

## **Dear Members of the Senate**

This letter and the undersigned people being party to it, are all concerned residents and or part of groups who are actively trying to raise awareness that there are valid concerns into the health effects of people living close to industrial wind energy facilities.

I have personally spoken to people from Waubra who have sat in my kitchen in tears, about what they are subjected to through no fault of their own. They are prisoners in the own homes. They can't stay, they can't afford to leave. Is this equity for all.

I would suggest that Mr Fielding contact these people who would be happy to appear at the enquiry and tell their stories, as they have already done to Mr Ted Bailleau (One of the few politicians who would sit down on a one on one basis and hear these people tell their stories). The Labour government didn't want to know. It was too important to retain the green vote, rather than care about human beings! This country takes credit for giving people A FAIR GO!!!!!!!! So thank you Mr Fielding for putting people first!!!!!!

## **What a waste of tax payers money!!!!!!**

Not to mention the obvious waste of tax payers money on subsidies provide to the Wind Farm promoters on a source of power that is less than efficient, when we have the best power sources available to us with natural resources, which contrary to green radicals opinions do not destroy the planet. Why should we send our cheaper power offshore and be inflicted with huge power bills to 'save the planet' with this FRAUD. And that is what it is, the greatest FRAUD the GOVT has imposed on us yet.

## **LACK OF CIVIL RIGHTS!!!!!!**

Also with the recent change of government, The Moorabool Wind Energy and Yaloak application was handled grossly inappropriately by the previous government, **taking away our civil rights as citizens, to rights of appeal.**

We spoke to the ombudsman and he said we would have a right of appeal because there was no EES study done into this application and further noise

testing was to be undertaken, however at the eleventh hour the day before the state election was called Mr Brumby's government approved the application, wooing the green voters pre election. I am totally disenchanted with this whole process, and it needs to be completely overhauled and looked into.

Please Mr Fielding,

Speak to the people already greatly affected by these turbines. This is a real health issue! **WHICH NEEDS GREATER INVESTIGATION** before more people are made ill.

I'm not experienced at doing this sort of thing but I hope it gives you some idea what we are all up against. The encouraging thing is that medical practitioners worldwide are now researching this in greater detail, thanks to wonderful humanitarian doctors like Dr Nina Pierpont in Canada; at the risk of being laughed at has come forth and produced evidence that she insists needs greater investigation.

Thank you for your time,

Yours sincerely,  
Sue Giddins

## TO THE SENATE COMMITTEE/ MR FIELDING

**This letter was sent to the State Department of Health/ please read on  
Regional Landscape Guardians and Other Victorian Country Groups  
PB2273, Beaufort Victoria, 3373**

The Secretary,  
Department of Health  
50 Lonsdale St.  
Melbourne

Dear Ms Thorn,

We, the undersigned, are all Presidents or Spokespersons of a number of Victorian Regional Landscape Guardians or equivalent Groups.

We have been most concerned for some years about the proliferation of wind energy projects in relatively settled areas of country Victoria; and the destruction of landscapes, the amenity and wellbeing of people living in sight of these increasingly massive developments.

Through our own research and observation, we have become increasingly aware of health issues coincident with the start up and the continuing operation of wind projects, not just in Victoria, but around the world. Now that we have had the opportunity to absorb the comments from Dr Sarah Laurie, Medical Director of the Waubra Foundation, who has visited and talked with people who have suffered, and in many circumstances, are still suffering health problems from nearby wind energy projects, our concern has progressed to **deep alarm and a belief that urgent action is now required to stop this health problem proliferating.** Apart from the comfort and assistance that we, as neighbours, try to offer; Dr Laurie is the only outside person who has attempted to gain first hand experience of this serious affliction, not members of your Department (the "DOH") or of the office of Victoria's Chief Health Officer, nor by the "Rapid Reviewers" of the NHMC. We are informed that Dr. Laurie has written to your Minister and would therefore assume you have, or can obtain, access to that letter.

Given the number of projects approved or likely to be approved (see DPCD list attached) we are now facing the certainty that many members of our

communities are going to be subject to severe health problems. In a civilized democracy this is totally unacceptable.

We have examined **The Public Health and Well Being Act** and note that **Part 2 Objective, Principles and Application** is very specific in the numbered sub-paragraphs about:

- (1) the State's role in promoting and protecting public health and wellbeing,
- (2) achieving the highest standard of public health and wellbeing,
- (5) the use of evidence in decision making,
- (6) the use of the Precautionary Principle where full scientific certainty is not present.

**Part 3 Administration** sub-para 17 is also similarly specific that the role of the Secretary is, amongst other matters, to:

- (1) initiate, support and manage public health planning processes
- (2) promote awareness and understanding
- (3) support, equip and empower local communities
- (4) establish and maintain a comprehensive information system

In view of these and other requirements of the Act and the responsibilities of the Secretary, we wish to confirm or otherwise, that the DOH accepts that:

1. Dr Laurie, a GP, experienced in public health, has identified serious cases of ill health of country Victorians living close to wind projects and that the DOH Minister has been **formally advised** of this?
2. That the DOH has **not responded to that advice** despite the apparent clear judgement of Dr Laurie that there is an urgent need to address the health symptoms of number of the afflicted?
3. Various overseas medical practitioners have described multiple and similar cases of what they call wind turbine syndrome?
4. The overseas information and that gathered by Dr Iser in 2007 in Gippsland, has been available for several years?
5. The nameplate capacity of the presently operating wind projects in Victoria is 450 MW and that a further 1500 MW has been approved with some further 500 MW now in the approval process and with many more to come?

6. This quadrupling of capacity will likely generate a similar increase in the number of people experiencing damaging health episodes?
7. The cases so far identified have happened because the Guidelines for Development of wind projects in Victoria are, in the matter of noise and or minimum setbacks, deficient?
8. Does the department understand that people living up to 5 kilometers away from turbines have been badly impacted?
9. Given the mass of evidence available (some of it, e.g., Dr. Nina Pierpont's work "Wind Turbine Syndrome - A Report on a Natural Experiment" **clearly claiming in detail to be peer reviewed**), does the DOH agree it is time to observe the Precautionary Principle (Part 2 para 6 of the Act)?
10. Accordingly does the DOH intend to call for a moratorium on erecting any further turbines until full and independent health studies are undertaken? In this matter we are joining The Waubra Foundation in calling for a moratorium in the form attached.
11. Alternatively would the DOH call for minimum setbacks from homes or workplaces from turbines of 10 km until studies are completed as recommended by the Waubra Foundation's Dr Laurie?
12. Since receiving Dr. Laurie's letter and notification, has the DOH taken any steps to contact her, seek further details of the health problems being encountered on the ground, or instructed one of its senior officers to agree with Dr. Laurie a protocol for checking her findings?
13. Can you confirm that the DOH holds that it would be unacceptable to continue to erect turbines if this rollout is likely damage the health of rural families?
14. What specific actions other than those suggested above, is the DOH proposing?

We conclude by noting that absence of peer reviewed studies does not mean there is no problem nor can such absence be an excuse for inaction. **In this case Dr Laurie and others have presented enough evidence of serious problems for immediate attention of the DOH the application of the precautionary principle without delay.**

As involved locals, we know that more people are being affected by existing wind projects as we write; and that the recent approvals of the Mortlake, Ararat and Stockyard Hill projects will spread the misery further.

Please help us and our many at risk neighbours. We look forward to your timely and detailed response. This matter is urgent.

Yours faithfully,

Andy Gabb

**Western Plains Landscape Guardians**

Tim Le Roy

**Tarwin Valley Coastal Guardians**

Randell Bell

**Victorian Landscape Guardians**

Kevin Ramholt

**Yaloak South**

Annie Gardner

**Hawkesdale/Macarthur Landscape Guardians**

Berni Janssen

**Pyrenees Landscape Guardians**

Sue Giddins

**Moorabool Anti Windfarm Action Group**

Peter Stone

**Concerned Residents of Devon North**

Max Reece

**Australian Environment Foundation**

Jenny Bruty

**Chepstowe Anti-wind Farm Group**

Hamish Cumming

**Darlington**

Danny & Linda Kenna, John Kenna

Dominic Conheady, Edward Conheady

**Sisters, Mortlake**

# MOORABOOL WIND FARM EARING

## 22/7/2010

In the directions hearing For Moorabool the question was asked of the panel who in these proceedings has “DUTY OF CARE” to protect the people of this State.

Mr Burns Aptly put it that it was “EVERYBODY’S RESPONSIBILITY”

As such, I as a responsible citizen, and an advocate of basic human rights, am going to exercise that duty here today at this hearing, by presenting to this panel a group of people from Waubra who are being denied their basic human rights of having their concerns and health issues addressed at both business and government levels.

At the same time this will form part of the Moorabool Anti Wind Farm Action Groups, presentation to the panel on HEALTH EFFECTS associated with the close proximity of dwellings to these Industrial Power Plants.

We are expected to accept a giant power station in a rural sector of this shire. In Melbourne there are designated areas zoned industrial which people are not subjected to, for obvious reasons, noise, smell, health effects. So why are we who are already residing in a residential rural environment? Having industrial Power plants trust upon us? In our backyard!!!!

Large Wind farm conglomerates say that there is no proof that these machines are causing any ill affects to nearby residents. From research I have undertaken via the internet and elsewhere, there is much evidence to the contrary, and many people in many countries are pursuing litigation against these companies as their only means of redress or remedy.

ARE THERE hundreds of liars world wide, who are trying to cause mischief to the Wind farm companies. BUT WHY? And what would their objectives be?

These people from Waubra who present here today are living a very distressing, unbearable existence in what was once a peaceful cooperative and cohesive community. I will let them tell their stories in the hope that, you act will responsibly to make this government accountable for the bad decisions they have made and

1. Remedy the mistakes of the past in the future
2. Help the people in Waubra and in fact Australia wide, that have been cast adrift without a life jacket,

**Trish Godfrey (DVD FROM STATELINE) provided by Mr Eddie Cassar in his presentation**

signed Statutory Declarations from at last 22 people from Waubra have been presented to the Moorabool Hearings., apart from Mrs Godfrey, who after some time, attempting to have the Energy Company address her illness related to living close to the turbines was paid out an amount in excess of \$1mill by Acciona and was required to sign a confidentiality agreement. The Company cited lack of visual amenity as the reason. The reason why originals are not presented is that they will be required in the future, for other purposes.

However, in my lounge room many months prior to this happening and in the presence of 8 or 10 members of our group Mrs Godfrey spoke freely of her “horror” living near the turbines.

She said was woken out of a deep sleep many times some nights, and a general feeling of uneasiness followed.

She experience constant headaches whilst at her farm but when she left the



headaches disappeared in a matter of hours. She had feelings of nausea much of the time a bit like motion sickness, and quite often she felt like her head was being squeezed in a vice.

She said in her own words to the group and I quote” I will help to make people aware of the problems with these turbines as long as I can, but we can’t live there, so if I go quiet you will know We’ve been paid out and can get out of here, and get our life back”

There have also been 2 more families brought out at Waubra, unable to reside at their residences due to the adverse affects from the CLOSE PROXIMITY TO these turbines.

Another lady I spoke to in Waubra Dawn Harrison said her children are being affected by sleep depravation at night but her husband is not affected. I asked her if she would come forward to tell her story but she declined because she said it is very difficult because, and I quote “my father in law has the turbines and it will divide our family”

I would now like to play a short interview with Steve Martin ABC radio with Dr Nina Pierpont recorded about a month ago.

