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## **FRWF Stage 1 Pty Ltd – Consultation on Electricity generation licence application**

Re: Flat Rocks Wind Farm Pty Ltd Submission

From: Elizabeth Mary Atkins

- Owner/Director/Shareholder of Robinsons Yarranup Pty Ltd which is the registered proprietor of 20 individual freehold land title Lots in the Kojonup Shire
- Immediate neighbour to proposed Moonies Hill Pty Ltd, (Developer) FRWF Enel windfarm (Development).

I make this submission/public comment in relation to Flat Rocks Wind Farm Pty Ltd's Stage 1 (Proponent) application for an electricity generation licence.

### **BACKGROUND**

I confirm that I am the owner of a one third interest and a director and shareholder of Robinsons Yarranup Pty Ltd as to a two third interest of 20 individual rural properties comprising a total of some 3600 acres, with each individual lot ranging in value from \$500,000 to \$1,000,000 in the Kojonup Shire which collectively are currently farmed and known as Yarranup.

Since this Development was first proposed by the Developer rural land values in this area have more than doubled which reflects this area as having a reliable rainfall, being prime agricultural land and ideally suited for producing both grain and livestock.

The amalgamated individual lots comprising Yarranup are farmed as a mixed sheep quality fine merino wool and oat producing rural enterprise located immediately to the south of Yarranup Road and traversed by Potts Road some 30 kilometres south east of Kojonup.

The properties were originally grazed as part of extensive landholdings by my great, great grandfather Captain John Hassell a pioneer in the West Australian merino wool industry who imported merino rams from France which had been gifted by the King of Spain at that time as a present to Napoleon where he kept them in stables at the Versailles Palace, our fine wool merino sheep can be traced back to that bloodline.

Hassell grazed merino sheep with shepherds around the Yarranup pools situated a couple of hundred metres from our homestead circa 1840. Yarranup was subsequently taken up as freehold over 120 years ago and has now been in our family for 5 generations where we continue to focus on and grow quality fine merino wool with up to 9000 sheep.

The Kojonup shire is a renowned sheep and wool producing area and was famous for being the first Shire in Australia as having over a million sheep in 1989. It is a significant rural town where people are attracted to the rural landscape and amenity, this all conflicts with such a massive industrialisation the Development presents on what is a unique part of Western Australia's rural landscape and history.

There are a number of dwellings erected on one of my individual properties, and the construction of two dwellings are allowed under the Shire of Kojonup Town Planning Scheme on each of my 20 individual properties. These properties individually have great intrinsic value as rural lifestyle properties as we have conservatively farmed them in a sustainable and responsible manner maintaining and enhancing native vegetation. If the Development was to go ahead the future potential of these 20 individual properties will be greatly impacted.

I can say that neither myself or the other director of Robinsons Yarranup Pty Ltd or any of the shareholders of the 20 properties comprising Yarranup have ever been approached by the Developer to either make us aware of the windfarm proposal nor have they made themselves available to discuss and resolve our legitimate concerns. We had thought and had been led to believe that the Development had stalled completely as their website had been inactive and not updated until relatively recently.

I am given to understand that the turbine heights were significantly increased from 150 metres to 200 metres and that turbine locations were moved. I was not consulted on any of this and I would submit that the Development as it now stands is significantly different to that when first proposed and approved.

#### SUBMISSIONS

The crux of my submission is that the grant of the electricity generation licence would be contrary to the public interest for the following reasons:

I believe the application by the Proponent for a licence to generate electricity at this time is premature as I understand that there are further regulatory approvals and management plans necessarily required from various regulatory authorities including both the Broomehill Tambellup Shire and the Kojonup Shire before "commencement of works" relating to Fire Management, Traffic Management, Noise Impact, Landscaping, Staging Electromagnetic Plans, as well as obtaining Clearing Permits in accordance with the provisions of the Environmental Protection (Clearing of Native Vegetation ) Regs 2004 including but not limited to, clearing of road reserves of native vegetation for interconnecting underground cabling, I am also unsure whether all relevant native title, heritage , water and environmental approvals have been obtained.

Alarming nobody is able to tell me exactly where the turbines are to be specifically sited to enable us to calculate how far back from our boundaries and how far away turbines are from our dwellings. I have still not seen a detailed plan showing the exact turbine locations with a scale sufficient to be able to do that. This is critically important to us.

