

“THE WIND INDUSTRY IS THE BIGGEST GOVERNMENT SPONSORED FRAUD IN THE HISTORY OF THIS COUNTRY”

- taken from speech by Alby Schultz in House of Representatives Feb 2013

SUBMISSION by Ann and Andrew Gardner of [REDACTED] Penshurst 3289 Victoria - adjoining, seriously impacted neighbours of AGL's Macarthur wind farm.

On 30th May 2013, Member for Hume Alby Schultz made a further speech in the House of Representatives and we quote from Hansard -

“Fraud is just the tip of the iceberg. The modus operandi of wind turbines is also centred around intimidation, manipulation of fact, character assassination, lies and cover up is aided and abetted in its plundering of the public purse by incompetent governments, friendly pro-wind bureaucrats and a variety of individual parasites living off the taxpayer pot-of-gold Renewable Energy Certificate process.”

The following submission will outline sequences of events, and include substantial written evidence, in addition to outlining and exposing the magnitude of neglect of victims such as my family, and many thousands of hard working rural Australians, by three levels of government which ALL continue to deny the obvious trauma and suffering of those families with the misfortune of living in the vicinity of a wind farm, through NO CHOICE OF THEIR OWN. We are of the opinion this submission will confirm the beliefs expressed in both comments quoted above.

a. THE EFFECT ON HOUSEHOLD POWER PRICES

We only give a cursory glance at this section, as most informed and intelligent Australians are fully aware that it is wind power which has dramatically INCREASED the cost to the consumer of electricity, and not "poles and wires" (a favourite claim made by Julia Gillard and the previous Labour government), due to the fact that wind power is unreliable, inefficient and expensive - IT CANNOT PRODUCE BASE LOAD POWER.

b. HOW EFFECTIVE THE CLEAN ENERGY REGULATOR IS in performing its legislative responsibilities and whether there is a need to broaden those responsibilities.

It appears to us the Clean Energy Regulator has demonstrated on several occasions in Victoria, that it has overstepped and ignored its legislative responsibilities by giving accreditation to wind farms BEFORE they are fully operational, or deemed Compliant with planning permit conditions . This was the case with the Macarthur wind farm. The Macarthur wind farm was accredited in September 2012, just prior to commencement of operation of the first only FIFTEEN turbines. Full commissioning did not take place until end of January 2013, and supposed official notification of

Compliance not until September 2014. We wonder if any external coercion has influenced such a blatant move, which literally meant accreditation for no more than a partially completed construction site .

It would appear that AGL was receiving taxpayer subsidy in the form of Renewable Energy Certificates for nearly FIVE MONTHS prior to full commissioning of the Macarthur Wind Farm. It would appear also that AGL received payment in the form of Renewable Energy Certificates (administered by the CER) for around 25 months, ie. TWO YEARS before the Macarthur Wind Farm was deemed Compliant with its Planning Permit Conditions.

The residents of this district have compelling evidence to prove that the Macarthur Wind Farm IS NOT COMPLIANT, and never will be able to operate in Compliance with planning permit conditions. Many, many families are suffering severe sleep deprivation and other related serious symptoms particularly from infrasound emitted by the turbines, and we believe that the negligence shown by the Clean Energy Regulator, as above, indicates that the Clean Energy Regulator itself holds a great responsibility for our ongoing suffering and trauma. After all, if the REC's were not being paid to AGL, there is no way known that the Macarthur wind farm would continue to operate therefore the health and lives of so many families would NOT continue to be destroyed.

For this reason we copy our complaints to the Chair of the Clean Energy Regulator, so the CER is aware of the detrimental impact of its irresponsible actions, but the letter attached (A 1) from the Executive General Manager, confirms total denial or responsibility and indicates refusal of the CER to recognise such.

Whilst on regulatory government authorities and blatant abuse of legislative responsibilities, we visit the Clean Energy Finance Corporation's granting of the first \$50 million to Meridian Energy, an arm of the New Zealand government, in order to assist the sale of its 50 % share of the Macarthur Wind Farm to Malakoff of Malaysia in the middle of 2013. The Australian taxpayer therefore funded a payment distribution of \$50 million to New Zealand !!!

Again this grant of taxpayer's money was given BEFORE the Macarthur Wind Farm was deemed Compliant, that is, to a wind farm which may not have been operating within Compliance of its planning permit conditions, and which we are of the opinion and have evidence to prove STILL IS NOT OPERATING within its planning permit conditions.