**Dr Pierpont having done considerable research into the “WIND TURBINE SYNDROME” as we now know it poses that much more study into this syndrome is required, before people should be compelled to live in close proximity to these turbines, and as such further development should be postponed until comprehensive studies can be completed. AS with the state**

**government unwilling to implement the 2010 Noise standards, which are now the accepted guidelines elsewhere , we are in a no win situation with a government running out of control, with no checks and balances. WE must demand that this government implement safe distance setback from home which I would demand yes demand be at least 3KMS from boundaries from non stakeholders farms.**

#### **DR PIERPONT'S TAPED INTERVIEW (10minutes)**

**In The Yaloak Area where these turbines are proposed we have the following residents who will be impacted by the noise levels from the turbines.**

**The Olsen Family have an eleven month old baby boy – Sleep deprivation at the very least. Possible other effects ear tenderness, headaches, learning difficulties because of lack of concentration.**

**The Skidmores –Janene is already a migraine sufferer. She nurses an elderly mother with multiple conditions, including ear related conditions.**

**Michelle Evans- Moved to Mt Wallace to recover from a life threatening illness. Michelle was not made aware of the possible planning application for Turbines before purchase of her property.**

**There are three other families in very close proximity to the turbines who have three or more young children.**

**These proposed turbines are far too close to these residences.**

**Mr Lane Crockett when pressed at a public meeting in Ballan back in April, and asked would you be happy to locate YOUR FAMILY in close proximity to these turbines, to his credit stated honestly NO!!! under certain conditions.**

**MY CONCLUSION ON THIS TOPIC IS THIS:**

**Not everyone is affected adversely by these turbines, but many people are.**

**These people are in trouble and need our help, to be able to again live peacefully in their homes without fear of ongoing illness and repercussions.**

**Not enough research into the health effects and close proximity effects of these power generators has been undertaken prior to erection and commissioning.**

**I charge the panel members to act responsibly on this matter and recommend that this proposal does not proceed until a full EES is carried out and a full investigation into the Adverse Health effects of close proximity residents to Wind farms is undertaken.**

**I am no expert, but I do know when the democratic system is failing its people AND when fair and equitable outcomes and natural justice is being denied in this very unfair process.**

## MY PERSONAL CONCERNS BASED ON THE HEALTH ISSUES AND VISUAL AMMENITIES

Now on a very personal level. I am a 58yr old woman who has been a lifetime cerebral palsy sufferer. My husband 63 and I moved from the city nine years ago to seek solace in a quiet, peaceful, secluded environment, and commenced a breeding program of Peruvian Paso Horses. A particularly gentle natured animal suitable for the remedial therapy riding for disabled adults and children, and older or infirm riders no longer able to handle traditional riding, through failing health.

I have suffered migraine headaches most of my life but since coming to the country these have diminished greatly. My husband is extremely noise sensitive. He worked for thirty years at the Mobil Oil refinery and although they wore protective ear muffs he still finds loud noises very hard to cope with.

He suffers from depression, and since the Wind Farm proposal has been thrust upon us, he has been experiencing regular Panic Attacks an average of 2 a week, which greatly resembles a Heart attack when you are having one. Thankfully our doctor who is also my employer, has provided medication to help with this.

My grandson Nate 4yrs old is Autistic and my son and daughter in law bring him to the farm on a regular basis for a two fold purpose. My husband and I provide respite for my daughter in law and son by having little Nate stay with us. He loves it up here because it is so quiet and non threatening.

I fear that we won't be able to have the children stay if these turbines are built around us because Nate will be distressed and have "Melt Downs" constantly. This will put greater strain on my children, and grandchildren and prevent us from providing a safe haven for them.

This application is causing our family extreme anxiety, as panel members witnessed on their site visit to our home, in view of the fact that turbines will be in a radius of 260degrees around us and as close a 1km from our home.

People who were once our neighbours are now our adversaries.

An example of the division in the community is this letter (letter handed to panel members) I received in my mailbox from someone who is obviously sick of the hypocrisy of certain members of our community. Mr Fish who is hosting I believe 9 West Wind Energy turbines, which will have an immense impact on the quality of our visual amenities, has seen fit to object to turbines on the Yaloak South Estate. Mr Fish has many tree plantings(which I believe have been funded paid by tax payers dollars) and pine trees mitigating his views but as he puts it, “a flashing red light every few seconds, 365 days per year, year in year out is not a pleasant prospect to behold for anyone living in this home”

We personally have had or rubbish bins totally destroyed full of rubbish, our neighbours have had their signs pulled down and destroyed, one neighbour who is nursing a sick husband and against the turbines, the day after signs were put outside her property had her internal fences cut midway through her paddock. She rang extremely upset and asked for the signs to be taken down, fearing further retribution. Early on in our campaign, we instructed a solicitor to act on our behalf. The Solicitor emailed the group and said her was threatened by one of the host land owners with physical violence. And he was concerned for our group. He felt he has to warn us.

My husband and my vision for the future was to raise Peruvian Paso Horses and implement a therapeutic riding facility for older infirm people, and disabled and autistic children and adults. To allow our grandchildren and many others the joy of a unique animal therapy, hoping to enhance their lives in a way that many would not understand, until they have had the experience.

Our whole life has been completely shattered by this Proposal. WE are now in limbo Unable to get out. "Can't sell a home surrounded by turbines" unbearable to stay for both humans and animals alike. I have enclosed a paper on what is termed "SOLASTALGIA" a new Pysoterratic illness

In this paper it states dispossession is one trigger for environmentally induced distress. But what about environmentally induced distress in people who are not physically displaced. There are places on earth that not being completely lost but are being "transformed". People who are not voluntarily or forcibly removed from their homes but can experience place based distress in the face of the lived experience of profound environmental change.

These people are still "at home" but feel a melancholia that is caused by the breakdown of the normal relationship between their psychic identity and the safety of their home. These people lack solace or comfort derived from their present relationship to home. The consolation one might draw from the comfort of their home has been taken away from them, and so a feeling of hopelessness follows.

IN Brief Solastalgia is a form of homesickness one experiences when one is still at home.

All these outside influences are beyond our control, and our safe haven is being taken away.

My husband is becoming more emotionally distressed; I was a happy go lucky woman who loved life and people, who now feels a great weight on her shoulders that at times becomes unbearable.

My grandchildren are the loves of my life. They will not be able to visit for holidays and weekends as they presently do. I wonder what price the panel would put in that.

Finally WE want to live in peace, isn't that what our father's and for father's fought to give us. PEACE!

Where are wind farms in this document?

Another Labor tactic not to consult the people!!!

The Labor Party and the EPA need to be flooded with submissions relating to wind farms and what is happening at Waubra currentla

[http://www.epa.vic.gov.au/noise/industry\\_noise.asp](http://www.epa.vic.gov.au/noise/industry_noise.asp)

[http://epanote2.epa.vic.gov.au/EPA/publications.nsf/2f1c2625731746aa4a256ce90001cbb5/7f958a3b5e6a087eca2574dd00090419/\\$FILE/1254.pdf](http://epanote2.epa.vic.gov.au/EPA/publications.nsf/2f1c2625731746aa4a256ce90001cbb5/7f958a3b5e6a087eca2574dd00090419/$FILE/1254.pdf)

1

INFORMATION BULLETIN  
NOISE FROM INDUSTRY IN REGIONAL VICTORIA –  
KEY CONSULTATION TOPICS

Publication 1318 January 2010

**EPA SEEKS COMMENTS ON DRAFT  
INDUSTRY NOISE GUIDELINES**

EPA invites your comments on draft industry noise guidelines. This information bulletin provides the background to the guidelines and summarises key topics on which EPA seeks your comments. It also details how you can be involved in the consultation process.

*Noise from industry in regional Victoria (NIRV)* (EPA publication 1316) is a draft guidelines publication on setting noise levels for ‘industry’ in regional Victoria. Uncontrolled, noise can have serious impacts on human health and amenity.

Industry means all scales of commerce, industry, trade and earth resources — but not traffic on road and rail corridors or wind farms.

Supporting NIRV is a draft guideline document on *Industry noise and statutory approvals* (EPA publication 1317). This helps implement NIRV and the Policy for industry noise in the Melbourne Metropolitan Region, *State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No N-1* (SEPP N-1).

A technical background document on how NIRV was



developed will be available on the EPA website.

### **How can I provide comment?**

We invite your comments on *Noise from industry in regional Victoria* and *Industry noise and statutory approvals*.

Comments can be sent to us by 26 March 2010 and emailed to [noiseguidelines@epa.vic.gov.au](mailto:noiseguidelines@epa.vic.gov.au) or mailed to:

Project Coordinator — Noise  
Environmental Strategies Unit  
EPA Victoria  
GPO Box 4395  
Melbourne 3001

Consultation sessions and workshops are also planned between 1 and 12 March 2010.

If you are interested in attending a consultation session please contact EPA by 8 February by email to [noiseguidelines@epa.vic.gov.au](mailto:noiseguidelines@epa.vic.gov.au).

### **Why produce these guidelines?**

These guidelines address gaps in existing guidance. SEPP N-1 is the statutory policy for industry noise in the Metropolitan Region. It sets allowable noise levels based on the land zoning and the background sound levels in the area.

EPA last released guidelines for rural industry noise in 1989 (*Interim guidelines for control of noise from industry in country Victoria N3/89 (N3/89)*).

These guidelines set low noise levels to be met in very quiet rural areas. They also describe areas where the methodology of SEPP N-1 should be applied to set recommended levels. However, they have not provided certainty about the appropriate noise levels in other areas, such as industrial zones in smaller towns, or in the outskirts of Melbourne and major regional centres. NIRV replaces N3/89 and will provide greater certainty and transparency in the setting of appropriate noise levels for industry.

### **What do these guidelines mean for industry, government bodies and the community?**

NIRV provides a clear framework for protecting

community health and wellbeing from the effects of excessive industry noise. It provides greater certainty to the community, industry and government bodies about how to address noise concerns.

The guidelines do not change the obligations on industry to obtain relevant approvals for proposed operations or works. They support but do not change the obligations of planning authorities in the area of environmental assessment.

The approvals guidelines will assist:

- applicants in preparing a quality proposal
- government bodies in reviewing and approving proposals and drafting any necessary conditions
- the community in understanding what to expect through approvals.

NIRV covers the same types of premises and noise sources that have been covered under N3/89.

## NIRV – KEY CONSULTATION TOPICS

### 2

#### **How will noise levels be different from the current approach?**

NIRV provides a balance between the social and economic value of industry in regional Victoria, and the noise impact on communities.

For urban areas, such as Geelong, and the outskirts of Melbourne, the noise levels under NIRV and N3/89 will be similar.

For rural areas, there is a diversity of approaches used under N3/89, therefore comparison of noise levels established under N3/89 and NIRV is not practicable. However, NIRV gives greater clarity in setting noise levels in rural areas.

In general under NIRV, higher noise levels apply:

- close to industrial type areas, where the land zoning emphasises the industry uses
- in areas with high background sound levels, such as near main roads. In these situations, recommended levels for industry noise are set so as to not significantly intrude above to the background sound in the area.

Additionally, in areas where the quiet or environmental values of the area are recognised in the local planning policy framework, NIRV applies a more stringent approach to setting noise levels. (NIRV, Step 6B).