This area generally within the Kojonup Broomehill Tambellup shires is not suited to a windfarm development on the enormity of the scale proposed as evidenced by the attached map which shows the multitude and patchwork of individual properties, this is contrary to the relevant guidelines, and the DPLH Position Statement: Renewable energy facilities (Position Statement) which provides windfarms should be sited on low value large lot broadacre cropping land, ie Walkaway, Enebba,

Badgingarra, Emu Downs, Cervantes, Dandaragan, Merredin etc where there is a lower density of sensitive receptors.

The Kojonup Broomehill Tambellup area is a high value, highly productive land area, with land values now of up to \$8,000 per hectare. The farm land is highly productive and is pretty, undulating heavily featured landscape with granite outcrops traversed with creeks and gullies. Our farm is one of the highest points in the district and the watershed for the two river catchments and enjoys spectacular views all the way to the Stirling Ranges to the south east.

There are nature reserves both totally uncleared with virgin bush and road reserves with gravel roads that host important native vegetation.

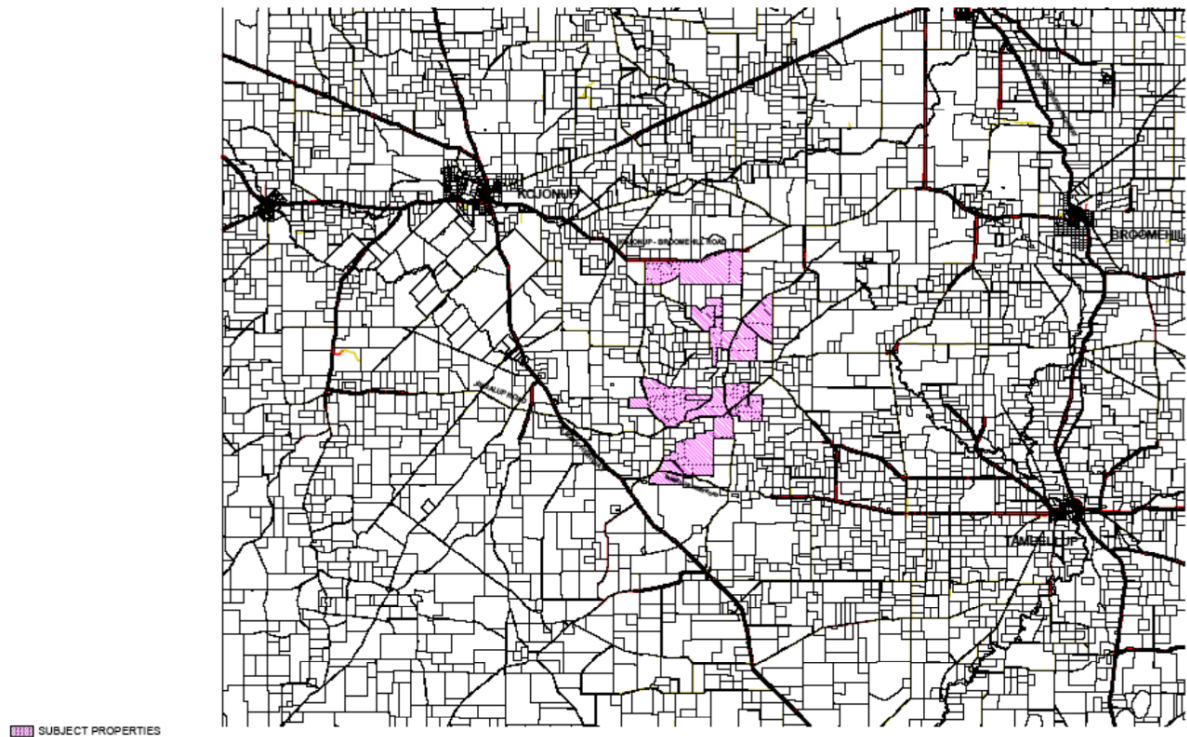
The area has European and Aboriginal Heritage value due to its scenic amenity. We have neighbours living on a small farm over the road from our boundary who are attracted to the rural lifestyle and amenity with its pretty country vistas where they can ride horses and take in the rural landscape and amenity.

