent. When Government's believe in experts opinion over that of local knowledge this is and has been seen as highly dangerous. The planning process as it now exists allows the Government to only listen to what it wants to hear.

Wind turbines are a rush by Governments to make symbolic gestures in their haste to tackle climate change. This haste is seen by local residents as a form of dictatorship that is the start of a slippery slope.

This submission should be read with my previous ones sent to the Commission. I am not a lone voice with respect to this matter and I am sure both the Macedon and Mitchell Shires as well as Transfield the proponent will attest to the deep concerns and the lack of consultation that surrounds an avoidable situation by simply taking the McHarg Ranges out of the equation and making wind farms a prohibited use in this area. I make this plea that government's take seriously citizens concerns when they have local knowledge such as Lady Marigold Southey and whose opinions should be given equal weight to experts who are engaged in such a manner that in this matter cannot be considered independent or at arms length.

I sincerely hope that my concerns will be given due consideration and common sense will prevail, and our fears of being burnt out or perhaps the loss of our lives can be reduced by the prohibition of the building of one hundred turbines being prohibited. To contemplate a combined combustible material of 20,000 litres of oil (according to Terry Johannesen each hub contains 200 litres of oil) This amount of highly flammable substance suspended 110 metres above the ground should not be allowed on the McHarg Ranges.

Why fight one potential catastrophe (climate change) with another potential catastrophe?

Sincerely,

David Maughan.



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Sunday, April 11, 2010

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Dear Sir,

McHarg Ranges Central Victoria W.M.O.

I enclose a copy of a letter from the "Department of Planning and Community Development". This letter was written by the Executive Director Mr David Hodge to a neighbour of mine in Tooborac following questions that were raised at a meeting with the Minister for Planning, Justin Madden MLC on the 26<sup>th</sup> February 2010.

I have brought to the Bush Fire Royal Commission's attention through several submissions with respect to the Wild Fire Management Overlay (WMO) that was virtually removed from the MchHarg Ranges in 2006.

Enquiries to the CFA and the Mitchell Shire Council as to why the WMO was removed from the MchHarg Ranges were forwarded to you and my submissions highlighted the obfuscation and the differing reasons for this action. The letter enclosed, further highlights these inconsistencies and in fact the following quote in the letter states *'based on criteria considered valid at the time of its introduction but is inconsistent with that currently in use, and which would not satisfy present day assessment methodology'* is most disturbing, for in my opinion it does not make sense. In the light of the fact that the Redesdale fire practically mirrors what was once the old fire overlay (now removed) the 'assessment methodology' would be highly questionable. The so called 'public information session held in January 2005 at the CFA station in Seymour, and the statement that CFA Officers also took part in a number of meetings with landowners on selected properties' beggars belief, for my enquiries with the major land owners in the Tooborac area covering thousands of acres, confirmed suspicions that this did not occur in and around the MchHarg Ranges. Three prominent land owners in this area Mr Andrew Thompson the past CFA Fire Captain at Tooborac, Lady Marigold Southey and her Manager the current CFA Captain Mr David Anderson, and a past President and Mitchell Shire Councilor Mr Don Paterson knew nothing of this meeting and were not approached about the WMO's removal.

The WMO, amendment C.32 referring to the WMO being 'increased' may be true for other areas in Victoria mentioned in the letter, but it is certainly not the case for the MchHarg Ranges, and I refer the Commission to my previously enclosed map. The letter from John Boal (Manager Community Safety North East Area) to a neighbour Mr Brian Ellis on the 4<sup>th</sup> November 2009 and the letter to the Member for McEwan Hon. Fran Bailey MP from Bill Braithwaite (Chief Executive Officer Mitchell Shire Council) on the 6<sup>th</sup> July 2009 and the latest version sent to Mr McLaughlin from David Hodge (Executive Director, Planning Services and Development Facilitation) are about the same subject. They are confusing, inconsistent, and what appears to be a certain effort to obfuscate the truth behind the removal

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of the WMO from the McHarg Ranges results in many residents in the Tooborac area believing that what appears to be the secret nature of this removal, was done to simply facilitate the planning process to remove a considerable obstacle to a planning permit being issued for the erection of one hundred or more wind turbines by the proponent Transfield Services.