### **How will the guidelines be used?**

NIRV sets recommended maximum noise levels.

These would be used to determine planning and other approvals, or to resolve noise issues. The noise from industry, when assessed at noise-sensitive areas such as homes, would be compared to the recommended levels in NIRV.

NIRV is a guideline. While the levels it recommends may routinely be applied in statutory approvals and to resolve issues, there will be cases where the levels may not be practicable to meet. For example, where the industry cannot be located away from residents, because it is linked to a mineral or stone resource.

For these cases, meeting recommended levels and protecting amenity by noise control at the source only is sometimes not practicable. An alternative assessment approach may be needed in these limited circumstances. This assessment approach is provided in the *Industry noise and statutory approvals* guidelines.

The approval guidelines also offer general assistance for applicants and government approval bodies, such as local councils, on what noise issues to consider in making an application and issuing approval conditions.

### **When will the recommended levels be applied?**

The recommended levels in NIRV should be applied to new applications, including for proposed expansion of existing premises.

For existing industrial premises or earth resources developments with noise levels included in the conditions of approval, the currently approved noise levels will continue to apply. They may, however, be varied to the NIRV levels through a new or revised approval, such as a variation to an extractive industry work plan.

For any existing industry, the NIRV-recommended levels may be used as a guide when responding to community reports of excessive noise. However, consideration should first be given to any approval conditions.

### **How is noise assessed against the recommended levels?**

Noise is measured at residential properties using the procedures in SEPP N-1 to obtain an effective noise level.

This means that, to account for the character of the noise (such as one with more annoying tones), or where the noise can be heard only part of the time in a half-hour, there are positive and negative adjustments respectively to the measured noise level.

For example, for a continuously noisy piece of equipment such as a fan, the level at the residential premises would be taken, and penalties applied if it had a tonal character (such as whining).

For a non-continuous device such as an electronic bird scarer, there may be a penalty applied for its tonal character. However, there would be a reduction from the measured noise level to account for the time when it is not operating. This may mean that the measured level, before adjustments, is higher than the *effective* noise level.

In both examples, the effective noise level is the sum of the measured level and any adjustments that apply. This is the level to compare to the recommended level when assessing compliance.

### **What to do if the recommended levels cannot be met**

NIRV and the *Industry noise and statutory approvals* guidelines provide for those cases where the recommended levels cannot be met.

Following these guidelines can help the proponent to demonstrate if it is impracticable to meet the levels, and to explore alternative outcomes with the approval body and the community (Section 9 of *Industry noise and statutory approvals*).

## **NIRV – KEY CONSULTATION TOPICS**

## **KEY CONSULTATION TOPICS**

The release of draft guidelines for consultation is an opportunity to seek industry, community, government and other stakeholder input on areas for improvement.

Considerations include these:

- For industry, do the guidelines assist in preparing and responding to planning and other applications?

Does the increased certainty under NIRV assist you?

- For local government, do you feel that you could use NIRV in making statutory approval decisions?

Does the guidance assist noise assessments generally?

In addition, EPA is particularly interested in stakeholder feedback on the following topics. EPA also welcomes comments on any other areas of interest

### **1 Using planning scheme zones to inform setting of noise levels**

EPA welcomes comments on the approach for setting appropriate noise levels.

In rural areas, beyond the outskirts of the Melbourne and large regional centres, NIRV sets recommended levels according to the land-use zoning of the noise emitter (the premises generating the noise) and the noise receiver (the place, such as a home, where the noise is/would be heard).

This is firstly through a table (NIRV Table 1, page 7) that classifies land zones into groups.

To develop these groupings, EPA has considered the descriptions for the zones under the Victoria Planning Provisions (VPPs) and EPA's own experience in working with SEPP N-1 to achieve an appropriate environmental outcome that complements the planning scheme. See NIRV page 2 for further information.

### **2 NIRV's approach to the Farming Zone, Green Wedge Zone and Rural Activity Zone**

Consistent with clause 9 of SEPP N-1, NIRV does not apply to many noise sources from farming activity, such as mobile farm machinery, livestock on a farm or

in a saleyard, and scareguns.

However, stationary plant such as irrigation pumps, cool rooms or electronic bird scaring devices may be assessed under NIRV.

For such noise sources, EPA is particularly interested in the approach taken to the Farming Zone, Green Wedge Zone and Rural Activity Zone. These zones are grouped together in NIRV Table 1, recognising the similar agricultural emphasis provided under the planning scheme for all of these zones.

### **Providing a higher noise level in some instances within the Farming Zone**

Further to the above grouping, NIRV sets the recommended levels 3 dB higher for areas of the Farming Zone used for intensive agricultural activities (such as horticulture).

This is presented as an adjustment in the footnote to NIRV Table 1. The adjustment effectively subcategorises (or redefines) the zone into two parts.

This approach recognises that land in the Farming Zone comprises the majority of land in Victoria and will, therefore, not be uniform in the type or intensity of activities.

While there are a range of zones that provide for farming and compatible land uses, EPA has proposed to apply this approach to the Farming Zone because:

- the purpose of the Farming Zone sets a singular farming intent, and is to ensure that nonagricultural uses, particularly dwellings, do not adversely affect the use of land for agriculture
- intensive agricultural activities are more likely to have noise sources to which NIRV applies (e.g. irrigation pumps) and be in close proximity to residents.

The 3 dB higher recommended levels are proposed for areas with intensive agricultural uses only. This reflects the purpose of the zone, without having higher noise levels applying across large land areas where it is not needed.

In such areas, there is generally greater land use

separation and less likelihood of noise impact.

Therefore, meeting the lower recommended levels for stationary equipment should not be onerous.

### **Considering a similar approach in other zones**

EPA has also considered whether a similar justification could be made for sub-categorising the Rural Activity Zone.

EPA has considered that, although this zone features farming activity, sometimes in proximity to residents, there is not sufficient justification to provide the same variation. This is because:

- the area covered by the Rural Activity Zone is relatively small in extent compared with the Farming Zone, and thus there is less justification for sub-categorising parts of this land
- unlike the Farming Zone, this zone has the purpose in the planning scheme ‘to ensure that use and development does not adversely affect surrounding land uses’.

Similar considerations apply to the Green Wedge Zone.<sup>1</sup>

<sup>1</sup> We also note that, being on the outskirts of Melbourne and other Major Urban areas, this zone will likely be subject to SEPP N-1 methodology, not Table 1 in NIRV (NIRV Step 1).

## **NIRV – KEY CONSULTATION TOPICS**

### **4**

EPA considers that we have appropriately considered the intent of the planning scheme in developing the approach under NIRV. EPA welcomes comments and discussion with stakeholders applying and working within these zones on a local basis, about what our approach means at a local level, and whether there is basis for further variation.

### **3 The approach for earth resources**

EPA welcomes comments on:

- the approach taken for earth resources (such as mines and quarries) in NIRV
- the variations for earth resources in Step 6D of NIRV, which account for the higher noise levels from necessary exposed works

- the approach to noise assessment in Section 5.2 of the approvals guideline.

For the earth resources industry NIRV provides a different approach to setting noise levels. This is because earth resource activities are not located according to land-use zoning.<sup>2</sup>

EPA considers that the general NIRV land zoning based approach could have led to complex and inequitable outcomes for earth resources industry, particularly where other nearby earth resources sites happen to fall within different zoning, such as the Special Use Zone.

Therefore, we propose to apply the same day, evening and night levels to all earth resources industry, regardless of the zone in which it is located. The levels are based on both the noise emitter and noise receiver being located within the farming zone (FZ) — the most likely land zoning in which mines and quarries might occur.<sup>3</sup> This approach provides a consistent and straightforward approach to management of these activities.

#### **How do the outcomes differ from N3/89?**

This approach for earth resources gives higher noise levels than the minimum levels set under N3/89, which have often been applied.

Mining would mainly occur in non-urban zones (consistent with the default levels provided). Where it occurs in a built-up area (such as a business or industrial zone), and homes are located near the zone boundary, the recommended levels for earth resources might be *lower* than those determined for industry using the general NIRV approach.

In cases on the outskirts of the greater Melbourne area, or large regional centres, the approach under

<sup>2</sup> For example, mining activities are permitted in all zones without requiring a planning permit. Extractive industry is prohibited in most built-up areas (such as residential and business zones) and is not prohibited in non-urban zones.

<sup>3</sup> This level may be adjusted where there are high background levels (Step 5, page 8 of NIRV). It is not reduced due to distance to the receiver, as there



is no zone boundary to consider (Step 3 page 8 of NIRV). SEPP N-1 to setting recommended levels would continue to be applied.

### **What other approaches have been considered?**

The recommended levels set for earth resources are the same as those generally provided for farming and agricultural industry.

EPA recognises that the community might view larger scale earth resources activities as an industrial-type use and, therefore, those living in close proximity may reasonably expect some additional noise impact.

EPA has considered other approaches to setting recommended levels for earth resources that treat sites as an ‘industrial-type’ zone.

EPA assessed options to use the site’s licensed area or the approved work area as the ‘zone boundary’ for determining recommended levels. This would include treating the site as an industrial zone (such as an Industrial 3 Zone or Industrial 1 Zone) in NIRV Table 1, and applying the distance adjustment to account for different amenity expectations for residents at greater distances. EPA assessed alternatives and concluded the following:

- For many sites, at distances closer than 500 m from the working area to the nearest resident, meeting the recommended levels might, in some cases, not be possible.
- For other, smaller sites (such as soft-rock quarries), the recommended levels under NIRV should be attainable.
- Meeting the NIRV recommended levels should be routinely achievable at greater distances. EPA does not consider higher noise levels at greater distances to be justified, given the additional impact on the Victorian community.

We also found that the other options would lead to widely varying recommended levels for earth resources developments, particularly where there are multiple sites in an area.

Furthermore, the process for setting recommended

levels based on the site or work area boundary would not be transparent to parties outside of the approval or licensing process. This is mainly because maps showing the site or work area boundaries are not broadly accessible.

As it is important to have a transparent and straightforward process for setting noise levels, we have not adopted this approach.

## 1

### GUIDELINES

#### NOISE CONTROL GUIDELINES

Publication 1254 October 2008

#### INTRODUCTION

These guidelines are primarily intended to be used by municipal officers to assist in the resolution of complaints or to avert a possible noise nuisance. Some guidelines have been prepared so that they could be incorporated into a permit condition of a development or embodied as a local law. The guidelines are designed, however, to be the basis of assessment and not the last word.

Many of the guidelines do not require an actual measurement of the noise. In these cases, the inherent nature of the activity outside of the hours suggested is sufficient to consider the activity unreasonable.

EPA appreciates feedback on issues where additional noise control guidelines are considered useful or where refinements to existing guidelines are considered necessary.

Note: These guidelines are a reproduction of the former EPA publication TG302/92. The publication has been updated to reflect regulatory changes under the *Environment Protection (Residential Noise) Regulations 2008* and to address queries raised through consultation for these regulations. The sections for fixed domestic plant; for construction and demolition site noise and for noise assessment have been updated, and the ordering of sections has been changed. Other minor amendments are:

- a requirement for waste collection has been added
- references and standards for aircraft noise, scaregun noise and noise from shops have been updated.

## **ACKNOWLEDGEMENT**

Some of the guidelines were adopted from noise control guidelines developed by the New South Wales Department of Environment and Climate Change (formerly the State Pollution Control Commission).

