

**Phil Shephard**

**From:** Cindy Westbrook on behalf of Stephen Gash  
**Sent:** Wednesday, 6 July 2011 11:01 AM  
**To:** Phil Shephard  
**Cc:** Stephen Gash  
**Subject:** FW: ICR4773 - Fwd: wind farms  
**Attachments:** image001.png  
**SynergySoft:** ICR4773

Hi Phil,

Recorded into synergy and allocated this to you for a response.

Cheers  
Cindy

Cindy Westbrook  
**Personal Assistant to the CEO**  
SHIRE OF KOJONUP

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**FOR RECIPIENTS EXTERNAL TO THE SHIRE OF KOJONUP**

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**From:** Yarranup [mailto:[yarranup@iinet.net.au](mailto:yarranup@iinet.net.au)]  
**Sent:** ~~Wednesday, 6 July 2011 9:01 AM~~  
**To:** Stephen Gash  
**Subject:** ICR4773 - Fwd: wind farms

E M Atkins

Market St Guildford

6055 Perth WA

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June 2011  
Mr S Gash  
Chief Executive Officer  
Shire of Kojonup  
PO BOX 163  
Kojonup WA 6395

Dear Sir

**RE: DEVELOPMENT APPLICATION BY MOONIES HILL ENERGY PTY LTD  
- FLATROCKS WIND FARM**

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I refer to my earlier submission and formally request that this letter and the emailed letter of my solicitors Karp Steadman Ross Adjie dated 14 June 2011 be added to, and form part of my formal submission.

Following my earlier submission I have a number of other concerns and wish to raise the following points .

The Kojonup Town Planning Scheme No 3 item 1.6 states:

**SCHEME OBJECTIVES**

The intent of the Scheme is to direct and control development in the Scheme area in such a way as shall promote and safeguard health, safety, convenience and economic and general welfare of its inhabitants, the amenities of the area and the environment .

Further Clause 3.2.7

The use of the land in the Rural Zone shall be consistent with the following objectives , (C )To protect the land from closer development which would detract from the rural character and amenity of the area .

In that regard the following points need to be taken into account in the context of the Scheme text .

**1. Low Frequency noise - known as infrasound - Health and Safety .**

It is becoming apparent from recent press and research that low frequency sound associated with wind driven electricity generating turbines are a major concern to neighbors of existing wind farms, some of which it is reported have been driven from their homes. Clearly the Shire needs to take notice and be fully aware of all the potential health risks and ensure that any development safeguards the health and safety of the inhabitants.

**2. Detraction of Rural Visual Amenity.**

One of the key functions and objectives of Council is to preserve the rural amenity, indeed this is one of the key qualities of living and owning property in the area the subject of the Application, and as such the existing property values reflect the lifestyle and enjoyment afforded by the rural aspect and amenity in its current form.

Council approval of the proposed wind farm on the planned scale and height for the generation of electricity, being an industrialization of the landscape would clearly adversely affect the rural character and amenity and in particular the visual amenity. It is clear that the introduction to the landscape of such enormous man made structures will severely detract from the existing rural character and level of visual amenity in the general vicinity as one of the key amenity aspects would be destroyed for at least 20 years and possibly forever.

Outlying low rainfall rural areas do not have this amenity factor to the same degree as reflected in the differentiation in property values for land out to the eastern wheat belt where such developments are far better suited from an impact on amenity perspective.

**3. Site Suitability – proposed development site fragmented and non- contiguous .**

There has been no consultation with me as to site selection and the specific locating of each particular wind turbine, indeed from what I understand no specific turbine sites has been given , as an adjoining landowner this is clearly not satisfactory on the sound issue alone.

As the map that accompanied the Applicants development application clearly shows the 4 groupings or clusters of wind turbine sites which have been selected is not suitable as they have a large number of rural properties interspersed throughout the

development some of which, including my properties, are surrounded by the Application on 2 or more sides and there are even some other peoples properties surrounded on all sides, many who unsurprisingly I believe have expressed their opposition to the Application .

I have not been able to find any such example in WA where the wind farm is sited in such an manner that is fragmented and non- contiguous and the current Application can be likened to an urban area with industrial areas interspersed throughout.

Indeed this Application I understand relates to some 6800 hectare and by contrast the Collgar Wind farm at Merridin is quite properly sited on some 18,000 hectares .

**4. Applicable level of Shire Rates for a \$ 400 million industrial development .**

I query what category of land it is envisaged the Development area would be classified as, and the level of shire rating it is proposed, and query whether it is seriously proposed that a \$ 400 million development employing a number of people and contractors who will be utilizing Shire assets will be liable for rates at the rural scale when the generation of electricity for sale is clearly an industrial use .

I trust that commonsense will prevail and the Council rejects this Application.