At the time of writing this submission it has just been announced that Pacific Hydro, (owners of the Cape Bridgewater wind farm, where Steve Cooper's extensive world first research has discovered a link between the serious health impacts suffered by residents, and infrasound emitted from turbines) has lost \$700 million in the past year, ie. 0.7 of \$1 billion dollars !!!!!

It is well known that Pacific Hydro was the recipient of a very generous Clean Energy Finance Corporation loan of \$70 million for construction of Stage 4 of this wind farm development. More taxpayer's money DOWN THE GURGLER, it would seem !!!! What accountability exists when this government agency, once again has granted this money to a power station, or should we possibly say a construction site, for a power station which hasn't even been deemed Compliant ? Such, what appears to us, to be incompetence and lack of accountability would not be allowed in private enterprise !!!

c. THE ROLE AND CAPACITY OF THE NATIONAL HEALTH AND MEDICAL RESEARCH COUNCIL in providing guidance to state and territory authorities.

In our opinion, the role of the NHMRC is an absolute scandal, or could we say a fraud !! Our Webster's dictionary describes "fraud" as deceit, cheating and trickery We are of the opinion these three words aptly describe the role of the NHMRC regarding the wind industry scam, and as a result prevents this government body from providing effective guidance to state and territory authorities.

If the NHMRC cannot carry out competent, independent work, how can they guide state authorities etc ?

First of all the NHMRC is NOT INDEPENDENT or should we say, the review committee charged with carrying out the Systematic Literature Review of Health Effects of Wind Farms.

We were made aware of this prior, but having read Hansard 26th March 2014, the speech by Senator Chris Back, it would appear that there was a CONFLICT of INTEREST involving three members of the Review Panel.

First, Dr. [REDACTED], the only acoustician on the Panel - apparently a paid consultant for SKM, a large multinational company with significant commercial interests within the global wind industry-performed work for wind developers, but it would appear this was not publicly disclosed during the review process.

Another key person on the Panel, giving advice to the NSW Planning Assessment Commission was Professor [REDACTED], Director of the Environmental Health Branch at NSW Health. His advice to the NSW Planning Assessment Commission, that there was no evidence of adverse health effects, was untrue and contradicted the report of the NHMRC Review, it would appear.

Another Panel member was Dr [REDACTED], president of The Climate and Health Alliance. This Alliance assisted Vestas launch their global denial of any adverse effects from turbines, in Melbourne in June 2013, whilst, I understand, Dr. [REDACTED] was a member of the Review Panel. This was despite a Vestas engineer admitting at an Australian Wind Energy Association conference in 2004, that wind turbine noise caused annoyance symptoms and needed adequate buffers.

I refer to attachment letter (A 2) written to us on 18th December 2013 by Professor [REDACTED] of the NHMRC, para 6 which quotes "To ensure that the review processes have been objective and unbiased, the systematic review has been carried out by independent reviewers (external to NHMRC) and has followed well-established processes for identifying on the health effects of wind farms."

Referring back to Senator Back's speech in Parliament above, how could anyone believe what Professor [REDACTED] is telling us, when it appears there existed such a conflict of interest ?

However worse still, as a consequence of such blatant lack of independence, and what appears to us to be a very close association between this body and the wind industry, any literature reviews released by the NHMRC are given extraordinary weight and constantly used by AGL, and ALL levels of government, wind developers and the like, in the continued denial of any health impacts from wind turbines. We have letter after letter from all levels of government and government agencies, referring to the NHMRC reviews and denying outright, as a result of these reviews, that THERE ARE NO HEALTH IMPACTS FROM WIND TURBINES.

For example the letter dated 5 June 2014 from Denis Napthine, Member for South West Coast, and Premier of Victoria at the time (attachment A 3) finishes "I am also advised that in February 2014, a National Health and Medical Research Council study into the health effects of wind farms found ' there is no reliable or consistent evidence that wind farms directly cause adverse health effects in humans'.

Since the release of the above review by the NHMRC, this has enabled AGL to respond to around 60 of our families' health complaints since March 2014 with a similar line " The NHMRC has published a study titled Evidence on Wind Farms and Human Health, and there is no reliable, consistent evidence that proximity to wind farms or wind farm noise directly causes health effects".

We also enclose copies of responses received recently from two different new Victorian Labour government Ministers (Jaala Pulford, Minister for Agriculture, and Lily D'Ambrosio, Minister for Energy and Resources). It would appear all departments have been instructed from the wind industry book of "spin", which is part of the Victorian Labour government's push for more renewable energy projects. See Attachments A 3 also.

