

**Original Submission to Panel June2010**  
**Kearns Family Submission**

Mr Chairman and Panel

**MOORABOOL WIND FARM PROJECT**

The proposed project, if it is to be granted a permit to go ahead in this area will have far reaching effects on the future of our family and the future of the people living and working in this area. We feel we have to register our objection. It is clear from past panel hearings that it is Government Policy to place higher emphasis on Wind energy Projects than their impact on people, the environment and the community affected by the projects.

We would like to make it clear from the start that we are not in any way opposed to the production of clean green energy by as many feasible means as are available. In our opinion wind farms are only one of many solutions. We are not putting in an objection just to be obstructive but to ask the panel as reasonable people, to consider the implications of permitting wind farms to be developed in areas where there are so many dwellings so close to the installations. The State Opposition Leader Hon Ted Baillieu caused a storm of protest recently when he suggested that if he wins Government at the next election he would insist on a 2 km setback from dwellings. This idea was angrily attacked by Premier Brumby, but surely there is enough land in Australia for Wind Farms to be sited where they do not cause such disruption. It would require better planning by the proponents. For example we wonder if anyone in the planning area has ever considered placing wind turbines in the same areas as electrical installations and transmission lines leading from Gippsland power stations all the way to Portland. There are no dwellings near the pylons for obvious reasons.

Moorabool Council in its submission last week on Page 10 Pt 5.1. Suggested "2km precautionary buffer as currently there is a current lack of appropriate research undertaken regarding the impact on human health from exposure to particular special audible characteristics. Therefore Council submits that a precautionary separation distance of 2km should be applied between wind turbines and sensitive land uses (e.g. Residential) "

This information comes from a Committee Inquiry in the NSW State Government in December 2009.

We have read quite a lot of literature regarding other wind farm proposals and so many of the issues raised around the planning are almost identical. One major difference with this project is the significant number of dwellings in very close proximity to the proposed turbine placements. It is to be hoped that panel members, in their zeal to follow the Policy and Planning Guidelines for the Development of Wind Energy Facilities in Victoria 2009, will still listen to the issues and concerns raised by the landholders who will be impacted in varying degrees by the Moorabool Proposal.

There was a public meeting in the Ballan Mechanics Institute Hall in early May this year called by the Ballan Council, which was attended by over 200 people. It was reported in the local paper that 96% of attendees were not in favour of the Wind Farm proposal. People were able to have their say with most of the crowd well behaved. One speaker who spoke eloquently in support of wind farms suggested that we should all put aside our petty concerns; – this was not well received.

## **SOCIAL IMPACT – COMMUNITY DIVISION AND HEALTH CONCERNS**

We have listened to Ms Quigley's submission Part C 5.5 – **Perceived Community Division** which during her reading was very briefly referred to and not read in full. In her first paragraph she refers to the potentially negative "social division" already present between those who are participating in the project and those who are not. Further on Ms Quigley comments about social division that it is "regrettable but it is not necessarily immutable or important. It is not possible for us to judge its consequences or its manifestations in the social life of the community". The last comment on the subject was that while the social fact of community split is recognised, West Wind was unable to give it great weight.

In our experience, there will always be social division in any community but not to the extent of causing so much stress, anxiety, anger and depression. The intent of the Guidelines to promote wind energy development obviously took precedence over the lives of human beings.

. In Ms Quigley SC's Submission, she thoroughly dissected and dismissed submissions from objectors. The emphasis of her submissions is that although she states that the challenge is to ensure that the development of Victoria's wind resources are carried out in a way which appropriately balances environmental, economic and social factors, wind energy proposals are to be **facilitated** by the planning system – not merely supported or encouraged and an acceptance that wind energy facility proposals should be supported unless there is a very significant adverse impact that cannot be suitably ameliorated.

We consider Ms Quigley's to be very unfair as in a small community, social ties are important, even vital and the ability to call on one's neighbour in times of trouble is part of why people choose to live in rural areas. We maintain that a rural community cannot function without its people co-existing without serious conflict. It has been proven that people living in a state of stress or unhappiness over which they have little or no control have more health issues than others.

CFA Groups, Red Cross, Hospital Boards, Rotary Clubs, School and Pre-schools and even church groups; all of these organisations are threatened if people are divided over such a big issue as the proposed Moorabool Wind Farm Development.

On the basis that the proponents deny that there are any adverse health impacts caused by the cumulative effects of turbines and that the Victorian Government's Chief Health Officer, Dr John Carnie has referred the issue to the National Health and Medical Research Council (NH & MRC) for its consideration and advice, it seems a fair and reasonable demand the a permit is not issued until the NH & MRC reports back to Dr Carnie. A duty of care is owed to all Victorians.