## **CONTENTS**

### **Section & title Page**

1 Fixed domestic plant and home occupation noise 2 <i>(air conditioners, swimming pool equipment, spas, ducted heating, internal vacuum systems, home occupation noise)</i>	2
2 Construction and demolition site noise	2
3 Road repair and track maintenance	4
4 Dog kennels	4
5 Domestic refuse collection	5
6 Industrial waste collection	5
7 Mobile vendors	5
8 Truck-mounted refrigeration units	5
9 Deliveries to shops, supermarkets and service stations	6
10 Noise from shops	6
11 Gardening on non-residential property	6
12 Scareguns	6
13 Public address systems	7
14 Mini-motorcycle circuits	8
15 Aircraft	8
16 Helicopters	10
17 Noise assessment technique 10 <i>(measurement equipment, measurement procedure, method of background measurement, adjustments, nonstandard sources)</i>	10
18 Other noise guidelines and useful references	11

## **NOISE CONTROL GUIDELINES**

### **2**

#### **1 FIXED DOMESTIC PLANT AND HOME OCCUPATION NOISE**

*(such as domestic air conditioners, swimming*

*pool equipment, spas, ducted heating, internal vacuum systems and home occupation noise)*

Noise from fixed domestic plant is subject to Section 48A of the *Environment Protection Act 1970* (EP Act) and the *Environment Protection (Residential Noise) Regulations 2008*.

### **Night operation**

Noise from any fixed domestic plant must not be audible within a habitable room of any other residence (regardless of whether any door or window giving access to the room is open) during prohibited hours prescribed by the *Environment Protection (Residential Noise) Regulations 2008*.

The following **prohibited hours** apply to air conditioners, swimming pool and spa pumps, ducted heating systems and the like:

- 10 pm — 7 am Monday—Friday.
- 10 pm — 9 am weekends & public holidays.

### **Day/evening operation (non-prohibited times)**

This guideline can assist assessment of the decibel intensity of fixed domestic plant noise. Noise measurements can contribute to assessment under s48A of the EP Act, where all the factors under s48A(4) must be taken into account.

Noise levels not meeting this guideline may be considered unreasonable if they interfere with use of home or property on a recurring or ongoing basis.

Where noise from any fixed domestic plant is audible beyond the boundary of the residential premises on which the plant is situated, the intrusive noise shall not exceed the background noise level by more than 5 dB at the measurement position.

Noise assessment must be made in accordance with noise assessment techniques listed in section 17 of these guidelines. Adjustment for tonality and/or impulsiveness must be included if applicable.

Assess at a time and circumstance representative of the likely worst case of impact, considering:

- when equipment is likely to be operating
- the equipment settings representative of normal

operation (discuss with affected person and owner)

- that multiple items that generally operate together be assessed together
- representative background noise levels — noise from domestic plant will be more intrusive when background levels are lower.

For example, where noise affects a neighbour in the late evening, measurements of background and intrusive noise should be made at this time.

Background noise levels are normally lower in the evening than in the day and are highest during periods of peak traffic.

### **Measurement position**

The measurement location must be representative of the relevant indoor and/or outdoor area affected by the noise.

### **Relevant outdoor areas**

Relevant outdoor areas will generally exclude areas not normally used by the affected resident for rest, recreation or enjoyment, such as an access walkway. The microphone should be located at the boundary of the property where the noise source is located. Where this is not practicable or not representative of an affected area, then a measurement within the affected area should be made.

### **Relevant indoor areas**

Relevant indoor areas are not limited to habitable rooms, but may exclude infrequently and briefly used rooms such as a laundry.

Where possible, a representative outdoor measurement (example, near the façade of the affected area) should be taken for noise affecting indoor areas. This helps to avoid potential indoor measurement complications such as reflections or internal extraneous noise.

## **2 CONSTRUCTION AND DEMOLITION SITE NOISE**

This applies to:

- industrial and commercial premises
- large-scale residential premises under construction

in non-residential zones, as defined in regulation 9 of the *Environment Protection (Residential Noise) Regulations 2008*.

Other than for some large-scale residential premises, this guideline does not apply to noise from construction of private residential dwelling(s). These are subject to the *Environment Protection (Residential Noise) Regulations 2008*.

The purpose of this guideline is to protect nearby residential premises from unreasonable noise.

Commercial and other premises affected by noise should be considered and reasonable measures implemented to reduce impact on these premises.

### **Community consultation and work scheduling**

Community consultation is essential for large-scale projects or high-impact works. Where the community will be significantly impacted, consult on the benefits and drawbacks of different scheduling, planning and remediation options.

## **NOISE CONTROL GUIDELINES**

### **3**

The following requirements apply to large projects with nearby sensitive uses:

- Inform potentially noise-affected neighbours about the nature of construction stages and noise reduction measures.
- Give notice as early as possible for periods of noisier works such as excavation. Describe the activities and how long they are expected to take. Keep affected neighbours informed of progress.
- Appoint a principal contact person for community queries.
- Provide 24-hour contact details through letters and site signage. Record complaints and follow a complaint response procedure suitable to the scale of works.
- Within normal working hours, where it is reasonable to do so:
  - schedule noisy activities for less sensitive times, (for example, delay a rock-breaking task

to the later morning or afternoon)  
provide periods of respite from noisier works  
(for example, periodic breaks from jackhammer  
noise).

- The weekend/evening work hours in the schedule (including Saturday afternoon or Sunday) are more sensitive times and have noise requirements consistent with quieter work.
- The weekend/evening periods are important for community rest and recreation and provide respite when noisy work has been conducted throughout the week. Accordingly, work should not usually be scheduled during these times.

### **Work requirements**

Noise reduction measures should be developed through initial project planning, tenders for equipment and subcontracts. Larger projects should develop a noise management plan (potentially part of a broader environmental management plan) and may require advice from an acoustic specialist, particularly if works are proposed outside of normal working hours.

The following measures apply:

- Where work is conducted in a residential area or other noise-sensitive location, use the lowest-noise work practices and equipment that meet the requirements of the job.
- Site buildings, access roads and plant should be positioned such that the minimum disturbance occurs to the locality. Barriers such as hoardings or temporary enclosures should be used. The site should be planned to minimise the need for reversing of vehicles.
- All mechanical plant is to be silenced by the best practical means using current technology. Mechanical plant, including noise-suppression devices, should be maintained to the manufacturer's specifications. Internal combustion engines are to be fitted with a suitable muffler in good repair.
- Fit all pneumatic tools operated near a residential

area with an effective silencer on their air exhaust port.

- Install less noisy movement/reversing warning systems for equipment and vehicles that will operate for extended periods, during sensitive times or in close proximity to sensitive sites. Occupational health and safety requirements for use of warning systems must be followed.
- Turn off plant when not being used.
- All vehicular movements to and from the site to only occur during the scheduled normal working hours, unless approval has been granted by the relevant authority.
- Where possible, no truck associated with the work should be left standing with its engine operating in a street adjacent to a residential area.
- Special assessment of vibration risks may be needed, such as for pile-driving or works structurally connected to sensitive premises.
- Noise from the site needs to comply with the requirements of the schedule, except for:
  - unavoidable works
  - night period low-noise or managed-impact works approved by the local authority.

**Unavoidable works** are works that cannot practicably meet the schedule requirements because the work involves continuous work — such as a concrete pour — or would otherwise pose an unacceptable risk to life or property, or risk a major traffic hazard. Affected premises should be notified of the intended work, its duration and times of occurrence. The relevant authority must be contacted and any necessary approvals sought.

**Low-noise or managed-impact works** are works approved by the local authority:

- that are inherently quiet or unobtrusive (for example, manual painting, internal fit-outs, cabling)
- or
- where the noise impacts are mitigated (for example, no impulsive noise and average noise



levels over any half hour do not exceed the background) through actions specified in a noise management plan supported by expert acoustic assessment.

Low-noise or managed-impact works do not feature intrusive characteristics such as impulsive noise or tonal movement alarms.

## NOISE CONTROL GUIDELINES

### 4

#### **Schedule: Construction and demolition site noise**

Normal working hours

Noise to follow the requirements above during the hours of:

7 am — 6 pm Monday to Friday

7 am — 1 pm Saturdays

Weekend/evening work hours

Noise level at any residential premises not to exceed background noise by:

10 dB(A) or more for up to 18 months after project commencement

5 dB(A) or more after 18 months during the hours of:

6—10 pm Monday to Friday

1—10 pm Saturdays

7 am — 10 pm Sundays and public holidays

Night period

Noise inaudible within a habitable room of any residential premises during the hours of:

10 pm — 7 am Monday to Sunday

Note: Noise from construction of large-scale residential premises in non-residential zones (see regulation 9 of the *Environment Protection (Residential Noise) Regulations 2008*) is subject to the unreasonable noise provisions of s48A(3) of the EP Act at all times of day. In all circumstances, the assessment may have regard to this noise control guideline.

This guideline affirms the minimum expectation that noise from these sites must not be audible within a habitable room of any residential premises between 10 pm and 7 am. This is considered unreasonable noise

under the EP Act. However, provision is made for circumstances of unavoidable works or low-noise or managed-impact works.

This guideline does not limit the general ability of a local government or police officer to assess the unreasonableness of noise at any time. For example, if unavoidable works were done in an unnecessarily noisy way, this may be considered to be unreasonable. General noise at any time during the day might still be considered unreasonable, taking into account the work practices and circumstances of the noise. As specified in s48A(4) of the EP Act, assessment must consider the attributes of the noise and the time, place and circumstances in which it is emitted.

### **3 ROAD REPAIR AND TRACK MAINTENANCE**

The following guidelines have been designed to limit the amount of noise impinging solely on residential premises. To this end, affected premises such as offices may be considered exempt from the schedule.

- All pneumatic tools operated in a residential area should be fitted with an effective silencer on their exhaust port.
- The unit with the lowest noise reading which meets the requirements of the job should be used where work is conducted in a residential area or other noise-sensitive location.

- All mechanical plant must be silenced by the best practical means using current technology.

Mechanical plant, including noise-suppression devices, should be maintained to the manufacturer's specifications. Internal combustion engines are to be fitted with a suitable muffler in good repair.

- Unless involved in emergency repair or for safety reasons, all work should be conducted during the hours specified in the schedule.
- If routine work is planned outside the hours specified by the schedule, all affected premises in the residential area must be notified of the

intended work, its duration and times of occurrence.

- Work that creates the most noise should be scheduled to minimise the impact on residential premises.

**Schedule: Road repair and track maintenance**

7 am — 6 pm Monday to Saturday

9 am — 6 pm Sunday and Public Holidays

**4 DOG KENNELS**

The problems caused by the perpetual barking of dogs has been known to exist at distances as far as 500 metres from the actual source. The following criteria for dog kennels have therefore been assembled to limit both the physical stimuli to the dogs and the outbreak of noise from the kennels.

- The kennels should be located at least 500 metres from residential areas.
- Some fully enclosed or acoustically baffled kennels should be available to house particularly noisy animals, at a ratio of 1:15.
- Electronic masking noise devices should be provided to reduce audible stimuli to the dogs.
- Kennels should be constructed to visually screen stimuli such as other dogs, animals, traffic or passers-by.
- Access to kennels should be restricted solely to staff.