However, in fact the NHMRC literature review found that "There is consistent, but poor quality evidence that proximity to wind farms is associated with annoyance, and less consistently with sleep disturbance and poorer quality of life".

Since the release of the latest review, two key spokespersons for the NHMRC have publicly prioritised research within 1.5 kilometres of turbines, when they know that one of the homes recently studied by Steven Cooper's research at Cape Bridgewater is 1.6 kilometres from the nearest turbine.

The claim that "the bulk of evidence shows that, after 1500 metres, although some people may indeed attribute their sleep to the wind turbine noise, the likelihood is low" is equally OUTRAGEOUS

Both Professors [REDACTED] and [REDACTED] are WELL AWARE of the numerous families at the Macarthur Wind Farm whose health is seriously impacted, where homes are further than 1.5 kilometres from turbines, and where severe health impacts are suffered by at least one family as far away as 6 kilometres from turbines.

Professor [REDACTED] has been copied in on both our health complaints since 5th November 2013, and has received close to NINETY health complaint copies from the Gardner family alone since that date.

So he CANNOT SAY HE DOES NOT KNOW ABOUT THE SEVERE HEALTH EFFECTS FROM THE MACARTHUR WIND FARM.

The Macarthur Wind Farm consists of 140 turbines of THREE megawatts, with blades of 56 metres in length the original permit was for 1.8 megawatt turbines with 45 metre blades. An increase of 10 metres in blade length increases the power generation by 55 % therefore with increased turbulence caused by these enormous blades and 55% increased power generation, the infrasound emitted is INCREASED greatly.

Perhaps the NHMRC should acknowledge their reviews are DEFICIENT and OUTDATED as they do not even cover wind farms with such increased power generating capacity Instead of deceiving the public, they could get with the times, and gear themselves for research/review of the far larger turbines used these days, or at least acknowledge such.

We hold the NHMRC responsible, (along with many other government officials) due to their lack of accountability and incompetence in reporting the truth, for the fact that our family is not able to sleep in their own home at night, for the fact that we cannot work in our paddocks, and are forced to leave our property at least two nights of each week, in order to get a decent sleep and remove our bodies from the infrasound emitted by the turbines. We hold the NHMRC responsible for the pain and suffering we endure day in and day out, with headaches, ear, nose and throat pressure, nausea, heart palpitations, burning chest, and dizziness as a result of infrasound emitted by the turbines far too close to our property.

Had this body been accountable, had they competently carried out their duties, instead of, it would appear, allowing influence from the wind industry, other government agencies could possibly have been forced to act to protect our health. As long as the NHMRC continue to show bias towards the wind industry, as long as they refuse to recognise and report on the severe health effects from turbines, denying the widespread harm being done to rural Australians by wind turbines, NOTHING WILL BE DONE to protect our health. This is a NATIONAL DISGRACE.

The deliberate ignoring of evidence of serious health impacts by the NHMRC gives all levels of government and government officials literally a "licence" to dispute our claims of harm to our health. Time after time we receive responses, particularly from AGL with every complaint, referring to the NHMRC's statement of February 2014, "There is no reliable, consistent evidence causes health effects".

As noted above, at the recent Senate Estimates hearing held in February 2015, Professor [REDACTED] ADMITTED THERE ARE HEALTH EFFECTS FROM WIND TURBINES..... However all government agencies, including AGL still refer to the above line given by the NHMRC that "There is no consistent evidence causes health effects"

It's time the NHMRC put an end to their "spin", and published the statement made by Professor [REDACTED] (above) at the Senate Estimates Hearing in February, counteracting this previous statement, and forcing all those in total denial of health impacts, to state the TRUTH and acknowledge such by taking action to ameliorate this very serious problem.

d. THE IMPLEMENTATION OF PLANNING PROCESSES IN RELATION TO WIND FARMS

The Victorian Planning processes for wind farms are an absolute SHAM. It would appear to us that, once again, the wind industry has had a great deal of influence within Victorian Planning Departments of governments from each side of the political spectrum.

I refer in particular to the Planning Panel held for the Macarthur Wind Farm which we both, along with at least six other families, attended EVERY DAY for five weeks during February and March 2006.