The average property size in the area could be as low as 150 acres each and this reflects the high value and agricultural productivity of the land.

The Development is collectively not sited on a contiguous landholding, but it is rather situated in three highly irregular shaped separate landholdings over a scattering of a not insignificant number of individual properties over a distance of some 15 kilometres from north to south and is interspersed with other effected properties such as ours that are not part of the Development.

These landowners surrounding the proposed Development area have nothing to gain except being subject to an ongoing nuisance and deprivation of rural amenity

Please refer to the attached map. I understand there are currently no direct neighbours, (who aren't turbine hosts), that support the Development or at the very least would insist on the Position Statement and Recommendations being followed.



*Figure 1: Showing all the small landholdings that make up the windfarm area and the surrounding small neighbours' landholdings, (not broadacre, not large landholdings)*

As the windfarm is not on a contiguous landholding it is necessary to run interconnecting cabling across and along, for some considerable distances crown land road reserves which will necessitate the clearing of some of the few stands of remanent native vegetation. These roads and road reserves are some of the last bastions of native vegetation and important food sources and habitats for the local native fauna, our Potts Road frontage has important stands of quandong trees which are a rare and important food source to a variety of bird life and local indigenous people still come and harvest the nuts.

This is a traditional livestock production area and as such are not compatible with windfarms which are suited to low value, broadacre cropping areas as recommended in the Position Statement and Recommendations.

Last year we had an above average rainfall and this year we are off to another great start which goes well for more intensive type agriculture such as the running of sheep. The climate in the area with its reliable rainfall is ideally suited to oat cropping and sheep production, experience has shown that the region can be subject to frosts ( which are exacerbated or caused when the air at night is very still with no wind ) which can significantly impact on wheat yields .

Yarranup and the area generally has reliable rainfall, it represents a profitable valuable farming enterprise and it is most certainly not degraded as indicated by the proponents submissions. The Kojonup Shire being one of the first areas in WA taken up for farming is arguably some of the best farmland in Western Australia. I personally can vouch for how reliable and profitable farming in the area can be if you farm it in a responsible and sustainable manner for the long term.

To sterilise the potential for newcomers and industrialise this valuable rural farming area is short sighted when plenty of other areas within the state would be far more suited to windfarm use.

The current setbacks for where the turbines are proposed are as I understand as close as 50 metres from neighbours property boundaries and at distances close to existing dwellings that are well outside the Position Statements and Recommendations of 1,500 metres and will necessarily result in ongoing conflict and dispute which is clearly not in the public interest.

Approving the license for a proposal that does not comply with the Position Statement and Recommendations sets a dangerous precedent for future windfarm developments which is clearly not in the public interest.

The Developer says they have strong landowner and community support, I would challenge this as the key supporters in the local area are principally the very small number of landowners being three family groups in the two shires who were the original owners of the project, who actually will host the turbines, who will generate a rental income from those turbines, who have been funding the development and have now on sold the development to a foreign owned multinational company with no ties to the district.

This is reflected by the level of submissions received by the two local government agencies being ,  
-59 community submissions which were received by the Kojonup Shire in response to the planning application with

- 41 against
- 11 in support
- 7 undecided in Kojonup

-and in the Broomehill Tambellup Shire

- 20 submissions were made against
- 2 in support and
- 6 undecided ( source The Flat Rock windfarm stakeholder report )

- In a subsequent second round of submissions in that shire there was a total of 29 submissions with 20 against.

That is hardly a strong or resounding reflection of strong community support as presented. The Developer states in their stakeholder report that “the opponents accept the JDAP decision and wish the proponents well”. That is simply not correct in my case and a number of other stakeholder neighbours that I know .

The Developer should actively seek stakeholder inclusion and support as outlined in the Best Practice Guidelines for implementation of clean energy projects in Australia published by the Clean Energy Council.

We and a number of other effected landowners remain firmly committed to the proposition that this is not an appropriate location and will continue take whatever action is required to prevent it or ensure at the very least that it complies with the Position Statement and Recommendations, that it complies with all necessary regulations, that all regulatory approvals are obtained and does not present a nuisance arising at common law.