**NOISE CONTROL GUIDELINES**

**5**

- Feeding of the dogs should be restricted to the daytime hours of 7 am — 6 pm.
- Exercise of the dogs may only be performed between the hours of 9 am and 5 pm.
- A responsible person must be available on site 24 hours per day.
- Kennels should be constructed of such a material so as to provide an appropriate reduction in the emission of noise. Materials such as masonry and cement sheeting would provide a suitable structural basis.

- The kennels should be positioned so as to utilise the ability of the topography to reduce noise.

Note: Noise originating from dog kennels may be assessed using *State Environment Protection Policy (Control of noise from commerce, industry and trade) No. N-1*.

## **5 DOMESTIC REFUSE COLLECTION**

The main annoyance produced by domestic refuse collections occurs in the early morning (in other words, before 7 am). Therefore, if possible, routes should be selected to provide the least impact on residential areas during that time.

Collection of refuse should follow the following criteria:

- Collections occurring once a week should be restricted to the hours 6 am — 6 pm Monday to Saturday
- Collections occurring more than once a week should be restricted to the hours 7 am — 6 pm Monday to Saturday
- Compaction should only be carried out while on the move.
- Bottles should not be broken up at the point of collection.
- Routes that service entirely residential areas should be altered regularly to reduce early morning disturbance.
- Noisy verbal communication between operators should be avoided where possible.

## **6 INDUSTRIAL WASTE COLLECTION**

Annoyance created by industrial waste collection tends to intensify in the early-morning period. To this end, early-morning collections should be restricted to non-residential areas to minimise early morning disturbances. Where a residential area is impacted by noise from the collection of refuse, then collections should be restricted to the times contained within the schedule.

- Refuse bins should be located at sites that provide minimal annoyance to residential premises.

- Compaction should be carried out while the vehicle is moving.
- Bottles should not be broken up at collection site.
- Routes which service predominantly residential areas should be altered regularly to reduce early morning disturbances.
- Noisy verbal communication between operators should be avoided where possible.

**Schedule: Industrial waste collection**

One collection per week

6:30 am — 8 pm Monday to Saturday

9 am — 8 pm Sunday and public holidays

Two or more collections per week

7 am — 8 pm Monday to Saturday

9 am — 8 pm Sunday and public holidays

**7 MOBILE VENDORS**

The owner or person in charge of a vehicle should not use or operate in any public place a noise or loudspeaker device for the purpose of informing members of the public that articles are on sale from that vehicle, or to promote a related business activity:

- while the vehicle is stationary
- before 9 am or after 9 pm on any day
- for longer than 30 seconds in any period of three minutes

or

- more than once in any period of one hour in a section of a road between two intersecting crossroads which are nearest in each direction.

**8 TRUCK-MOUNTED REFRIGERATION UNITS**

Whether parked on residential or non-residential premises, the noise from the operation of a truckmounted refrigeration unit must not be audible within a habitable room of any other residence (regardless of whether any door or window giving access to the room is open) during the hours contained in the schedule.

**Schedule: Truck-mounted refrigeration units**

Non-residential premises (e.g., noise from a delivery truck, whether moving or parked on the street)

10 pm — 7 am Monday to Saturday

10 pm — 9 am Sundays and public holidays

Residential premises (including a truck owner keeping their vehicle on the street outside their home)

8 pm — 7 am Monday to Friday

8 pm — 9 am weekends and public holidays

Note: Section 48(A) of the *Environment Protection Act 1970* deals with the emission of unreasonable noise from residential premises. This provision of the Act is

## NOISE CONTROL GUIDELINES

### 6

not limited to the schedule and may be enforced at any time.

## 9 DELIVERIES TO SHOPS, SUPERMARKETS AND SERVICE STATIONS

Where a residential area will be impacted by noise from deliveries, then deliveries should be inaudible in a habitable room of any residential premises (regardless of whether any door or window giving access to the room is open) outside the hours contained in the schedule.

### **Schedule: Deliveries to shops, supermarkets & service stations**

7 am — 10 pm Monday to Saturday

9 am — 10 pm Sundays and public holidays

Note: All ancillary motors or trucks should be turned off whilst making the delivery.

## 10 NOISE FROM SHOPS

Where amplified speech or music from shops (spruiking) is to be controlled, the following conditions may be specified.

Each loudspeaker or loudspeaker system to be placed in such a position that, while it is in use, it remains:

- located entirely inside the shop
- situated not less than three metres from any public entrance to the shop
- directed in such a manner that the device does not point towards any wall which contains an external window or entrance to the shop unless the wall is more than 15 metres from the device itself

- operating at a level that does not exceed 65 dB(LAeq) two metres from the facade.

## **11 GARDENING ON NON-RESIDENTIAL PROPERTY**

This guideline is intended to limit the amount of noise created by lopping or removal of trees, cutting of grass and so forth.

All internal combustion engines must be fitted with a suitable muffler in good repair.

Work carried out in proximity to a residential area should be restricted to the hours:

7 am — 6 pm Monday to Saturday

9 am — 6 pm Sundays and public holidays, unless involved in emergency work.

## **12 SCAREGUNS**

### **Background**

Scareguns are devices for producing a loud explosive sound for the purpose of scaring away birds from crops and orchards. Scare guns, also known as gas guns or scatter guns, produce an explosive noise by the ignition of a charge of gas and air. Some scare guns rotate after firing so that the next blast is emitted in a different direction, which is intended to increase the surprise effect on birds.

Scareguns, when used as the sole bird deterrent, are likely to become significantly less effective after a few days. This is due to the birds becoming accustomed to the noise. For scareguns to remain effective it is necessary to vary and enforce the frightening effect. Methods which do this include the relocating of the scare gun every day or so and the use of 'birdfright' explosive cartridges.

The rate of firing the scaregun must be carefully considered. If the firing rate is set too high, the birds will very quickly become accustomed to the noise. However, if set too low, the birds will return from cover after being frightened away and will have time to feed.

For the guns to be most effective they should be used when the birds are most actively feeding. This will

normally be in the early morning and late afternoon; but this could be dependent on the species. Most scareguns can be fitted with a timer that enables them to be automatically turned on and off.

Scareguns are not the only method of bird control available. Where scareguns cannot be used, other bird controls should be considered by the producer. These include:

- kites, shaped like birds of prey
- chemical sprays that are unpalatable to some species of small birds
- plastic strips that hum in the wind
- nets and plastic mesh
- noise generators such as 'Av-alarm', 'Pestaway Agricultural Noise Generator' or a 'white noise' generator. (The first two produce a high level of noise which may cause annoyance to residents if living nearby. The last-mentioned device produces a cicada-like sound and has been found to be particularly effective with silvereyes).

### **Discussion**

Birds that attack fruit and crops can cause significant losses to a producer. A scaregun, if used correctly, does offer some protection against this problem. However, the noise that frightens the birds can also cause significant annoyance to neighbours living in the area. As a consequence, when scareguns are used, there needs to be a balance set between the

### **NOISE CONTROL GUIDELINES**

**7**

producer's needs and the rights of residents. This guideline attempts to set this balance and should be seen as a reasonable compromise for both parties.

#### **Guidelines for the control of noise from scareguns**

- A scaregun must not be used if the distance between the scaregun and any complainant's house is less than 300 m (See Note 2).
- The scaregun must not emit more than 70 blasts/day.
- The scaregun must not be used earlier than 7 am



or later than sunset. Earlier starting times will be allowed if this is agreed to by the complainants.

- The total time of operation of a scaregun must not exceed 12 hours in any one day. However, the time of operation may be divided into two separate periods, provided the interval between blasts is not less than six minutes.
- The scaregun must be located as far away as possible from any complainant's house.
- Wherever possible, the shielding effects of natural features, buildings and so on shall be used to reduce the level of the blasts at complainants' houses.
- Wherever possible, the use of the scaregun shall be minimised.

Notes:

1. These guidelines are based on an average maximum level of 100 dB LIN Peak of the loudest 20 per cent of blasts measured at the complainant's home when the weather favours noise propagation. The dB LIN Peak is measured with the sound level meter set to linear ('Z') frequency-weighting and peak ('P') time weighting.
2. Where the level of the blast from a scaregun can be adjusted, then the distance between the scaregun and any complainant's house may be less than 300 m. In this case the adjusting mechanism must be permanently fixed such that the average maximum level of the blasts at the house does not exceed 100 dB LIN Peak.
3. Weather conditions affect the propagation of noise. Received levels are loudest when the wind blows from the source to the receiver. Temperature inversions, which often occur in the early mornings after a clear night, also increase noise propagation.

### **13 PUBLIC ADDRESS SYSTEMS**

Public address systems are commonly used in conjunction with outdoor entertainment and sporting activities and can cause annoyance if used inappropriately. For the purpose of this guideline

public address systems may be divided into two categories: low-power units needed for control of persons engaged in the activities or events; and highpower units used for making public commentaries and announcements.

### **Objectives**

In all cases, the environmental objective should be noise intrusion of not more than 5 dB(A) above background at any affected residences or other noisesensitive locations. Corrections for tonal or impulsive noise usually are not necessary, and further tolerance of up to 5 dB(A) may be allowed for unique or very infrequent activities with recognised social merit. Amplifier level settings must be minimised whilst ensuring conveyance of information to audience or participants is adequate.

Restrictions on the times of use of public address systems should be considered. Noise from PA systems must not be audible inside a residential dwelling during normal sleeping hours.

### **Low-power systems for event control**

These are usually small systems such as are used for controlling competitors in events like BMX bike races and go-kart races. Where such systems may cause noise annoyance, the following criteria should be applied:

- The public address system must only be used to control the event, not for giving commentaries, advertising or playing music.
- Speakers may only be installed in the essential control areas, such as marshalling sites.
- Speakers should be small, low-power horn units no more than 20 cm across the horn opening and operated by an amplifier of no more than 30 watts.
- Horn units are to incline downwards at an angle of approximately 45°, point in the appropriate direction and be mounted on poles approximately three metres tall, in such a way that the speaker is held firmly and cannot be rotated.
- A sound level limiting circuit should be

incorporated in the amplifier to control the signal amplitude to a fixed level, regardless of the loudness of the operator's voice.

- Once the control knobs have been set to the correct positions, they should be removed and the potentiometer spindles covered with a fixed metal channel attached to the front panel of the amplifier.
- The spare microphone inputs should be covered with metal plates securely fitted to the rear or front panel of the amplifier, as the case may be.

### **High-power systems for commentaries and announcements**

These are usually much larger systems used, for example, to give a running commentary during a

## **NOISE CONTROL GUIDELINES**

### **8**

sporting event or race meeting, to keep spectators entertained or for carnival-type advertising.

- Most of the criteria for lower power systems are applicable.
- Rather than use high-powered speakers placed in a few locations, it is preferable to place more lowpowered speakers to cover the entire perimeter of the grounds, each pointing downward and inward towards the ground where the event is taking place.

Note:

1. Consideration should be given to substitution of sound systems by visual displays such as electronic scoreboards and video screens for large operations.
2. PA systems used for paging staff and patrons in business and catering operations may also be replaced where they adversely affect residences. In business, two-way radios or pocket beepers may be used. In hotels, meal ticket numbers may be presented on digital display boards instead of being announced.

## **14 MINI-MOTORCYCLE CIRCUITS**

## Introduction

This guideline is intended to limit the amount of noise created by mini-motorcycles at a circuit controlled by a non-profit organisation within the Melbourne metropolitan area.