Throughout the Planning Panel, the legal representative for AGL regularly informed the Panel that THEIR JOB WAS TO IMPLEMENT THE GOVERNMENT'S WIND FARM POLICY..... Neighbours objecting to this proposed wind farm on their boundaries were told any information obtained via email had no weight, as anybody could get any information which could not be trusted from the internet. Neighbours felt quite intimidated by the manner in which they were treated by AGL and their representatives during this very stressful ordeal. At the end of the Panel, we were given a document titled "Reply on behalf of the Proponent" prepared by the legal representative of AGL,

which contained multiple errors, misrepresentations and false accusations about those objecting - an appalling document in so many ways.

Of course AGL's application for a Planning Permit for the Macarthur Wind Farm was granted on 26th October, 2006, a month before the State elections in 2006.

However, with NO NOTICE TO NEIGHBOURS/OBJECTORS during the following years, the Planning Permit was altered on two occasions, from 183 turbines of 1.8 megawatts, to 140 turbines of the new V112 3 megawatts, previously untested on such a large scale.

With such SIGNIFICANT CHANGES, neighbours SHOULD HAVE BEEN NOTIFIED of such, under the Victorian Planning and Environment Act Section 52. However NO NOTICE was given at all.

In 2010, we wrote to the Victorian Dept. of Planning and Community Development asking of the Planning Minister the reason why neighbours/objectors were not notified of multiple changes under Section 52 of the Planning and Environment Act. Enclosed (attachment A 4) is the unsatisfactory reply on behalf of the Minister for Planning, informing us that "The assessment found that the proposed changes will not materially affect land within Moyne Shire or any person, and that public notification under Section 52 of the Act was therefore not considered necessary" .

The impact of these multiple changes has been unbelievable, and is the reason why our family and so many others are SUFFERING SO SEVERELY from the acoustic emissions from the 140 massive 3 megawatt turbines FAR TOO CLOSE TO OUR HOMES and FARM BOUNDARIES.

During the Planning Panel in 2006, and indicated on page 11 of the "Reply on Behalf of the Proponent" document produced by AGL's legal representative, we were informed that the closest turbine to our property boundary would be approximately 130 metres from such. See attachment A 5.

We now have the closest turbine sited 90 METRES from our farm boundary fence..... We can hardly go into this paddock for the ROAR of this turbine, let alone the infrasound emitted . Our lambing percentage out of the paddock during the first year of operation was a mere FIVE PER CENT !!!!! This was one of our best lambing paddocks where for the past 32 years we've succeeded with an average of EIGHTY-FIVE PER CENT. If we cannot bear to go into that paddock for the EXTREME NOISE and WHOOSHING of this turbine, imagine how successfully ewes conceive, and if they do, how mismothering took place. Needless to say, we are not so stupid as to attempt lambing in that paddock again, and hardly run any stock at all, knowing full well how badly impacted they are with an enormous turbine 90 metres from the fence - they don't graze properly and take fright constantly, literally every time the blades pass the tower.

Outraged with the response from the Victorian Dept. of Planning and Community Development to our anger at not having been notified of ALL changes to the wind farm's Planning Permit and layout, we submitted an FOI request in November 2010. Enclosed (attachment A 6) Page One outlines my FOI request details and enclosed also is a copy of the "Amended Planning Permit Assessment Officer Report" - (attachment A 7).

The Amended Planning Permit Assessment Officer Report (attachment A 7) page Four table, and all our notes expose how the figures for the Rotor Swept Area for the new revised permit was FALSIFIED. Given that the RSA for the V 112 turbines is 9852 square metres per turbine, multiplied by 140, the result is 1,379,280 square metres (if our calculations were correct) - a far cry from 49,2000 square metres as published. Upon these FALSE FIGURES AGL and Victorian Dept. of

Planning were able to claim that the overall impact area would be REDUCED !!!!

Attachments A 8, A 9, and A 10 are letters written in February 2012, to the Victorian Planning Minister requesting the his department review the fraudulent claims (in attachment A 7) made in order for AGL to obtain a revised Planning Permit, which we were convinced (and have since been proven correct) WOULD IMPACT RESIDENTS materially. Attachment A 10 outlines each sections of the Victorian Planning and Environment Act 1987 NOT COMPLIED with in 2010, during the assessment for amendments to the Planning Permit granted to AGL for the Macarthur Wind Farm - a large number you would have to agree !!!

On 9th March 2012, we wrote to Mr. [REDACTED] Secretary of DPCD, outlining our ongoing dissatisfaction with the lack of consultation, indeed the entire planning process for the granting of Amended Planning Permit for the Macarthur Wind Farm and requesting an inquiry into this total debacle. We requested a reply within 21 days. See Attachment A 11. Such a reply was NOT FORTHCOMING until nearly FOUR months later.