We will briefly refer to our own story regarding the concern we have about a health issue in our family. Frank has a genetic heart condition, Long QT Syndrome which is liable to cause his heart to go into an arrhythmia and if not treated, lead to sudden death. Unfortunately 3 of our 6 children and 4 of our grandchildren have also inherited the condition and are on medication as a precaution as it is a major cause of sudden death in young people. It is also possible that devices such as pacemakers and defibrillators may have to be inserted at some time and for some of us. We are worried that electro-magnetic interference could impact on our mobile or landline telephones and the above medical devices. Last year one of our daughters did need very urgent medical assistance and we had to guide the Paramedics to our home with our mobile phone as they were lost. If there was any electromagnetic interference impacting on the telephone communication line and we were unable to get help we could very well have lost her.

## **LANDSCAPE AND VISUAL AMENITY**

The areas where the Bungeeltap and Ballark Developments are proposed are, in our opinion totally unsuitable for such a purpose because of the Bungal State Forest with all its flora and fauna being impacted upon. The planned Moorabool Wind Farm with 110 turbines is a huge development and along with other proposed and approved wind farms at Lal Lal and Mt Mercer, cannot fail to have an unimaginable cumulative effect on the landscape. While our focus is on the project as a whole we in Condies Lane keep getting visions of 150 metre high turbines within 1km of our dwellings, turning for 24 hours each day and night with red lights flashing intermittently. The Expert Statement of Stephen Brown has been thoroughly perused by us. We have a number of concerns:

### **3.0 Effects PAGE 9**

3.1 In the summary of Indicative Viewpoints which gives the viewpoint, location, impact rating – no mitigation and impact rating with mitigation Condies Lane, along with Smiths Lane are given the very worst scenarios.

### **The letter from Mr Stephen Brown addressed to Mr Phil Burn dated 4 June 2010 requesting additional assessment for Moorabool Wind Farm Permit Hearing:**

The information regarding possible removal of turbine BUWT07 is an obvious measure needed. But as the other turbines almost in line, BUWT 12,17,21,26 and 31 are also relatively close to housing in both Condies Lane and Egans Road and have the same visual impact it is our opinion that it is a reasonable action to remove these turbines. Even if 145 Condies Lane has some trees

affording a degree of mitigation, our neighbours have none. As our property is much smaller than our two neighbours, the suggestion that we plant more trees would not be a very good idea as we have already planted many trees and an orchard which has always been fairly open to avail it of the sunlight. Trees need lots of watering and our water supply is limited. The large pine trees that the panel members saw on the south side of our boundary are very close to the house constituting a fire hazard as they are mature trees nearing the end of their life. CFA brochures advise a larger distance from structures. Too many trees would also reduce the amount of land left for our livestock.

**4.7 Mitigation Planting** After viewing photopoint 24 on Page 92 of West Wind Moorabool Planning Information with all the turbines superimposed, we fail to see how there can be any meaningful screening or mitigation from such high turbines. Mr Brown's comment regarding the potential to mitigate impacts on residential properties at Condie's Lane Page 34 is as follows:

Moderate: strategically located amenity planting within local residential properties could help to reduce the overall visibility and impact of the proposed turbines, but their more elevated blades and nacelles would, **in all likelihood, remain visible, even prominent.**

**That assessment is very distressing albeit honest as to quote Mr Brown again**

—"I consider that this remains a fair assessment of the situation and recognise that mitigation cannot hope to fully screen, hide or otherwise ameliorate the effects of the proposed wind farm. Such effects can, however, be significantly reduced, with the co-operation of the landowners". We do not quite know what Mr Brown meant by that remark.

While on the subject of trees, in May 2009 when the six residents of Condie's Lane met at the Mt Egerton Hall to discuss the planned proposal we specifically asked Mr Burn and Mr Grey if the trees on the Manley's Road property of Mr Russell Wells would have to be removed if the development went ahead. We were told that Westwind would not be removing them but the landholder would be at liberty to remove them at any time without requiring a permit. We would like clarification on that point because if these trees were removed we would be all the more exposed.

## **Noise**

This issue has been largely dealt with by other submitters. It was interesting to observe that Ms Quigley devoted 8 pages of her Submission Part C to urging the panel to disregard the decision by VCAT regarding NZS6808: 1998 noise standards versus NZS6808: 2010 standards. West Wind proponents must be really depending on using the 12 year old outdated standards. More interesting still is the email from Mr Geoff Howard, our local ALP State Member for Ballarat East in which he was advised that the latest New Zealand noise standards will be taken into account as will the National guidelines even though they are yet to be finalised and approved.

**Infrasound.** I would like to draw the panel's attention to a peer reviewed article "Responses of the ear to low frequency sounds, infrasound and wind turbines. It will be available in a few weeks at <http://oto.wustl.edu/cochlea/>

In particular Pg 22 Conclusions 2) ... The concept that an infrasound sound that cannot be heard can have no influence on inner ear physiology is incorrect.

3) Under some clinical conditions ... individuals may be hypersensitive to infrasound.