Yours Faithfully  
EM Atkins

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14 June 2011

By email: [council@kojonup.wa.gov.au](mailto:council@kojonup.wa.gov.au)

Mr S Gash  
Chief Executive Officer  
Shire of Kojonup  
PO Box 163  
KOJONUP WA 6395



Dear Mr Gash

#### DEVELOPMENT APPLICATION BY MOONIES HILL ENERGY PTY LTD – FLATROCKS WIND FARM

We act for Mrs E M Atkins and Robinson's Yarranup Pty Ltd, the owners of 20 separate properties collectively known as the farm "Yarranup" who will be affected by the proposed development known as Flat Rocks Wind Farm (**Wind Farm**) which is proposed on various sites in the Shire of Broomehill - Tambellup, as well as the Kojonup Shire (**Site**).

Our clients' properties run roughly in an east west configuration bordering and serviced to the North by Yarranup Road. Yarranup is also bisected North, South by Potts Road and a number of individual properties are serviced by that road. Our clients' properties are surrounded to the North, South and East by the proposed Wind Farm development application (**Application**) with some wind driven electricity generating turbines (**Turbines**) being located within 200 metres from a property boundary.

We have considered the Application submitted by Moonies Hill Energy Pty Ltd and note the following:

- it is proposed to erect 74 Turbines and associated infrastructure on the Site;
- the approximate cost of the development is approximately \$400m;
- the estimated time for completion is two years;
- it is anticipated that 10-15 people will be employed on a full-time basis once the Wind Farm is completed;
- it is anticipated that 200 construction jobs will be available during construction;
- construction will comprise approximately 40 kilometres of on-site tracks, 96 kilometres of below ground cabling, operation and maintenance buildings, a sub-station, two permanent meteorological masts up to 80 metres high, temporary construction compounds and lay-down areas and a temporary concrete batching plant;

- it is likely that approximately 14 of the 74 Turbines will be lit with medium intensity flashing red lights in accordance with Civil Aviation Safety Authority requirements;
- there will be a significant increase in heavy vehicle traffic in the area during construction;
- television reception at some residences may be affected; and
- shadow flicker may be experienced at all properties around the Wind Farm of up to 30 hours per year.

We understand that the Site is currently designated 'Rural' pursuant to the Shire of Kojonup's Town Planning Scheme No. 3 (District Scheme) (TPS).

Clause 1.6 of the TPS states:

**"Scheme objectives**

*The intent of the Scheme is to direct and control development in the Scheme Area in such a way as shall promote and safeguard health, safety, convenience and economic and general welfare of its inhabitants, the amenities of the area and the environment."*

Clause 3.27 of the TPS states:

**"Rural Zone**

*The use of land in the Rural zone shall be consistent with the following objectives:*

- The zone shall consist of predominantly rural uses.*
- To protect land from urban uses that may jeopardise the future use of that land for other planned purposes which are compatible with the zoning.*
- To protect the land from closer development which would detract from the rural character and amenity of the area.*
- To prevent any development which may affect the viability of a holding.*
- To provide for limited commercial accommodation opportunities in the rural environment consistent with the Council's policy for "farm stay", "bed and breakfast accommodation" and "chalet" facilities."*

We have considered the Zoning Table attached to the TPS and consider that the construction of a wind farm does not fall within that table.

Clause 5.4 of the TPS states:

**"Development Table**

*Any development that is permitted under the provisions of Part 2 and Part 3 of this scheme shall conform to the requirements of that use as specified in Table 2 – Development Table or in the Residential Planning Codes for residential development.*

**5.4.1 Development Requirements**

*Where requirements for a particular use are not set out in this Scheme, the development shall conform to the provisions for the predominant use of the zoning in which it is situated, as determined by the Council, or where such provisions are inappropriate, to such requirements as the Council shall determine."*

It is clear that the proposed Wind Farm cannot be erected in a rural area without significant changes being made to the TPS as it does not conform to the provisions for the predominant use of rural zoning. As such, the Application cannot proceed.

We are further instructed that:

There has been no consultation with our clients in relation to selection of the Site.

No evidence has been provided to demonstrate that there is an economic wind resource to support a 150 megawatt farm.

No information has been given as to the diurnal nature of the wind resource which is crucial for local landowners in assessing noise related issues.

There does not appear to have been an exclusion buffer to ensure that all Turbines are at least three kilometres from a boundary of a neighbouring property although our research indicates that a range from a three kilometre to a 10 kilometre buffer zone is more appropriate.

The impact of the Application on the local area is contrary to the scheme objectives, and in particular the impact on the amenity of the area, the health, safety and economic and general welfare of the local inhabitants will be significant, as well as the impact relating to a whole host of issues including but not limited to noise, shadow flicker, visual landscape amenity, electromagnetic interference and there is also likely to have a negative impact on properties within the locality.