## Definitions

**Circuit** means the entire area controlled by the club and includes, but is not restricted to, the track area, pits area, warm-up area and car park area.

**Mini-motorcycle** means any two-wheeled vehicle, powered by an internal combustion engine, that cannot be registered for road use.

**Public holiday** means public holiday as published in the *Victoria Government Gazette* from time to time.

**Standard exhaust system** means either the complete exhaust system fitted to the mini-motorcycle at the time of manufacture or a complete system specified and distributed by the manufacturer of the minimotorcycle as a suitable replacement.

## Noise guidelines

Only mini-motorcycles having an engine capacity of 100 cc or less should be permitted on the track, pits or warm-up areas and the engine of any mini-motorcycle may only be operated when the cycle is in one of these areas or being ridden between these areas.

All mini-motorcycles ridden on the track, pits or warmup areas must have fitted a standard exhaust system or equivalent system capable of reducing the noise emissions to a level of 96 dB(A) or less when tested in accordance with the motor cycle provisions of the *Environment Protection (Vehicle Emissions) Regulations 2003* made under the *Environment Protection Act 1970*.

No more than 15 mini-motorcycles are to be ridden on the track area at any one time, either during practice sessions or races of any kind.

The engines of mini-motorcycles located at the starting line prior to the start of any race are not to be operated for longer than two minutes.

No more than two mini-motorcycles are to be operated

on the warm-up area at any one time.

The engines of mini-motorcycles located in the pits area should not be operated for excessive periods of time.

**Public address systems:** Section 13 of these guidelines cover the installation and use of these systems.

A sign or signs must be erected and maintained by the club, indicating that the circuit is only to be used by club members. The erection of a sign may need to comply with the requirements of the relevant planning scheme.

Regular club activities should be restricted to Saturdays, Sundays and public holidays, and the hours during which the engine of a mini-motorcycle can be operated on the circuit must fall within the interval 9 am to 6 pm on any Saturday and 10 am and 6 pm on any Sunday or public holiday. On each day that minimotorcycles are ridden on a circuit there must be a continuous period of at least 45 minutes between 12 noon and 2 pm when the engine of any minimotorcycle is not to be operated.

In any period of four consecutive weeks there should be at least one entire weekend during which no minimotorcycles are to be operated on the circuit.

For each new circuit, the distance between any zone in which the use of mini-motorcycles is prohibited under the relevant planning scheme and the nearest part of the track area, pits area or warm-up area should not be less than 350 metres. In addition, consideration must be given to the following:

- other lawful uses in the same zone or reservation that are likely to be sensitive to noise, or whether any permits have been issued for such uses.
- any proposed rezoning or reservation of the area.

## **15 AIRCRAFT**

The impact of aircraft noise is generally of major concern only in the vicinity of airports. In these situations levels of noise exposure can be mapped using either the Australian Noise Exposure Forecast

(ANEF) system or the maximum noise levels from aircraft where an ANEF is not available.

## NOISE CONTROL GUIDELINES

### 9

The Commonwealth regulations for aircraft noise are the *Air Navigation (Aircraft Noise) Regulations 1984*. Complaints about noise from aircraft in flight should be directed to Airservices Australia, a Commonwealth government agency.

#### **Table 15.1: Building site acceptability near airports**

##### **ANEF zone of site**

##### **Building type**

##### **Acceptable Conditionally acceptable Unacceptable**

House, home unit, flat, caravan park Less than 20 ANEF(Note 1) 20 to 25 ANEF(Note 2) Greater than 25 ANEF

Hotel, motel, hostel Less than 25 ANEF 25 to 30 ANEF Greater than 30 ANEF

School, university Less than 20 ANEF(Note 1) 20 to 25 ANEF(Note 2) Greater than 25 ANEF

Hospital, nursing home Less than 20 ANEF(Note 1) 20 to 25 ANEF Greater than 25 ANEF

Public building Less than 20 ANEF(Note 1) 20 to 30 ANEF Greater than 30 ANEF

Commercial building Less than 25 ANEF 25 to 35 ANEF Greater than 35 ANEF

Light industrial Less than 30 ANEF 30 to 40 ANEF Greater than 40 ANEF

Other industrial Acceptable in all ANEF zones

Notes:

1 The actual location of the 20 ANEF contour is difficult to define accurately, mainly because of variation in aircraft flight paths. Because of this, AS 2021–2000 *Acoustics — Aircraft Noise Intrusion — Building Siting and Construction* specifies additional procedures for building sites outside but near to the 20 ANEF contour.

2 Within 20 ANEF to 25 ANEF, some people may find that the land is not compatible with residential or educational uses. Land-use authorities may consider that the incorporation of noise control features in the construction of residences or schools is appropriate (see also Figure A1 of Appendix A of AS 2021–2000 *Acoustics — Aircraft Noise*

*Intrusion — Building Siting and Construction*

3 There will be cases where a building of a particular type will contain spaces used for activities that would generally be found in a different type of building (for example, an office in an industrial building). In these cases this table should be used to determine site acceptability, but internal design noise levels within the specific spaces should be determined by Table 3.3 of AS 2021–2000 *Acoustics — Aircraft Noise Intrusion — Building Siting and Construction*.

**Table 15.2: Building site acceptability based on maximum noise levels without ANEF charts**

**Aircraft noise level expected at building site, dB(A)**

**20 or fewer flights per day    More than 20 flights per day**

**Building site**

**Acceptable**

**Conditionally**

**acceptable**

**Unacceptable    Acceptable**

**Conditionally**

**acceptable**

**Unacceptable**

House, home unit, flat,

caravan park

<80 80 to 90 >90    <75 75 to 85 >85

Hotel, motel, hostel <85 85 to 95 >95    <80 80 to 90 >90

School, university <80 80 to 90 >90    <75 75 to 85 >85

Hospital, nursing homes <80 80 to 90 >90    <75 75 to 85 >85

Public building <85 85 to 95 >95    <80 80 to 90 >90

Commercial building <90 90 to 100 >100    <80 80 to 90 >90

Light industrial <95 95 to 105 >105    <90 90 to 100 >100

Heavy industrial No limit

NOTE: The forecast daily average number of aircraft flights affecting the

site should be obtained from the aerodrome

owner. However, each night-time flight between 7 pm and 7 am is to count

as four operations.

Reference: AS 2021–2000 *Acoustics — Aircraft Noise Intrusion — Building Siting and Construction*.

**NOISE CONTROL GUIDELINES**

**10**

**16 HELICOPTERS**

## **Noise level criteria**

The criteria comprise three separate components, each of which should be satisfied at the nearest affected buildings:

- The measured LA<sub>eq,T</sub> (measured over the entire daily operating time of the helipad) shall not exceed 55 dB(A) for a residence.
- The measured maximum noise level LA<sub>max</sub> shall not exceed 82 dB(A) at the nearest residential premises (See Note below).
- Operation outside the hours between 7 am and 10 pm shall not be permitted except for emergency flights.

Note: These levels will generally be met by a separation between the landing site and the residential premises of 150 m for helicopters of less than two tonnes all-up-weight, and 250 m for helicopters of less than 15 tonnes all-up-weight.

## **17 NOISE ASSESSMENT TECHNIQUE**

When measurement of noise emissions is deemed necessary in the application of these guidelines then they should be performed in accordance with Australian Standard 1055.1—1997 *Acoustics — Description and Measurement of Environmental Noise. Part 1: General Procedures*.

Alternatively, a simple procedure that can be used for measuring environmental noise is described below.

### **Measurement equipment**

The equipment used should conform to the specifications for sound level meters of Class 1 or Class 2 as contained in *Australian Standard AS IEC 61672.1-2004, Electroacoustics — Sound level meters*.

### **Laboratory calibration and maintenance**

The sound level meter and portable sound level calibrator must be calibrated at least every two years by a calibration laboratory, as specified in AS 1055.1—1997.

### **Field calibration checks**

The performance of the sound level meter when in use shall be checked periodically with a portable sound



level calibrator, pistonphone or other portable checking device appropriate to the sound level meter, and immediately before and after measurements are made.

For extended measurement periods, these checks should be performed before and after each measurement sequence.

If the instrumentation system registers a calibration discrepancy equal to or greater than  $\pm 1$  dB between consecutive checks, any measurements in the interval between the two checks shall be considered invalid.

### **Measurement procedure**

#### **Measurement location**

Having regard to any measurement location specified for a category of noise, the microphone will be located at a point where the highest sound pressure level of the noise under investigation will be obtained.

The measurement should be taken outdoors. The microphone of the sound level meter should be located between a height of 1.2 and 1.5 metres above the ground.

The measurement point should be no less than 3.5 metres from any reflective surface, such as walls or buildings, other than the ground.

The surface on which a noise source (such as an air conditioner) is located and the property boundary from where the noise is emitted are not considered as reflective surfaces.

Where it is not possible to locate the measurement point 3.5 metres from reflective structures, such as outdoor measurements near buildings, the preferred measurement positions are one metre from the facade and 1.2 to 1.5 metres above each floor level of interest. Where the sound is directly incident on that facade, an adjustment of  $-2.5$  dB should be made to the measured sound pressure level. 'Directly incident' means where the sound under observation is emitted from a location approximately opposite to the point on that facade nearest to where the measurement is being made.

Where measurement is made inside a habitable room of the noise-affected residential premises and a window or door is the major transmission path for the noise, it shall be fully open during the measurement.

### **Measurement settings**

*Equivalent continuous sound pressure level (Leq) for noise under assessment*

The sound level meter must be set on A-frequencyweighting and equivalent continuous sound pressure level (Leq) integrating function. The level should be determined over a sufficiently long time to be representative of the noise and will be measured for not less than five minutes. The level must not include extraneous noise that could affect the level of the noise being assessed — extraneous noise must be excluded using the pause function of the meter.

## **NOISE CONTROL GUIDELINES**

### **11**

*Alternative to Leq*

For meters without an Leq function, the average instantaneous A-weighted sound pressure level (LPA) can be used as an equivalent, by taking the average of the levels measured during the time interval considered (for example, noting no less than 40 needle readings on the meter over the period of measurement and taking the arithmetic average of these levels). This method of assessment is only suited to steady noise sources that do not vary by more than 8 dBA.

### **Method of background measurement**

*90 per cent exceedance sound pressure level (L90) for background measurement*

The sound level meter shall be located at the measurement point used to determine the equivalent continuous sound pressure level (Leq) of the noise under assessment.

The meter must be set on A-weighting, fast response and L90 statistical weighting function. The level must be determined over a sufficiently long time to be representative of the background at the time of noise

impact and will be measured for not less than five minutes. The intrusive noise under assessment and non-typical local noises (such as local construction noise or street cleaning) must be excluded.

#### *Alternative to L90*

For meters without a statistical weighting function, the background A-weighted sound pressure level (L<sub>Abg</sub>) shall be determined by taking the average of the lowest levels measured using the F (fast) time weighting, at the time of noise impact. The intrusive noise under assessment and non-typical local noises must be excluded.

#### **Adjustments**

Adjustments may have to be made to the measured sound pressure level in some cases. The adjusted sound pressure level is the measured sound pressure level adjusted for tonal (for example, humming or whining) and impulsive (for example, hammering) characteristics of the noise. The presence of tonal or impulsive characteristics creates additional annoyance.