Mr. [REDACTED] Secretary of DPCD, finally replied on 28th June 2012 informing us that the false RSA figures were the Department's error (how incompetent) and that he was satisfied with the conduct and integrity of the Departmental officers. See attachment A 12.

So, with the approval of the Victorian DPCD, AGL were permitted to proceed, with very little accountability to the government, let alone the people in this district, with the construction of the monster wind farm which is causing serious harm to our health, destroyed our amenity and the majority of our business, and which prevents us from living full time on our property, and sleeping in our home at night.

On 3rd July 2012, I submitted another FOI request to Victorian DPCD, this time requesting more supporting evidence for AGL's request for SIGNIFICANT CHANGES to the Planning Permit for the Macarthur Wind Farm, particularly as with an increase of 10 metre in blade length, this enable a 55 % greater power generating capacity, and thus greater noise impact. See attachment A 13 where I requested copies of all documents relating to NOISE MODELLING and adjusted NOISE DATA.

Attachment A 14 is a further letter on 10th July 2012 to Matthew Guy, Minister for Planning requesting he order a new Planning Panel for the Macarthur Wind Farm, due to the negligence displayed by his Department in literally "ticking" off the approval of such significant changes to the Planning Permit. This letter also requested a moratorium be placed on further construction of the Macarthur windfarm, until the above request is acted upon.

On 10th December 2012, the Freedom of Information section of Victorian DPCD responded to my FOI request for copies of allnew noise modelling and all relevant noise data supporting the request by AGL for amendment to Vestas V 112 3 megawatt (previously 1.8 mw) turbines, as follows -

"In response to the request a thorough and diligent search of the hardcopy and electronic records held by the Department's Planning, Building and Heritage area was conducted. The search DID NOT LOCATE ANY DOCUMENTS RELEVANT TO YOUR REQUEST, beyond the report previously provided". See Attachment A 15.

This told us that NO NEW NOISE MODELLING WAS CARRIED OUT supporting AGL's request for amendment from 1.8 megawatt turbines to the new, previously untested V 112 3 megawatt turbines.

In more recent times, earlier in 2014, we read in the Waubra Foundation's submission to the RET

Review, correspondence relating to turbine separation distances at the Macarthur Wind Farm, which are FAR CLOSER THAN THE MANUFACTURER VESTAS' SPECIFICATIONS, and which DO NOT MEET THE RECOMMENDED INTERNATIONAL STANDARD. See Attachment A 16.

This correspondence enlightens the fact that the turbines at the Macarthur Wind Farm are placed FAR TOO CLOSE TOGETHER which goes a long way explaining the reason for SO MANY COMPLAINTS from Macarthur, and why SO MANY PEOPLE ARE SO BADLY IMPACTED night and day by this forest of turbines, so poorly sited.

It indicates that for a 112 metre blade diameter, the corresponding turbine separations should be defined by the usual conventions, ie. 7 blade diameters in the direction of the prevailing wind, and 4 blade diameters in the less common crosswind direction, which translates to 0.78 km and 0.45 km respectively.

The layout of turbines at the Macarthur Wind Farm indicates that many of the separations between turbines are under 0.4km, and so do NOT MEET even the 4 blade diameter specification. The average is not even 0.45 km.

Comment continues that "inevitably there will be turbulent wake interaction, and likely enhanced infrasound generation".

Of course reduced turbine separation distance enabled AGL to "stack" more turbines onto the area of the wind farm, which results in increase sales revenue, and increased taxpayer subsidy for just constructing the turbine there in the first place, and then annually for 25 years.

Where was the Victorian Planning Department when turbine siting was determined in what we are of the opinion, was such a fraudulent manner ?

The Macarthur Wind Farm is a prime example of Victorian Planning GONE MAD.

We have asked ourselves for the past ten years now questions such as what is the association between the Victorian Department of Planning and the wind industry, why is such negligence displayed with the granting of Planning Permits for wind farms in this State, and why is such incompetence and obvious fraudulent behaviour continually swept under the table ?

PLANNING IN THE STATE OF VICTORIA IS AN ABSOLUTE DISASTER.

e. THE ADEQUACY OF MONITORING AND COMPLIANCE GOVERNANCE OF WIND FARMS.

From the outset, the Responsible Authority for the Macarthur Wind Farm was the Victorian Department of Planning and Community Development, due to original legislation that only for wind farm applications of less than 30 megawatts, does responsibility lie with individual local Councils.