I ask the Commission on behalf of many Tooborac residents for the WMO to be re-instated, and if anything broadened, to cover the entire McHarg Ranges. This would make industrialisation of the area subject to much stricter controls with respect to the ignition of fire that may lead to a catastrophic bushfire event.

The proponents of a development such as a wind farm should not include the local CFA as their primary method of control and safety. In fire prone areas they should be totally responsible and liable for any outbreak and fire prevention officers and equipment should be employed and made available throughout the fire season and located in the area. Residents affected by fire from such a development should be able to seek redress and compensation from the land owners where the towers are located and or the lessees (the proponent). The question arises why should local volunteers many who do not want such a development be part of a fire prevention plan for a privately owned dangerous development? Fire in turbines is not uncommon, and instances worldwide are on the record and readily accessible via the internet. As these type of developments will require substations and power lines on a massive scale to be run over large distances through land of a high fire prone propensity, they should be prohibited or at least all electrical cabling be placed underground so that a short circuit or a fault in the open cannot occur. (Note: as the McHarg Ranges consist of massive granite reefs and boulders, it would be impossible to locate the cabling underground). The Commission should be aware that the Minister for Planning has the power to waive the conditions placed on a proponent to place all cables and transmission lines to the grid underground. This is clearly stated in the general clauses of such permits for wind farms. This Ministerial discretion should not be allowed under any circumstances. (Copy of relevant page included).

I would be happy to send copies of any documents mentioned in this letter if the Commission requires them, however my past submissions included these items.

The removal of the WMO from the McHarg Ranges brings into sharp focus the lack of accountability, and responsibility for a major change in which so many people are affected directly.

I look forward to the Commission's deliberation on these most worrying matters.

Sincerely,

David Maughan.

cc. Hon Fran Bailey MP  
Hon Ben Hardman MP

Encs: Copy of a letter to Mr Peter McLaughlin from David Hodge Department of Planning and Community Development  
1.4.2010  
Copy of page 4 paragraph K Planning and Environment Regulations 2005 For 11 Section 97F



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Friday, October 30, 2009

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Dear Sir,

McHarg Ranges Central Victoria W.M.O.

Further to my submission to the Victorian Bushfires Royal Commission on Thursday May 7<sup>th</sup> 2009 and your reply dated 12<sup>th</sup> August 2009. I am enclosing a map showing the original Wildfire Management Overlay in the Mitchell Shire Planning Scheme and the amended Wildfire Management Overlay as amendment C32 approved by the Minister for Planning on the 14<sup>th</sup> December 2006. I have also overlaid the Redesdale 2009 bushfire interim map from the Royal Commission interim Report and a rough indication of the bushfires on these ranges in 2005 and 2007. I have indicated in purple those land holders that have caveats over their properties in favour of Transfield for the purposes of creating a wind farm of up to 100 wind turbines.

My concerns are according to the Mitchell Shire Planning Department is that the Minister for Planning took the extraordinary step of exempting the Shire of Mitchell from notifying those affected by the overlay being reduced, as well as not notifying the local C.F.A. Fire Captain Mr David Anderson or the previous Fire Captain Mr Andrew Thompson. David Anderson's enquiries with the Regional Officer when told the overlay had been removed in essence replied "that's the first I have heard about it". My map illustrates a more intriguing aspect of this matter that is the fire overlay, now in place is reduced to very small pockets of land and does not occur on adjacent land holdings that have Caveats placed on the titles by Transfield.

I enclose a copy of a letter to the Member for McEwan Hon. Fran Bailey M.P. from the Mitchell Shire Council. It raises more questions than it answers. The statement that the C.F.A. was the proponent of amendment C32 and the Council was merely the facilitator of the amendment as the "Planning Authority" is at best denying responsibility and at worst in the way it was done borders on the negligent. A Wildfire Management Overlay is a very good tool or indicator of the dangers of some areas over and above others that may be at risk but not to the same degree.

If this W.M.O. was removed to facilitate a Wind Farm to be built in such a fire prone area it is nothing short of scandalous.

My enquiries to the Planning Department with regards to this matter was even more evasive and unconvincing as the Shire does not appear to have copies of C.F.A. maps showing the detail of the amendment, which was supposedly prepared by the regional division of the C.F.A. yet the regional officer at Seymour appears to know nothing about it.