Assessment of tonality should consider both high-frequency and low-frequency tones. If a tone is present in the noise being measured, the adjustment shall be +2 dB for a tone just detectable by the observer and +5 dB for a tonal component prominently audible.

If impulsiveness is a significant characteristic of the noise being measured, the adjustment shall be +2 dB for an impulsiveness just detectable by the observer and +5 dB if it is readily detectable.

#### **Non-standard circumstances**

The above measurement procedure may not be appropriate for some noise circumstances, e.g. fixed domestic plant generating intrusive low frequency noise, increased low frequency noise within the affected premises, or structurally transmitted noise. In such cases a subjective judgement of impact may be needed, taking into account the place of effect (e.g. while lying in bed) and nature of the noise impact.

## 18. OTHER NOISE GUIDELINES AND USEFUL REFERENCES

A number of these publications are available from EPA's Information Centre, ground floor, 40 City Road, Southbank, Victoria 3006 (phone 03 9695 2722), or from [www.epa.vic.gov.au/noise](http://www.epa.vic.gov.au/noise).

1. *Interim guidelines for control of noise from industry in country Victoria*. EPA publication N3/89.
2. *Interim gunshot noise guidelines*. EPA publication N6/91.
3. *Using the interim gunshot noise guidelines*. EPA publication 920
4. *State Environment Protection Policy (Control of noise from commerce, industry and trade)*. No. N-1. Victorian Government Gazette No. S31, 15 June 1989.
5. *Explanatory notes: State Environment Protection Policy (Control of noise from commerce, industry and trade) No. N-1*. EPA Publication N4/91.
6. *State Environment Protection Policy (Control of music noise from public premises) No. N-2*. Victorian Government Gazette No. S43, 3 August 1989.
7. *Explanatory notes: State Environment Protection Policy (Control of music noise from public premises) No. N-2*.
8. *A guide to the measurement and analysis of noise*. EPA publication 280.
9. *Annoyed by noise?* EPA publication 406.
10. *Environment Protection (Residential Noise) Regulations 2008*.

**Note:** Regulations can be obtained from Information Victoria, 505 Little Collins St, Melbourne, Victoria 3000 (phone 1300 366 356).

Noise complaints from major industry and commerce can be made to EPA's Pollution Watch Line, phone 03 9695 2777.

-----Original Message-----

**From:** mark duchamp [mailto:save.the.eagles@gmail.com]

**Sent:** Monday, 3 May 2010 4:26 AM

**To:** Deeplake Stud

**Cc:** kramholdt; Andrew and Marion

**Subject:** Re: EES and a few more Email Contacts

I wrote the following to ABC Ballarat (unfortunately I had to use their own comments form here: <http://www.abc.net.au/ballarat/contact/?ref=footer>)

Sir,

Your article of 16 April 2010 relates the scorn of Victorian Planning Minister Justin Madden for the lives of "some wedge-tailed eagles".

In fact, the Yaloak windfarm project is likely to kill up to 300 wedgies, more than the infamous Woolnorth windfarm in Tasmania, where 20 dead eagles have been found already. Yaloak is an area which attracts immature, transient eagles from all over Eastern Australia, mainly because of its escarpment.

Young eagles have no territories of their own: they spend their first years roaming about the land. Hills and escarpments are their favourite topographical features, because of declivity winds that provide lift. They can thus save valuable energy and at the same time enjoy a commanding view of their surroundings, spotting prey and other eagles kilometers away.

Yaloak has such an escarpment that attracts eagles, and the developer's consultants Biosis Research Pty Ltd report having observed 15 eagles around a kangaroo carcass on the future website. It is unusual to see so many wedgies together, and is an indication of the carnage a windfarm would do in this area. Biosis won't say that much, paid as they are by Pacific Hydro to eliminate concern about the project's impact on eagles.

The wind turbines would be within a stone's throw of the Brisbane Ranges National Park. So it will principally affect eagles and other protected birds from the National Park. Is this what the Victoria government wants?

Save the Eagles International is strongly opposed to the project. Unlike Birds Australia, we do not receive subventions and/or donations from political or other vested interests. We are independent, thus free to defend biodiversity wherever it is under threat.

Australia is the land of the eagle: what will the Indian Pacific Railway choose as an emblem when all are gone, killed by thousands of wind turbines?

Mark Duchamp  
President, Save the Eagles International

# [Wind farm avoids environmental effects statement](#)

[ [Alternate short URL for linking](#) • [HOME](#) ]

» *Translation tools are available at the bottom of the page* «

| *Credit:* ABC Ballarat, [www.abc.net.au](http://www.abc.net.au) 16 April 2010

Victorian Planning Minister Justin Madden has ruled that a 14-turbine wind farm near Ballan will not need an environmental effects statement.

Pacific Hydro wants to build the wind farm at Yaloak South.

In his reasoning, Mr Madden says the project may result in the deaths of some wedge-tailed eagles but is unlikely to have much of an effect on flora or visual amenity.

The Moorabool Shire Mayor, Pat Toohey, says the decision is confusing and he is concerned the project will be damaging.

“Monitoring and placement of the turbines may be able to, in the Minister’s reasoning, give a better outcome, so ... we’re not looking to have a situation where we look back and go, ‘it’s too late now, we should have done something in the first place and done a proper process’,” he said.

Anne Willis

Thursday, 9 July 2009

The Ombudsman,  
GPO Box 442,  
CANBERRA ACT 2601

Dear Sir,

The Australian Government send troops overseas to defend the human rights of people.

Who will defend the human rights of people who are made against their wishes to live beside wind farms?

I wrote to Justin Madden, Nicola Roxon, Peter Dutton, Anthony Albanese, Daniel Andrews, Andrew Robb asking for help on where to find information regarding the possible health implications the West Wind, Moorabool Project Wind Farm would have on my family (4th of June 2009). I sent the letters by registered mail, they have all been signed for and to date no one has replied. I started to research for myself and I feel let down by the Government because they are not willing to take off their blinkers and leave their tunnel vision behind and investigate the issues fairly, using **current** information and advanced technology that could prove there are problems siting Wind Farms near humans. I have also recently requested information from West Wind (1st of July 2009) so that I can get independent qualified assessments of their proposal. The relevant specialist's need adequate time to prepare a submission for a Planning Panel (something that I don't have time to do as you will later understand). West Wind told me they are preparing an answer which I will receive in due course!

### **There are serious health effects associated with living near an industrial wind farm!**

My name is Anne Willis, I live on a 132 acre property being threaten by wind farms, we also have another 296 acre property in the same area and my qualifications for gathering information regarding, what I now consider to be **serious health issues** associated with modern industrial wind farms are:-

- I am a **mother to 10 children**, 7 I gave birth to and 3 I have custody and guardianship orders for. 8 of my children currently live on the property. My husband Jim and I have successfully raised 6 of our children to adulthood (over 21) and all of them are an asset to society. We are currently raising the remaining 4, the eldest being 17 years old and captain of his school. The 3 youngest children were once Wards of the State and were subject to Child Protection orders they are now safe and developing beautifully. Perhaps it should be Child Protection I should be writing to to

ask that they be protected from a Government who would subject them to harm. A Government who would risk their future by disrupting their sleep, making them irritable, give them headaches, effect their hearing and cognitive health, cause learning difficulties, behavioral problems and possible physiological damage to their growing bodies.

- I am a **wife** and my husband Jim suffers idiopathic heart failure probably caused by a virus 3 years ago, he is still the breadwinner of the family and successfully runs our family business. We have an office on the property. Since Jim became ill I also try to help with the running of the business.
- I am a **sister** to 5 siblings, my brother Greg and two of his children live on the same property as my family.
- I am an **aunt** to 21 nieces and nephews, all of who spend time on the properties. **2** of these children (a niece and nephew) live on the property and are of **Aboriginal descent**. For them this is home and a safe place to live and explore. It was a joy to watch my nieces and nephews a few years ago play where the river and creek join, they coloured themselves with the coloured rocks, my nephew declared I am aboriginal! My niece who lives on the property has a chromosome deletion and in the past has suffered epilepsy.
- I am a **grandparent** to 4 children with another 2 expected who spend time on the properties.
- I am a **great aunt** to 7 children who also spend time on the properties.
- I believe that our properties provide a sanctuary for other young adults and children and we freely offer them . The properties have been used by Lara Football Club, Ballarat East Football Club, Lara Baptist Church and Geelong Baptist College.
- Currently the properties are used by a group of young men from Lara. These young men are predominately from busy single parent families and we have known them since they were in kindergarten. They are able to come here and experience the freedom associated with the land, they are able to get dirty and release their pent up energy in a safe environment. All of these young men have a healthy respect for myself, Jim and Greg and they know that this is a second home if need be. Jim coached many of them through junior football and they refer to me as **Aunty Anne** and often comment “you better not do that because Aunty Anne will find out”.

These might not be technical qualifications but they are my qualifications none the less and I have spent more than 30 years being an at home mum obtaining them.

I have researched the health affects of industrial sized winds farms and I am appalled at the lack of recognition by government officials of these effects.

There is undisputed evidence that these adverse health affects do exist. I acknowledge that there is only a small percentage of the overall population that are effected. But you must also acknowledge that there is only a small percentage of the overall population that are expected to reside in the presence of wind farms. The percentage of people who are impacted by health related issues does in fact increase if it is accurately compared with the number who are exposed . I will not list any of the references here I will attach a reference page at the end of my letter and I plead with you to read the examples and then engage some researchers to research any other information you can find.

The planning standards relating to wind farms are antiquated and desperately need revising. They are not standards that recognize the impact that these large wind farms



have on communities. They were for much smaller numbers and sizes of turbines. This became even more evident for me after Jim spoke to [redacted] from Waubra. Mr [redacted] and his family have had to leave their family farm where [redacted] has lived for the last 35 years because they have been made ill due to the effects of the Waubra Wind Farm. Waubra is comparable to the one proposed for our area although it is not quite as large. [redacted] is happy for you to contact him personally as he has been finding it hard to find some one the help his family. [redacted] cannot contact the complaints line, he stated "that either it doesn't exist and no one can give him the phone number". The Wind Farm company will not give him any information because he is now seeking legal advice as he was unable to find help. I am concerned that [redacted] will receive a payout and be signed to a confidentiality clause just like [redacted] from Toora was and all of the financial property owners are. I believe there is a cover up and it only adds to my concern that no one will protect my family!

I personally have felt sick to my stomach that human beings can be sacrificed by our Government not providing enough protection for their safety and health. Why should I or people like [redacted] have to defend our lives and try to convince Governments to seriously investigate the dangers. We don't have the money or resources that are available to either the wind farm companies or the very Government who is supposed to protect us.

Are we more dispensable than the orange bellied parrot? I suppose that the human race is not in danger of extinction and a few less won't matter.