The noise monitoring and compliance determination for the Macarthur Wind Farm has been an ABSOLUTE FARCE from the beginning, when the pre-construction noise monitoring commenced at our property in December 2010.

Our property was one of the SIX properties earmarked for the various noise monitoring programs to

be undertaken around the Macarthur Wind Farm, for purposes of Compliance with the NZ standards.

Pre-Construction Noise Testing - November/December 2010

i Acoustic company Aecom installed their noise logger, outside our garden fence in the paddock 35 metres from our dwelling initially in late November/early December 2010. Given that the guidelines/NZ standard specify noise data MUST BE COLLECTED between 5 and 10 metres from the dwelling, this data collection BREACHED the Victorian guidelines and NZ standard, to begin with.

ii The equipment remained in our paddock, blocking all movements into and out of our yards, for four weeks - to the extent we lost sheep as unable to yard them for treatment against fly strike (very bad summer for sheep blowfly strike). At the end of the four week period, the acoustician informed us that THE BATTERY HAD BEEN FLAT SINCE ABOUT DAY TWO OF THE MONITORING PERIOD. They requested we allow them to install their noise loggers for another four weeks in January 2011. However, we refused this request as by that date construction of the wind farm would have already begun, and therefore any noise data collected would be POST CONSTRUCTION and not PRE CONSTRUCTION as stipulated by the Planning Permit conditions. However, at the same time as the Aecom noise monitoring equipment was installed at our property, we employed our own independent acoustic expert, Mr. Les Huson to take concurrent noise data, in order that we would have our own set of accurate and INDEPENDENT data, other than that obtained by AGL.

iii We offered Aecom the opportunity to buy our own very comprehensive noise data. They initially refused as they were not willing to pay the substantial cost of our obtaining our VERY ACCURATE data. However finally, they did purchase our data, as there was no other opportunity for AGL to obtain pre-construction data, as construction had already begun and considerable noise was impacting our property.

It wasn't our fault that Aecom experienced flat batteries little were we to know this was a common practice of this company, and of course experienced by others around Australia also !!! The acoustic engineer did NOT return to our property at any stage during that four week period, to test batteries or any other equipment. We were unable to use our home paddock for grazing of stock for that period, as had we had a mob of sheep grazing in that paddock, or moved a mob through there, the sheep would have worn the noise logger for a necklace !!!

So this was our first experience of TOTALLY INCOMPETENT NOISE DATA COLLECTION.

Post Commissioning Compliance Noise Monitoring - February/March 2013

i Again, we employed our own independent expert Mr. Les Huson to carry out noise testing at our property concurrently with that by Aecom on behalf of AGL. We had since learnt about the apparent tendency of the wind industry to claim flat batteries perhaps when noise levels were exceeded during compliance testing. Again Aecom installed their equipment outside our fence, 35 metres from the dwelling despite our and Les Huson's requests for them to collect the noise data, according to the NZ standard and Victorian guidelines, between 5 and 10 metres from our dwelling.

ii At great expense our own independent noise data was collected, according to the regulations, unlike that on behalf of AGL.....
During the five week period, whereby one or two acousticians visited our property weekly to inspect equipment, we photographed, recorded conversations and made comprehensive notes of the

various battery readings (generally always flat) at beginning and end of each week's testing. In fact, the battery used to begin the noise testing on the first day was virtually flat, and the acoustician commented that he hoped the battery would last the week - hardly satisfactory.....

Attachments A 17 and A 18 are two reports outlining the Post Construction Compliance Noise Testing at our property.

Attachment A 19 is commentary provided by our independent acoustic expert Mr. Les Huson who observed the Aecom acoustician set up and begin noise testing at our property. He could not believe that they began with a battery which was NEARLY FLAT, as a new battery only costs about \$100 !!!

iii We are quite convinced that the noise data collected for the week between 22nd February and 1st March must have FAR EXCEEDED THE NOISE LIMITS FOR BACKGROUND NOISE, as, as is explained in our own report attached, on Friday 1st of March when the two acousticians visited our property, they carried out their usual tests of equipment, calibrated, checked the readings on the computer and went about their business in their normal manner. There was NO expression or discovery of failure of equipment to operate as there was the following week when the single acoustician visited and showed obvious signs of dismay and agitation that the equipment has failed the previous week. He even showed us the computer screen and indicated the days when the failure had taken place. There was NO similar discovery the previous week of any failure whatsoever, yet when that same acoustician visited on Friday 15th March he informed us that not only had the equipment failed for the week 1st - 8th March but it hadn't been operating for the previous week of 22nd February to 1st March. This week COINCIDED with our recordings and submissions of complaints DAILY to AGL complaining about the horrific noise emitted by the turbines. It also coincided with our extremely graphic descriptions of the absolutely unbearable conditions with extreme background noise in our personal health diaries which we write in daily.