I am given to understand that the annual rental income for a turbine host who in this case are the original developers is circa \$5,000 per megawatt, so each turbine probably generates around \$20,000 per annum of income for the host landholder. The turbines as currently sited as I understand right up on boundaries of the host properties so that they have minimal impact on the agricultural pursuits on that property, so the amount of lost cropping and grazing land and resultant loss of income is minimal. I would submit that what they are really being compensated for through the erection of 200-metre-high turbines is the industrialisation of a once beautiful rural landscape and the general loss of rural amenity of the land.

Clearly when the turbines as proposed are sited so close to neighbours boundaries and dwellings and whose interests are not being accommodated or even considered, that is clearly "inequitable" as the turbine hosts are really selling off through annual turbine rentals the loss of amenity and damage to the neighbouring interests.

The collection of these rents from what is essentially an industrial land use may distort and effect our shire rates going forward as the land is still zoned rural.

I am advised the Katanning aerodrome will have to take measures to address the turbine heights that have been increased from 150 to 200 metres in height which are taller than most skyscrapers and pose a significant aviation hazard as it breaches the current MSA for approaches to the aerodrome.

Wind turbines are a known source of fires through gear box failure. The relevant local shires rely on local volunteer firefighters and I am unaware of anyone who would have the ability for their hoses to reach the hub of a two hundred metre turbine. The turbines located so close to neighbours' boundaries will adversely affect the ability to fight fires on those properties through aerial water bombing likewise aerial spraying activities will be restricted. The area is bush fire prone and therefore not suited for wind farms. The increased fire risks cannot be met by the current volunteer firefighters and ground water availability and I query who will be responsible if water bombers aren't able to be deployed around turbines.

The affected Shires and towns generally do not have the accommodation, or sewerage systems to support the industrial development, it will necessarily impact the provision of health and other essential services which are already stretched. A quick search on Seek.com shows that there are a multitude of situations vacant in the districts, so unemployment is not an issue but rather there is a chronic shortage of labour. The affected Shires already have a chronic labour shortage, it is almost impossible to get labour now with the competition of the mining industry, we have been unable to get labour to help get our dams cleaned, get a shed erected, get our homestead roof repaired or other home improvements done as there is such a chronic shortage of labour. Even finding shearing and crutching teams is an ongoing dilemma and significant ongoing risk to our business.

Similarly, a search on real estate.com shows that there are currently no rental houses available in Kojonup. The accommodation required for the proposed construction workers, the number given for which was 200 will have a significant impact on the already dire rental market in Kojonup. Already there is little or no accommodation and already people are being grossly effected by ever increasing and unaffordable rents, this Development will only add to this social problem.

It is unclear where the proponent will source all their water for which is required for mixing concrete dust suppression and fire control.

Only a small number of people “directly “benefit from the Development, being the recipients of the turbine rent who were principally the developers of the project in the first place and owners of the land on which the turbines are situated who have now sold the project to a multinational foreign owned company. Longer term we are advised that up to 8 to 10 permanent jobs will be created but my research on the Internet from other similar developments is that it will be more like 6, hardly something to get excited about.

Being a rural area the level of on farm security is commensurate and reflective of that and not what you have in an industrial context which will necessitate the need to take the necessary security enhancement at further cost.

Granting a license to generate electricity would be contrary to the public interest as the development does not comply with the Position Statement and the Australian Energy Infrastructure Commissioner’s Observations and Recommendations, further no landowner agreements have been entered into with affected landowners such as ourselves.

Clearly, although wind turbines and the generation of renewable energy may be in the public interest generally, this geographic area, like other historic settlements such as Margaret River, is not suited or in the public interest as an area suitable for a windfarm development. I would submit that there are few benefits to the local community and these are far outweighed by the detrimental factors outlined above.

The granting of a license at the very least without the insistence on compliance with the Position Statement and Recommendations will perpetuate ongoing disquiet, conflict, disharmony, potential legal class actions, safety issues and dispute in the local community.

As an aside I understand and have only just become aware that submissions were called for, which closed recently, for the consideration for the doing away of the requirements for electricity generation licences altogether such as that sought for under 100 megawatts of generation of electricity which would mean if approved that the Proponent could withdraw its license if it was granted.

I submit that the regulator should not make that amendment and should continue to regulate what is an industry essentially in its infancy that necessarily requires oversight and regulation. In this instance it is the proponents first windfarm in Australia.