Mr Justin Madden over rules the local council and his planning panels approve wind farms. He does this with no regard to health effects on the grounds that the measurements needed to prove our claims are not planning requirements, they are not stated regulation requirements. In all of the planning panel applications and noise assessments that I have read there are acknowledgments regarding noise and Low Frequency noise, so how then can this be disregarded? Mr Madden also disregards the local council planning regulations. In the areas we are talking about there is a significant environmental overlay for water, there is a wild fire overlay, there is a heritage overlay, there is a design overlay and also there is a stipulation that a residence may not be built on less than 40ha. I once again acknowledge that I am not an expert in any of these areas but I don't believe that the planning panels are either. I also acknowledge that a wind turbine is not a residence but I believe that the sheer area needed to house just one turbine would make as much impact on the environment as a residence if not more. The huge amount of water that will be used to pour just one of the huge concrete foundations required to support the tower is phenomenal and two foundations are needed for each tower, one for the crane to erect the tower. Ballarat and the surrounding areas are in drought and have been for at least the last 12 years. The township of Meredith has had to have water trucked in because there is not enough in the Moorabool River. Water restrictions are in force. Where will the water come from and is it feasible? The area is a wildfire area and I don't think I need to remind any one of the disaster on Black Saturday. The area is significant to Aboriginal Culture. As I have already mentioned my niece and nephew who live on the property are aboriginal and although they are not from the Wathaurung people they have developed a unique bond with this land.

I can keep on writing but who will help me protect my family and allow me to do what I do best, be a mother.

If this proposal is approved who can I hold accountable when my family is made sick? The evidence has been presented time and time again and the people in authority have chosen to ignore it. As was the case with Waubra. Who will I sue when it is too late as it is with the family? Who will take responsibility for their decisions, West Wind (a \$100 off the shelf company), the land holders, Justin Madden, The State Government, The Federal Government, The leader of the Country, The Honorable Mr. Rudd, after all the buck should stop with him?

The risk to Jim alone could be fatal, his heart condition is serious and despite this and the fact that he has an implanted defibrillator he still actively supports our family both financially and emotionally. He takes his responsibility seriously, more than I can say for the very people that represent us, our Government.

I am loathed to go to the press/media with this issue as I don't particularly wish to have my family labeled; they don't need that in their lives. But I will do anything I have to, to protect them and our way of life, to keep them as fit and healthy as possible. Why should we have to compromise the ability to provide for them in the environment and manner we choose, because of the potential financial loss due to having to move to protect them?

Please answer my questions and once again I am begging you to investigate this issue.

Please revise the outdated and antiquated regulations in the planning application process. Only then will people be safe.

Your faithfully,

Anne Willis

cc: *The Hon Kevin Rudd MP,*  
*The Hon Robert McClelland MP,*  
*Mr. Bernie Geary Child Safety Commissioner,*  
*Cr. Michael Tudball - Mayor Moorabool Shire,*  
*The Hon Gavin Jennings MP*  
*The Hon Richard Wynne MP\*  
*Bonnie Fagan*  
*Mr Justin Madden MP*

## References

1. Harry, Amanda (February 2007). "Wind Turbines, Noise and Health". [http://www.wind-watch.org/documents/wp-content/uploads/wtnoise\\_health\\_2007\\_a\\_harry.pdf](http://www.wind-watch.org/documents/wp-content/uploads/wtnoise_health_2007_a_harry.pdf).
2. Nissenbaum, Michael (March 2009). "Mars Hill Wind Turbine Project Health Effects -- Preliminary Findings". <http://www.wind-watch.org/documents/wp-content/uploads/nissenbaum-mars-hill.pdf>.
3. "Something in the Wind as Mystery Illnesses Rise". <http://www.asahi.com/english/Herald-asahi/TKY200902060054.html>.
4. Davis, Julian; and Davis, Jane (September 2007). "Noise Pollution from Wind Turbines". <http://www.wind-watch.org/documents/noise-pollution-from-wind-turbines/>.
5. Dr. Robert McMurtry <http://windconcernsontario.files.wordpress.com/2009/04/deputation-to-standing-committee-mcmurtry.pdf>
6. Carmen Krogh <http://windconcernsontario.wordpress.com/2009/03/31/the-people-of-renfrew-nipissing-pembroke-need-no-lessons-from-toronto-when-it-comes-to-being-good-stewards-of-the-land/> <http://communities.canada.com/windsorstar/blogs/peoplepoliticssports/archive/2009/02/25/wind-turbines-pro-and-con.aspx>
7. Alves-Pereira, Mariana; and Castelo Branco, Nuno (September 2007). "In-Home Wind Turbine Noise is Conducive to Vibroacoustic Disease". <http://www.wind-watch.org/documents/in-home-wind-turbine-noise-is-conducive-to-vibroacoustic-disease/>.
8. Todd, Neil; et al. (October 17, 2008). "Vibration Sensitivity of the Vestibular System of the Human Inner Ear". <http://dx.doi.org/10.1016/j.neulet.2008.08.011>.
9. "Deconstructing CanWEA Health Claims". <http://windconcernsontario.wordpress.com/2009/04/24/deconstructing-canwea-health-claims/>.
10. Kamperman, George; and James, Rick (July 2008). "Simple Guidelines for Siting Wind Turbines to Prevent Health Risks". <http://www.wind-watch.org/documents/simple-guidelines-for-siting-wind-turbines-to-prevent-health-risks/>.
11. Noise Association, U.K. (July 2006). "Location, Location, Location: Investigation into wind farms and noise". <http://www.wind-watch.org/documents/wp-content/uploads/UKNA-WindFarmReport.pdf>.
12. Chouard, Claude-Henri; for the French Academy of Medicine (March 14, 2006). "Repercussions of wind turbine operations on human health" [in French]. <http://www.wind-watch.org/documents/wp-content/uploads/FrAcadMed-eoliennes.pdf>.
13. STATEMENT OF EVIDENCE OF ROBERT THORNE ON BEHALF OF TARARUA AOKAUTERE GUARDIANS AND FRIENDS OF TURITEA RESERVE <http://www.mfe.govt.nz/rma/call-in-turitea/evidence-submitters/04-tararua-aokautere-guardians-evidence.pdf>
14. Environmental Uk Noise Impacts of Wind Farms must not be neglected <http://www.environmental-protection.org.uk/news/detail/?id=2005>

15. Dr. Christopher Hanning 2009 report <http://www.wind-watch.org/documents/wp-content/uploads/Hanning-sleep-disturbance-wind-turbine-noise.pdf>

16. Noise Radiation from Wind Turbines installed near homes: Effects on Health <http://www.viewsofscotland.org/library/docs/wtnoisehealth-1.pdf>

Testimony: diaries, letters, and interviews  
[Yvonne Sheehan's daily diary January 2008](#)

[Yvonne Sheehan's daily diary 2008, Part 2](#)

[Italian Windfarm Diary](#)

[Wind Towers in Telocaset, Oregon](#)

[Life with Industrial Wind Turbines in Wisconsin: Part 5, Interview with Gerry Meyer, Byron, Fond du Lac County, Wisconsin](#)

[Brownsville noise diary, March 3, 2008, to January 16, 2009](#)

[Be Concerned About Health Effects from Wind Turbine Effects](#)

[Daniel d'Entremont letter to Calumet County](#)

[Rene Taylor testimony to Town of Union \(Wisc.\) Planning Commission](#)

[Amaranth Wind Turbines, Noise and Health: Barbara Ashbee Interview](#)

News reports

Kriz, Kathy (October 12, 2006). "Could Wind Turbines Be A Health Hazard?". WHAM-TV. <http://www.13wham.com/news/local/story/Could-Wind-Turbines-Be-A-Health-Hazard/XvZanNzd1EG33Jknb0cNvA.csp>.

St. James, Janet (July 29, 2008). "Neighbors claim wind turbine makes them ill". WFAA-TV. [http://www.wfaa.com/sharedcontent/dws/wfaa/jstjames/stories/wfaa080728\\_lj\\_windturbines.fbc5e25.html](http://www.wfaa.com/sharedcontent/dws/wfaa/jstjames/stories/wfaa080728_lj_windturbines.fbc5e25.html). Retrieved on 2008-10-10.

"Wind turbines cause health problems, residents say". CTV. September 28, 2008. [http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20080928/windmill\\_safety\\_080928](http://www.ctv.ca/servlet/ArticleNews/story/CTVNews/20080928/windmill_safety_080928).

Keen, Judy (November 3, 2008). "Neighbors at odds over noise from wind turbines". USA Today. [http://www.usatoday.com/money/industries/energy/2008-11-03-windturbines\\_N.htm](http://www.usatoday.com/money/industries/energy/2008-11-03-windturbines_N.htm).

Tilkin, Dan (November 14, 2008). "Wind farms: Is there a hidden health hazard?". KATU-TV. <http://www.katu.com/news/34469989.html>.

Takeda, Tsuyoshi (February 6, 2009). "Something in the Wind as Mystery Illnesses Rise". Asahi Shimbun. <http://www.asahi.com/english/Herald-asahi/TKY200902060054.html>.

Blaney Flietner, Maureen. "Green Backlash: The Wind Turbine Controversy". bobvila.com. [http://www.bobvila.com/HowTo\\_Library/Green\\_Backlash\\_The\\_Wind\\_Turbine\\_Controversy-Green\\_Building-A3923.html](http://www.bobvila.com/HowTo_Library/Green_Backlash_The_Wind_Turbine_Controversy-Green_Building-A3923.html).

Nelson, Bob (March 2, 2009). "Wind farms: Interview of Malone and Johnsbury residents". Morning Show, KFIX. <http://www.wind-watch.org/news/2009/03/02/wind-farms-interview-of-malone-and-johnsbury-residents/>.

Miller, Scott. "Wind Turbines Driving People From Their Homes". A-News, CTV Globe Media. [http://www.atv.ca/wingham/news\\_68031.aspx](http://www.atv.ca/wingham/news_68031.aspx).

Tremonti, Anna Maria (April 14, 2009). "Wind Turbines: Health". The Current, CBC Radio One. [http://podcast.cbc.ca/mp3/currentdonotusethe\\_20090414\\_14279.mp3](http://podcast.cbc.ca/mp3/currentdonotusethe_20090414_14279.mp3).

"Wind turbines causing health problems, some Ont. residents say". CBC News. April 14, 2009. <http://www.cbc.ca/canada/toronto/story/2009/04/14/tech-090414-wind-turbines.html>. (I have emails from Carmen Krogh detailing her credentials and offering any assistance I need. Ask if you wish to see these.)

Buurma, Christine (April 21, 2009). "Noise, Shadows Raise Hurdles For Wind Farms". Wall Street Journal. <http://online.wsj.com/article/BT-CO-20090421-714497.html>.

"Reports of wind farm health problems growing". CTV Toronto. April 22, 2009. [http://toronto.ctv.ca/servlet/an/local/CTVNews/20090422/wind\\_farms\\_090422/20090422/?hub=TorontoNewHome](http://toronto.ctv.ca/servlet/an/local/CTVNews/20090422/wind_farms_090422/20090422/?hub=TorontoNewHome). (I have Emails from Dr. Robert McMurtry and he himself forwarded my email to Carmen Krogh once again ask if you wish to see them)

Miller, Scott. "Daughter's Earaches Blamed On Wind Farm". A-News, CTV Globe Media. [http://www.atv.ca/wingham/news\\_68176.aspx](http://www.atv.ca/wingham/news_68176.aspx).

Epp, Peter. "Survey points to health woes arising from wind turbines". [Today's Farmer](http://www.today.com). May 5, 2009.

**Now Please add to the list of testimonies and interviews your very own with Mr. Noel Dean formally of Waubra!!!!!!~**

**I have copied most of these references from web sites that already exist as it is an overwhelming job to sift through the information and decide which are more important. A lot of these articles are for wind farms that don't even come near the size and capacity of the West Wind Moorabool Project. Every day there is**

new information supporting the fact that **Living near Wind Farms makes you sick!**