# Wind Farm Living EDUCATING THE LAWYERS Series

# Lesson 30: Cutting to the Chase with Hosts

It is not all beer and skittles being a Host.

When you sign up for a wind farm you sign up to relegate your farm to irrelevance.

The wind farm doesn't give a shit about your primary production, you are a mere pawn in their international business venture.

# 1. Do you know who they are?

The wind company will come across as an Australianowned squeaky-clean company, but behind the layers of ABNs, they are usually controlled by the Chinese or an overseas superannuation consortium.

Take Mt Fyans Wind Farm Pty Ltd, for example,

The front for a \$2 shell company, Woolnorth Renewables.

All permit application documentation refers to "Hydro Tasmania", a clean green Aussie Company.

But Hydro Tasmania is only a 25% shareholder in Woolnorth Renewables, 75% of the wind farm is owned by a Chinese State-owned Coal Mining Company.

Good luck Mt Fyans Hosts suing the Chinese Government for breach of contract.

Don't be "green-washed" – spend the money and do a full company search.

Know the business that's moving in on your land.

## 2. Promises don't transfer to the new owner.

The handshake agreement you struck with the initial developer is never honoured by the next owner.

You are irrelevant to their business dealings.

And those business dealings will remove any protections you thought you may have.

## 3. They have the right to your land title.

Your lease agreement hands over the right to the title of your farm and all out-paddocks for the company to use as business collateral.

A wind farm starts out with no money and then collects collateral along the way by signing up Hosts and Neighbours.

This gives them the "right to the titles" of your land, your land becomes their business collateral.

They use your land title to borrow against or to attract foreign investors or buyers.

# 4. You won't get insurance.

Your public liability insurer won't cover incidents associated with any third-party business such as a wind farm lease.

If the wind farm starts a fire and burns out the neighbours, your farm insurance policy won't cover it. You will have no insurance.

They won't turn off the turbines in fires.

AGL refused to turn off the turbines at Macarthur Wind Farm during the St Patrick's Day fires.

Insurers don't recognise the indemnity clause in wind farm lease agreements.

Insurers are a wake-up to \$2 shell companies, the indemnity clause is not worth the paper it is written on.

Also, better check that you still have liability cover on your primary farming business, because some insurers have suggested they may not provide public liability cover for farms with wind farm leases.

### 5. There are other issues that might crop up.

Bank refuses mortgage for tree changers because of wind farm caveat | RenewEconomy

# 6. Forget about farming your land as you did before.

A Berrybank Hosts, who signed up 16 years or so ago because times were tough, has developed the land into a highly productive agricultural enterprise, but now can't work the land as needed.

I understand Global Power Generation (GPG) won't allow spraying because they say the spray residue delaminates the blades causing blade rot.

There are tracks and transmission lines criss-crossing his property. And strange utes coming and going.

They removed his fences so no sheep grazing.

And they continue to refuse to remove the concrete slabs and construction earth pads used for workers' amenities during construction.

So the farm has lost its productive edge.

The Host has said privately he regrets his decision.

# 7. Decommissioning will be on you.

As commented by the lawyer for Woolsthorpe Wind Farm Pty Ltd in response to decommissioning concerns...

"As the permit runs with the land, the obligation to remove infrastructure exists independently of the operator".

This means, in the end, the Host will be left holding the can.

You will be responsible for the millions in decommissioning costs – contrary to the assurances from the company you signed up with or the conditions in the permit.

The Woolsthorpe lawyer then advised the Planning Panel that;

..." The host must therefore insure against the adverse actions of the wind farm".

Who's going to provide insurance against the adverse actions of a \$2 offshore shell company?

### 8. The wind farm will do as it pleases.

Don't relax thinking the wind farm is your friend.

It is not.

Your farming business is not their concern, they will put the turbines where they please, even if it interferes with your farming work-stations. You have agreed to the continual upsizing of the structures that will dominate your life and land.

## 9. Forget Biosecurity

You will agree to unlimited access to any contractor at any time.

Biosecurity protocols impede the activity of the wind farm, so are never adhered to.

And, most contractors are city-based, so they don't know about gates.

### 10. You are on your own.

Your Lease Agreement is not regulated.

You are not protected.

Your contract is written in favour of the company for future on-selling.

You are required to agree to sleep deprivation, health, environmental and business impacts with no recourse.

You will no longer farm as you did before.

## 11. Your long-time neighbours will hate you.

Your family legacy will be one of local community contempt.

Your life-long friends will never speak to you again and your community will hate you.

Your wind farm lease will cause the neighbours harm to their health, through sleep deprivation and turbine sickness, and your local town will die.

You will be responsible for killing off the beautiful birds of prey and endangered species, causing an ecological imbalance and, like Dundonnell, a rodent plague will ensue.

You will be responsible for devaluing the neighbour's land, destroying the tight-knit community, and trashing your family's heritage.

Most Hosts leave – they are forced out, either because they can't sleep at night or they are not wanted in their community.

# 12. Your greed is cruel - is this your legacy?

The wind industry is cruel and corrupt.

By association, you will be assisting it.

You will be remembered for your greed, the cruelty inflicted on your neighbours and the destruction of native wildlife.