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It seems incongruous to me that the original fire overlay covered most areas affected by past bushfires in the McHarg Ranges in contrast to the new wildfire management overlay which sits snugly into title boundaries not covered by caveats imposed by the Wind Farm Proprietors.

In Paul Collins book "Burn" page 144 he states during the 1943-4 fires and I quote "Central Victoria was also badly hit. A wide area of forested hill country with Kyneton at the southern end, Heathcote in the east, Castlemaine in the west, and Bendigo at the northern end, was burnt in a series of fires with the loss of 30 houses and two churches, as well as stock, fencing and pastures. The town of Glenlyon had a lucky escape when most of it was saved because it was surrounded by potato fields". The area he refers to would include the McHarg Ranges for it is in the centre of the area he describes. With a fire in 2005, 2007 and the Redesdale fire in 2009 and many previous outbreaks back as far as 1943-4 my plea is why burden an area with other risks however small. Power lines criss crossing the area and being placed in easements compulsorily acquired through neighbors' properties who did not want the industrialisation of the McHarg Ranges in the first place is causing enormous unrest and apprehension to most of the 109 residences in and adjacent to the McHarg Ranges as well as the township of Tooborac. The local school is most vulnerable and I have joined the Mitchell Shire Recovery Group to lobby for funds to make our local hall a safer refuge before the bushfire season begins in earnest.

I make an unequivocal plea to the Commission to recommend to Government that this type of development is inappropriate in what is well known as a high bushfire risk area.

Proponents stress that the propensity for a turbine to catch alight is very small and as I stressed in my original submission one caught alight in South Australia on the 3<sup>rd</sup> February 2009 on one of the Roaring Forties projects. Vestas Wind Systems (maker of turbines) in their general specification for wind turbines indicates that a turbine operating in temperature greater than 30°C is operating outside of manufacturers specifications. Increasing temperatures due to climate change would indicate many more days when the turbines should not operate, and with each hub required to be filled with 160 litres of oil, the prospect of 100 turbines each with this quantity of oil adds up to 16000 litres of oil across the Ranges plus the overhead power lines, would be a recipe for a catastrophe.

I thank you for accepting my previous submission and I hope this addendum will be read in conjunction with it.

Sincerely,

David Maughan.

Encs: Fire overlay map (composite) author David Maughan  
A letter from the Mitchell Shire to the Hon. Fran Bailey MP  
A copy of my original report to the Commission.



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Thursday, May 07, 2009

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Dear Sir,

This submission is part of the Commissioner's enquiry into the preparation and planning by Governments in identifying potential bushfire threats and risks. Wind turbines fall into this category.

The industrialisation of rural land that is recognised as an area prone to bushfires is an anathema and counter productive. 'Likely causes of the Kilmore-Kinglake fires on Black Saturday were fallen power lines or the failure of other power equipment' (The Australian Tuesday may 12, 2009).

A potential risk would be the proposed building of one hundred wind towers on the McHarg Ranges in Central Victoria. The accompanying maps show the location and possible spread of fire from this development.

Wind farms bring an industrial activity to a rural area. Where there is the potential for a bushfire to start in an area that has been identified has high risk, this type of development should not be allowed. The Country Fire Authority in their Emergency Management Guidelines for Wind Farms Version 3 April 2007 has identified four opportunities for a fire to start in each turbine and a further opportunity in transmission to cause a fire. They are as follows – malfunctioning turbine bearings; inadequate crankcase lubrications; cable damage during rotation; and arcing occurring during transmission.

The Mitchell Shire Council has placed a Wildfire Management Overlay on the McHarg Ranges and therefore it must be considered high risk.

This district with its rugged and inaccessible rocky, unstable granite outcrops, valleys, bush, commercial tree plantations and other native plantings, if ignited by whatever means, has the potential to cause unstoppable explosive forces that may quickly engulf the whole area in a fire ball. The Redesdale fire in February 2009 came very close to the McHarg Ranges and if this had occurred, it could have quickly spread to the township of Tooborac, jumped the Kilmore Bendigo road and spread into the Tooborac State Forest endangering Puckapunyal and Seymour. Wind changes could see a potential to put the township of Heathcote at risk or in the other direction

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Pyalong and further to Kilmore. The enclosed sketch illustrates how the McHarg Ranges is central to the most fire prone areas in Victoria. Any fire on these ranges could quickly spread, depending on the wind, to places like Lancefield, Macedon, Kyneton and the Cobaw State National Park. In every direction from the central point there are many State Forests and Parks which are potential explosive points with surrounding high density populations for a rural area

