

Hill stunned by effects of 'flawed' GEA

A recent court decision appears to have the mayor of Melancthon wondering if the Green Energy Act overrides all other laws of the land.

In a personal letter to Premier Kathleen Wynn, Mayor Bill Hill describes as 'another blow to democracy and local municipal governance as a result of your Government's Draconian and repressive Green Energy and Economy Act' (GEA) a Superior Court ruling that effectively overruled the township's zoning bylaw.

'Dufferin Wind Power Inc. (Longyuan Canada Renewables Ltd.) was successful in its Court Application regarding the storage of turbines on a property that was not zoned for that activity within the Township of Melancthon.

'Our position based on solid planning advice was that the exception did not allow for the off-site storage of turbine components on a property that was not zoned for that type of use.

'However, (Superior Court) Justice Morawetz ruled in favour of Dufferin Wind Power Inc. (DWP), concluding that the storage property does form part of the Applicant's 'renewable energy undertaking.' '

The mayor goes on to say that the legislation may have granted developers of wind farms 'an open license to engage in any activity without being subject to the approval process.

'Surely that could not have been the intended consequence of the amendments to the Planning Act. The lack of clarity in the Green Energy Act produced this unexpected result,' the mayor says.

He describes the Ontario Energy Board's (OEB) Leave to Construct the power line as 'another blow' to Melancthon and the whole county 'in spite of countless concerns raised by the Citizens of Melancthon and Dufferin County, the Municipalities of Melancthon, Amaranth, the Town of Shelburne and the County of Dufferin.'

Mayor Hill said in his letter and in an interview that DWP, unlike other wind companies dealing with the township and landowners, has simply ridden roughshod over anyone in its path.

It is his opinion that the GEA established a climate in which the wind companies are enabled to do that. He said no other turbine proponent has acted in similar fashion, however.

'You might not want the turbines, but everyone else has been willing to negotiate.'

From the township council's viewpoint, a major problem has been DWP's position on the power line. Both Melancthon and Amaranth in other wind developments have been insistent that the power lines be underground. It is the position of both townships and the Town of Shelburne that the 230 kv line should be buried ' but Mayor Hill says Melancthon had prepared suggestions of where the line could be satisfactorily placed overhead.

He says DWP has been unwilling to discuss the concept, let alone negotiate.

The unfortunate aspect appears to be the 30% ownership by a group of Melancthon farmers. But the mayor's information is that the farmers cease to be owners in any sense as soon as the wind farm goes into commercial operation.

Mayor Hill's letter to the premier ' which includes a personal invitation for her to visit the township ' more or less coincides with Energy Review Tribunal's hearing later this month and also with the current review of the GEA.

By Wes Keller