4) A-weighting wind turbine sounds underestimates the likely influence of the sound on the ear.

5) Based on our understanding of how low frequency sound is processed in the ear, and on reports indicating that wind turbine noise causes greater annoyance than other sounds of similar level and affects the quality of life in sensitive individuals, there is an urgent need for more research directly addressing the physiological consequences of long-term, low infrasound exposures on humans.

Given this research, a setback of 2 kms should be applied as an extra precaution.

As Frank and I are older citizens we are more vulnerable to low frequency sounds produced by wind turbines.

### **. The Moorabool Wind Farm's Full Night-time Effects**

This part of Mr Brown's letter is truly a horror scenario and again I appeal to the panel to act in a reasonable way as we consider Condie Lane would no longer be liveable and we strongly disagree with the statement that the lighting described would not generate any "nuisance effects". **There could be a repeat situation as occurred at Waubra. Surely it would be better to cut off any scenarios where residents are so upset that they find it impossible to continue to live in their homes.** As we are aware, the panels we are dealing with have sat on many wind farm panel hearings and it is reasonable to assume that there are many submissions which present with very similar concerns. We do hope the panel members learn to judge when and where it is appropriate to approve these developments. Decisions made by all of you have far reaching effects on us all.

While we are endeavouring to focus on the problems as a whole, we are sure that our plans for retirement in the quiet and beautiful Moorabool area will not be fulfilled and we will have to re-locate if the wind farm proposal is granted a permit. This is an enormous disappointment as our children and grandchildren love to visit us on our little farm. So if the Victorian Government is determined to go ahead with wind energy plans we implore the panel to consider all the facts we have put before you.

### **Conclusion**

In conclusion, Frank and I have been here day after day for the hearing at great personal cost, but we feel the matter is so important that all other parts of our life have been put on hold. We have gained a good idea of the process but have grave reservations as to the fairness and intent of the hearing. It is a David and Goliath struggle with West Wind Project Manager, the Advocate, Ms Michelle Quigley SC and her instructing solicitors on one side with all the Expert Witness Statements to back them up. The Policy and Planning

Guidelines for Wind Energy Facilities in Victoria 2009 plus numerous other pieces of information to support the development stack up against the people who would be most affected.

In Ms Quigley SC's submission, she thoroughly dissected and dismissed submissions from objectors. The emphasis of her submission is that although she states that the challenge is to ensure that the development of Victoria's wind resources are carried out in a way which appropriately balances environmental, economic and social factors, wind energy proposals are to be **facilitated** by the planning system – not merely supported or encouraged and an acceptance that wind energy facility proposals should be supported unless there is very significant adverse impact that cannot be suitably ameliorated

. Mr Ray Sullivan appeared before the panel on 16<sup>th</sup> June. He stated that he did not receive communication from Westwind or DPCD. We have already heard that 9 landholders in the Golden Plains Shire, whose properties border the proposed wind farm site, also did not receive communication from Westwind or DPCD. We noted the panel made a comment that it is the responsibility of the individual to ensure their postal address with the council is correct. Sue and John Dean, our neighbours, have told us that they have their correct postal address registered with the council but their letter from DPCD was sent to their residential address. As you have also heard, the Post Office does not redirect this type of mail to post boxes. In Sue and John's case they heard about the upcoming hearing from another neighbour in general conversation. This led them to contact DPCD via email to find out when their letter would be arriving. They received a return email apologising for the mistake and the information was sent attached to the email as well as by post. We wonder how many other landholders are in this position? We question again whether this process has complied with S52 of the planning act and how this issue can be resolved to ensure all people have the right to respond to this project?

We would like to put it to the panel that there are many significant impacts in relation to a Wind Farm in the Bungeeltap and Ballark areas, some of which we have addressed to the best of our abilities by applying the principles of a "reasonable person".

We have read the pamphlet printed by Panels Victoria. It is clear to us that the planning authority i.e. Mr Justin Madden has great power over and above the panel and is at liberty to accept the amendment as it was exhibited or in some modified form and may disagree with all or part of a panel's report or change the amendment. We are of the opinion that all we have been through in the last three weeks is just an opportunity for the Victorian Government to put into place a process where it appears to be giving everyone a fair go. On looking at the maps of wind farms in Western Victoria we appear to part of a regional strategic plan which we seem to be powerless to prevent. We have travelled a long way in the last fortnight and we sincerely hope that our efforts and the efforts of all our community will help us all to reach a satisfactory conclusion.

Documents referred to: Moorabool Council Submission  
Page 10 and 11 General Purpose Standing Committee No 5 Inquiry into Rural  
Wind Farms  
Letter from Mr Stephen Brown to Mr Phil Burn Dated June 4 2010  
Photopoint 24 Page 92 Mr Stephen Brown Expert Witness Statement  
Submissions from Ms Quigley SC