Contrary to the Developer’s statement, from the Flatrocks stakeholder report on their website that states “From here this project if it goes ahead does need to be a success because with that will come the rewards that the community has been spoken to about and the fears the neighbours have will prove unwarranted“ I would submit that there just aren’t enough tangible “rewards“ for the local community to justify it being in the public interest for the grant of this particular licence.

The only real tangible rewards I would submit are perhaps for the individual vendors of the Development on the sale of the Development and the lessors of the turbine sites, who will generate a rental income of circa \$20 k per turbine which with the rapid escalation in farm incomes since this development was first proposed and commensurate massive increase in land values means this amount in the whole scheme of things with all the negative factors and impacts means in my opinion it is a borderline business proposition in itself.

In relation to the relevant guidelines, the Position Statement and Recommendations not being adhered to, I contend that our “fears as neighbours“ are entirely warranted. There is also recent case law surrounding the nuisance created by the Bald Hill windfarm where significant general and

aggravated damages were awarded in the Courts to neighbours of turbines for the nuisance created so clearly our concerns generally on other matters such as noise are entirely warranted.

It will be a travesty of justice if this license is granted, and I feel that the new owner does not want to address our legitimate concerns and wants to rely on approvals going back as far as 12 years rather than comply with current guidelines, the Position Statement and Recommendations.

Kind Regards

Elizabeth Atkins

Landowner

Director Shareholder of Robinsons Yarranup Pty Ltd

Joint Owners of 20 separate individual properties / land titles within the Kojonup Shire immediately adjacent to the proposed windfarm.

See map attached:

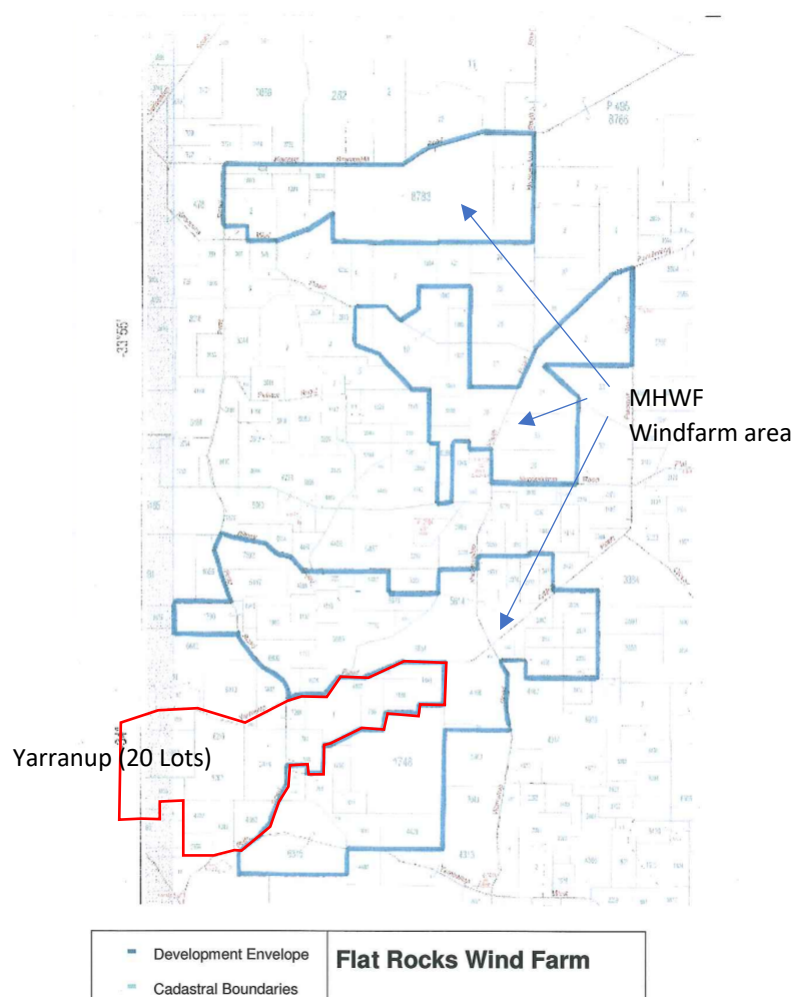


Figure 2: Showing broken up nature of Windfarm development area with no single area large enough to accommodate a windfarm that meets relevant setback from neighbour guidelines.