Many of these impacts are the subject of a Federal Senate Enquiry which has not yet reported its findings.

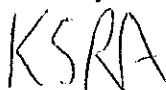
We note that the next Shire council meeting is scheduled for 21 June 2011.

Please confirm whether or not the Application will be on the agenda and please confirm that any decisions in relation to the Application will be deferred until such time as proper consultation with local residents has taken place.

If we do not receive this confirmation, then our clients reserve all their rights to take the necessary legal action.

Could you please also forward copies of all of the documents referred to in the Application to this office.

Yours faithfully



**KARP STEEDMAN ROSS-ADJIE**

Enc.

cc: Jill Mathwin  
Shire President  
By email: [jillmathwin@westnet.com.au](mailto:jillmathwin@westnet.com.au)



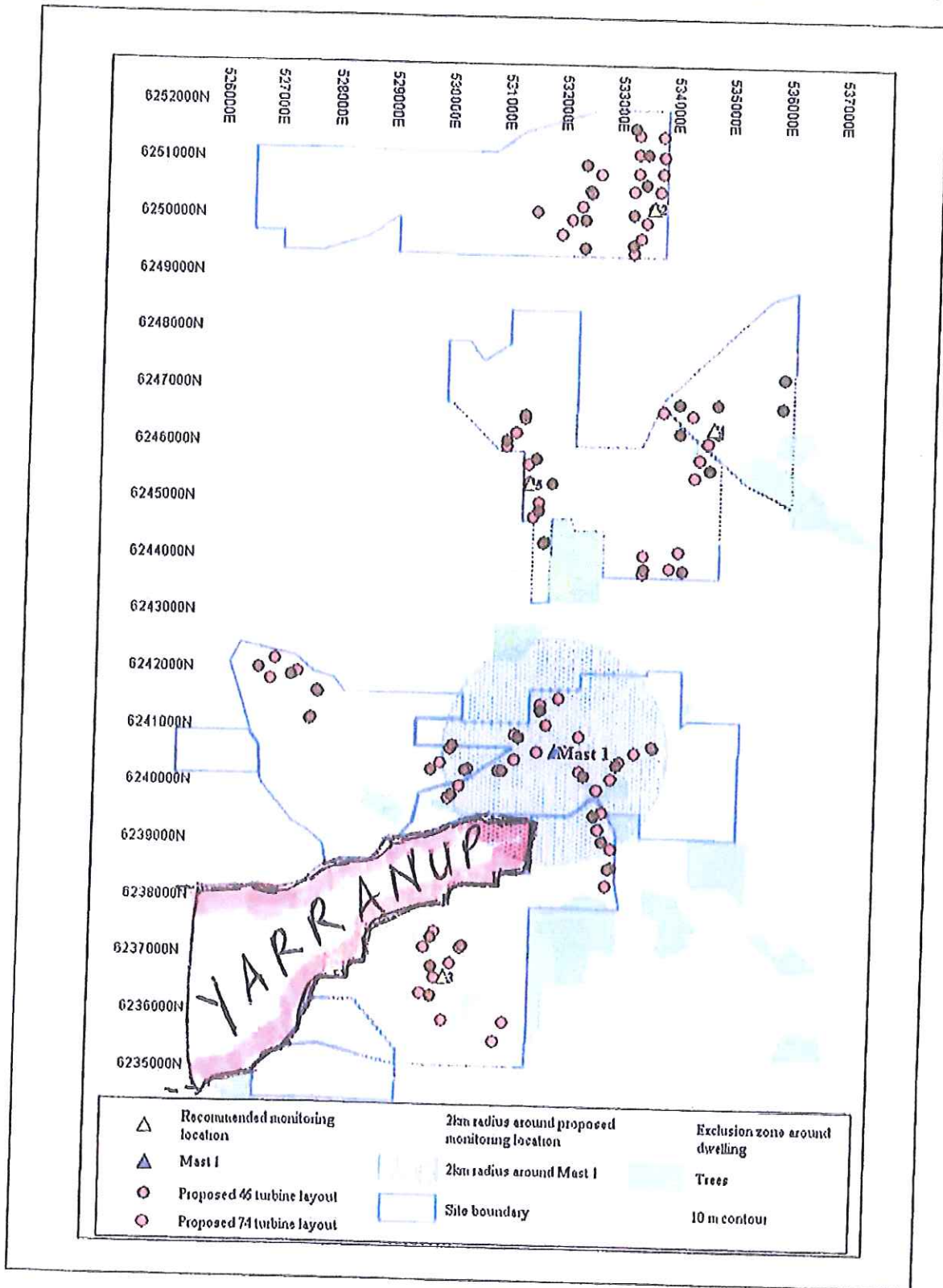


Figure 4 Recommended locations for additional wind speed monitoring