As a past resident of Jackson's Road St Andrews/Strathewen from 1970 until 1981 when we were one of the very few residents in this road except for the late George Jackson, we have witnessed many who have built since then in that fire prone area and were attracted to do this because of the love of the bush. A similar development is taking place around the McHarg Ranges because of its scenic beauty, sculptural granite rocks and only one hours drive from Melbourne. Within three kilometers of these proposed wind towers are one hundred and Nine residences not including the many homes in Tooborac, Heathcote and Pyalong.

Of some interest to the Commission and as an Architect who has seen fires in the Yarra Valley in the 1960's where I was brought up and some fire activity in the St Andrews area in the 1970's, the house we live in was specifically designed with this fact in mind as it is in a fire prone area. The house has a metre of earth over eighty percent of the roof area. It is built into the saddle of the hill with concrete slab re-enforced brick and concrete external walls and a re-enforced concrete roof covered by one metre of earth. The earthen roof is sprinkled and the grass kept green. I mention this for it highlights my concerns of the potential risk in the McHarg Ranges when I designed the house in 1982.

The natural potential risk such as lightening strikes, for the granite attracts lightening, or the careless use of farm machinery, or those that are deliberately lit such as occurred a couple of years ago on the Pyalong Road just off the Lancefield Tooborac Road, are fears those who choose to live in the area have come to deal with each year. However to add the potential of a fire starting from one of the one hundred proposed turbines (see enclosed map) is avoidable simply by not allowing them to be built in such a fire prone area. The simple arithmetic taking the CFA's potential four opportunities that could start in one turbine gives the frightening possibility that the odds are multiplied one hundred times. Four hundred possible additional potential ignition points on top of what already exists would be tantamount to irresponsibility on any Authority's part. **It is this potential that the CFA guidelines should be reviewed and a more stringent code be drawn up with the simple proviso that no wind towers should be built in a recognised fire prone area such as the McHarg Ranges.**

Proponents of the wind turbine industry make statements that the risk is slight and that the turbines would be closed down on days of total fire ban. These platitudinous statements, are expressed to allay fears by residents and authorities. The evidence suggest other wise for as recently as the 2<sup>nd</sup> February 2009 a turbine caught alight and started a fire at the Cathedral Rocks project in South Australia. This wind farm is in a remote South Australian location near Port Lincoln on private farming land and covers an area of twenty nine square kilometers. A copy of the Media Statement is attached. Several matters arise out of this release. The fire was noticed by local fishermen and not by the operators of the wind farm. The fire was contained by the

local Country Fire Service and not by the operator. This highlights the fact that monitoring of these turbines is not being done in a diligent manner and incidents are reported by local observations and the fire is contained by local volunteer firefighters. This places a tremendous and onerous task on locals and neighbors, having close to what can only be described as a dangerous industrial activity, with the potential to cause a fire as easily as striking a match, throwing away a cigarette butt or starting farm machinery in the dangerous periods of summer. For the Proprietors of wind farms to state that the turbines will be shut down on days of total fire ban, is grossly inadequate. Further they should not be allowed to operate in summer when any day can have the potential of creating a catastrophe especially when to contain an outbreak in country like the McHarg Ranges is in many areas completely inaccessible because of the steep and rocky terrain.

In summary the McHarg Ranges is recognised as fire prone, and of high fire risk, and by the very fact that the Mitchell Shire has placed a Wildfire Management Overlay over the area where a proposal to build one hundred turbines are to be located the project should be disallowed. The Prime Minister Kevin Rudd in his speech at the Memorial Service for victims of “Black Saturday” stated – “Governments have failed, let us resolve that we do not fail those in the future”. This opportunity to preempt a potential catastrophe should not be missed.

Sincerely,

David Maughan.

Encs: Web announcement by Roaring 40's of turbine fire at Cathedral Rocks South Australia

Photographs of wind turbine fires

Melway's Map of proposed wind tower location in relation to 2009 Black Saturday fires.

Map of possible location of 100 wind turbines above the 500 metre contour in the McHarg Ranges.

Sketch of possible fire spread from the proposed centrally located wind farm on the McHarg Ranges.