We are so convinced that Aecom discovered the noise data collected during the week of 22nd February to 1st March FAR EXCEEDED THE NOISE LIMITS that they scrubbed all the data and fraudulently claimed, that after two weeks they had just discovered their equipment was not working. In fact, we would be most willing to stand up in court and testify our theory, given that we took such detailed notes, videos and recordings of conversations of the entire five weeks of testing at our property.

For the record, this same acoustician employed by Aecom commented to us during one of his visits, when we were having a conversation about noise testing, that in fact "they should be testing for infrasound". Several months later I read in the Minutes of one of the meetings of the Community Engagement Committee for the Macarthur Wind Farm, comprising mostly of Moyne Shire, AGL and community representatives, that this Aecom acoustician was brought in by AGL to inform the CEC meeting that wind turbines DO NOT EMIT INFRASOUND. Which statement are we to believe - the first statement made freely by the Aecom acoustician in private to us, or that which he made to the Macarthur Wind Farm CEC meeting, under instruction of AGL - a deliberate misrepresentation to this community in order to influence those otherwise ignorant, with a LIE concerning emissions of infrasound from turbines?

Noise testing was carried out at several other properties around the wind farm, once again, outside the required distance of between 5 and 10 metres from homes.

Reports of this fraudulent noise testing have been presented to the Victorian DPCD and the Moyne Shire. Both these are in receipt of our three comprehensive reports, but NOTHING HAS BEEN DONE ABOUT IT, despite our many requests to both Shire and DPCD to act upon this information.

April, 2013 AGL released their Post Commissioning Compliance Noise Assessment Report. From then on AGL began their own SELF DETERMINATION of COMPLIANCE, though Compliance had not been announced by DPCD and the Minister for Planning Mr. Matthew Guy, who were still the Responsible Authority at this time.

On the 3rd and 4th of May, 2013 AGL placed half page (possibly costing up to \$2000) in both the Hamilton Spectator and the Warrnambool Standard newspapers, announcing their own Assessment "confirmed the wind farm is operating within the strict noise limits set in the Victorian Government's Planning Permit", and " all results received confirm the Macarthur Wind Farm remains compliant with the strict noise limits that are in line with the WHO's guidelines". See Attachment A 20.

Attachment A 21 is AGL's MEDIA RELEASE, once again SELF DETERMINING Compliance.

From the initial commencement of operation of the first 15 turbines at the Macarthur Wind Farm in October 2012, the residents of this district employed Mr. Les Huson to undertake background noise testing at their properties, sometimes concurrent with the data collected by Aecom on behalf of AGL, and at other times at properties where Aecom were not employed to collect noise data for AGL. We have also collected comprehensive INFRASOUND data at properties all around this massive wind farm. All of our data collected, by one of Australia's top acousticians, has indicated and proves undoubtedly that the Macarthur Wind Farm breaches the Victorian noise guidelines and the NZ Standard with which all wind farms MUST COMPLY. It also indicates that many of our homes are SATURATED with INFRASOUND, though AGL continue to deny its very existence.

We continually ask ourselves, who is making and upholding the law which allows AGL to act in this deceptive manner ?

After completion of the fraudulent noise testing at our property, and armed with such a comprehensive amount of evidence with noise data taken from multiple properties around the farm proving the noise guidelines were being breached, we requested in writing on many, many occasions of Minister for Planning Matthew Guy and DPCD, that AGL's Post Commissioning Compliance Noise Assessment be PEER REVIEWED. This was subsequently agreed upon, but it took DPCD nearly one year to employ an acoustic company to carry out this peer review.

In the mean time in July 2013, the Minister for Planning introduced the GROWTH AREAS and MISCELLANEOUS ACT 2013 which transferred the duty of Responsible Authority for wind farms in Victoria to local Shire councils. However they did guarantee that DPCD would follow through till the end of the peer review process.

On Thursday June 20, 2013 we received an email from AGL in response to the most recent complaints of 12/13 and 16 June 2013. See Attachment A 22.

This email, once again stated "AGL does not accept that the symptoms you are experiencing are as a result of the operation of the Macarthur Wind Farm." The email acknowledged my request for further noise testing to be conducted at our residence.

