



The conversion of a pro-wind lawyer

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Lawyer Peter Barber is a seasoned campaigner when it comes to town planning.

Over the last 30 years he has appeared before the Victorian Civil and Administrative Tribunal (VCAT), the state's civil justice mediator, hundreds of times.

Frequently he has represented the big end of town: large infrastructure companies, miners, local government.

Like many in the legal profession, Barber has reveled in the battles.

"I did a lot of mining and extractive work ... I've made hundreds of appearances before Victorian Civil and Administrative Tribunal. I've challenged Queen's Counsels ... run up against them all."

Barber was one of the founders of the Victorian Planning and Environmental Law Association in 1986. He was made an honorary fellow of the Planning Institute of Australia in 2002.

"I don't want to beat my own drum, but that's the highest award they've got. And that was for services to town planning. Even without having an actual town planning degree, I am a qualified town planning professional."

Barber was president of the association for eight years. As a former Monash University academic he has commented extensively on town planning issues.

"I wrote a paper called Sticks, Carrots and the New Environmental Imperative. I said when the environment becomes the 'brand x' of politics you're going to hear a lot about it.

"And that was, you could say, visionary. That paper is well over 10 years old. When (the environment) goes on the table politically you'll find governments will take a big interest because it's something they can sell to voters."

Barber's role in the planning industry was recognized in 1999 when he was named in the Queens Birthday Honors List, becoming a Member of the Order of Australia for services to town planning and the environment.

Now in his mid-sixties, he has been with the one Melbourne-based law firm since 1978. After 20 years as a partner, he acts as special counsel, providing advice to other members of the firm and occasionally stepping in to help on larger cases.

As Barber (left in the photo above) speaks, he gazes through floor-to-ceiling windows in the newly-built home of builder and neighbor Neil Rankin (pictured right).

The property has a spectacular, almost mesmerizing, view. Green hills, a wide and meandering river cutting through the valley, with Twofold Bay in the distance. Under a high blue sky, the water course plots through thickly wooded country on the southern New South Wales coast.

Barber has a "holistic" view of the environment.

"There are three main elements. They are clean air, clean soil and clean water. You must balance them and see how they fit with each other."

And sitting on top of all three, he says, is "one central plank": community benefit.

"There's a certain good in certain cases and there's a certain bad in the same cases. The good has to be higher and more persuasive with more benefit to the community than the bad. It must be way out in front."

Twofold Bay boasts two wharves. One of these services the Eden woodchip mill operated by South East Fibre Exports. SEFE is a subsidiary of Japan's biggest paper manufacturer, Nippon Paper Industries.

Eden mill was the first in Australia to process woodchips when it started operations over 40 years ago and continues to be a target for environmental campaigners.

Twenty-seven whaleboats once operated out of here in the 1840s. Whaling ended in Twofold Bay about 1930 and the sign outside Eden's Killer Whale Museum proudly declares Australia is now an anti-whaling nation.

Barber bought his property 15 years ago, and has lived there for about half that time.

"We're far enough from Melbourne to keep the frigging developers away and we're also surrounded by national park," he says.

"We not going to be wrecked and loved to death like a lot of other places."

He names the famed coastal towns of Byron Bay, Lorne and Anglesea as communities he deems have been "loved to death". Beautiful, once small seaside villages now teeming with development, much of it inappropriate ... but not Eden, says Barber. Not if he can help it.

He has campaigned against a proposed marina at nearby Boydtown, a small collection of houses with roots in the old whaling industry.

“I’ve seen the damage it would do. I have hands-on personal experience with marina developments and I know they’re not viable on their own.”

He stops for a moment, taking in the view. “So I have this mission now to protect Twofold Bay.”

But that mission is now being tested – and in a way he never expected.

A little over 10 years ago, Barber was hired by a local council to support a regional Victorian wind farm application.

The proposal was for 12 turbines across farming land near the famed Wilsons Promontory National Park. The Prom, as it is affectionately known by generations of Australian bushwalkers and families, is one of the state’s most revered wilderness places, offering access to a dazzling diversity of natural beauty.



“I was not rude, but cautious, about some of the concerns of the objectors and the things they were saying about the intensity of shadow flicker, blade glint and the other things you hear about,” he recalls.

Then he pauses for moment. “There wasn’t much evidence around but I was struck by the countryside. The more we drove around on inspection the more convinced I was the turbines would have an impact.

“I went past some time later when they were under construction and I was absolutely horrified to see the towers going up. They didn’t have their nacelles (hubs) or blades on at that stage but I thought ‘what have I done to these people.’”

Barber leans across the table. “The principal objector ... I still remember his name ... was passionate. He started to get to me a bit during the hearing because he was genuinely concerned. I heard later he has not been a well man ... he sold his place near the wind turbines. He is very saddened and has never been the same again.

“And that adds to my grief, if you like, my sorrow at my involvement. And I repeat, ‘what did I do to these people?’ I wasn’t the only one but I was a contributing factor.”

When did Barber first start to have doubts?

“Before the hearing had even finished,” he says. “I didn’t articulate any of these views at the time because I’m a lawyer. My duty was to my client at the time and to properly and honestly inform VCAT ... but there was a moment in the hearing, when I had an internal voice.

“During the hearing I got off my backside and drove right around to the other side of the bay. I looked back along Wilsons Promontory and I thought ‘oh no’. My instructions were to pursue this through, which we did. I followed through on that but I had personal misgivings which were reinforced later on.”

Barber names one of the objectors to the Toora wind farm.

“He was passionate and articulate. He and others took us to local waterfalls and I thought this is not farmland. It’s not national park but there were lovely rolling hills. Now the views up through the hinterlands...”

He stops talking, looks out through the windows. The room fills with silence.

“It’s a damned shame,” he says at last.

Has he returned to the area since the wind farm began operation?

“I didn’t want to show my head down there,” he says. “I was feeling a bit ashamed of myself. **What I did notice when I went down there was the community division over the project. It was bitter.**”

“They had just lost the Bonlac butter factory. Those jobs never got replaced. **They thought they would get jobs out of wind farm tourism** and this would help the loss ... these working families. They thought farmers were going to get money and it would be a fantastic idea.”

Barber talks about the wind farm developer conducting secret talks with farmers to sign them up before going public on the project.

“The wind farm promoter got to the farmers first before they announced the project publicly. That’s their tactic.”

Then, in the strange way of things, something similar happened near Barber’s own backdoor. A Sydney-based company, Epuron Pty Ltd, proposed up to a seven-turbine wind farm five km from Eden on land owned by SEFE.

Barber says he had already become a member of the local chamber of commerce.

“I said at a meeting fairly early on ‘this is a windy piece of coast, please be aware of wind farms. **They divide the community and they are not good.** And they said ‘this area has been investigated. It is not suitable for wind farms. Next item’.”

That was five years ago.

Now if the chamber of commerce doesn’t fight to block the proposed wind farm, Barber says he will resign from the body and continue to fight the proposal with other concerned residents.

One last question: how would he describe the wind industry?

Barber’s response is immediate: **“The wind industry is a pack of liars and con merchants who couldn’t lie straight in bed. I have absolutely no confidence in anything they say whatsoever.”**