The email continued "Therefore AGL proposes to conduct further noise testing on your property as you request. However, in the event that compliance is established, or if infrasound testing is requested by you, AGL WOULD REQUIRE A PUBLIC STATEMENT FROM YOU TO ACKNOWLEDGE THAT COMPLIANCE WITH THE STANDARDS REQUIRED BY THE PERMIT HAVE BEEN ESTABLISHED."

Mind you the above condition, or whatever we may call it, was made FIFTEEN MONTHS PRIOR to Moyne Shire Councils vote that the wind farm is Compliant !!!!

How DESPERATE are AGL to get rid of the Gardners or at least to shut us up. Needless to say we did not take them up on their offer !!!

Shortly after, once again AGL took out half page, very expensive advertisements in local papers (see Attachment A 23) literally saying their windfarm DOES NOT EMIT INFRASOUND. The infrasound testing carried out by AGL to achieve this result was carried out at ONLY TWO RESIDENCES around the wind farm, one at 1.7 kms from the nearest turbine, and the other at 2.8 kms from the nearest turbine. NEITHER of these families had complained to AGL about the impact of backgroundnoise or infrasound, in fact one of them is very pro wind farm and has assisted AGL in any manner they can.

Of course the residents have had many infrasound monitors installed by Les Huson, for very long periods of time in a number of homes around the Macarthur Wind Farm. We had such equipment installed in the bedroom of our home, whilst at the same time Andrew Gardner kept a comprehensive diary of the sensations of "bolts" of pressure experienced suddenly during the day and night in our home and in the paddocks. As you'll read from the Cherry Tree Hill statements by Andrew Gardner and Mr. Les Huson later, it is as a result of this infrasound testing in our home that Mr. Huson was able to correlate the time of Andrews' "sensations" of bolts of pressure to the head, with spikes of infrasound measured by his equipment in our home.

For many many months we requested DPCD give us a copy of the peer review of AGL's Compliance Noise Assessment, and inform us of the company employed to carry out such. However they steadfastly refused, and informed us as the Moyne Shire was now the Responsible Authority, it was in Moyne Shire's hands. Needless to say Moyne Shire also refused to release the peer review carried out on behalf of the DPCD, originally R.A. for Macarthur Wind Farm. Due to the fact that DPCD took so long to peer review AGL's Compliance Noise Assessment (by Aecom) Moyne Shire took it upon themselves to employ an acoustic company to carry out their own peer review of same. They apparently received the peer review carried out for the DPCD by Arup acoustic company in about April 2014, but refused to release it, whilst at the same time refusing to make public their own Moyne Shire's peer review, carried out by SLR consultants until the end of September 2014. It was published with the agenda, just a few days before the September Council meeting.

AGL's Post Commissioning Compliance Noise Assessment, along with both the Arup peer review and the SLR peer review will be forwarded electronically, to be in conjunction with this submission. These will be referred to as Attachments A i a, A i b, and A i c.

Monitoring and Compliance governance of wind farms in Victoria has been, and still is AN ABSOLUTE SHAMBLES. No doubt the previous Minister for Planning Matthew Guy wanted to rid himself of this onerous responsibility, so he hand balled it over to local Shire Councils, which DO NOT HAVE THE KNOWLEDGE, EXPERTISE nor the FINANCIAL CAPACITY to handle such complex responsibilities, particularly as they involve people's health and wellbeing, apart from other issues.

We all thought our own Moyne Shire would have responsibly represented our best interests. However, not to be The residents of this district have been bitterly disappointed with the attitude and actions, albeit through extreme ignorance, of our elected Councillors. We have ONE only councillor Mr. Jim Doukas, who has helped the residents, and understands just what is going on, in our once very responsible and representative Moyne Shire council. He's willing to stand up on behalf of the residents severely impacted by the Macarthur Wind Farm, but he is the ONLY ONE. It's

hard to describe what's been going on with the Moyne Shire , whether they've been very heavily leant upon, influenced by AGL, we don't know, but whatever the situation is, it's VERY SMELLY !!!

i. MOYNE SHIRE COUNCIL MEETING 24th September 2014

We were unaware of the pending vote on Compliance of the Macarthur Wind Farm at the September meeting, as our Shire DOES NOT CORRESPOND WITH US, OR ANY OF THE OTHER SEVERELY IMPACTED RESIDENTS, AT ALL.

Despite literally hundreds and hundreds of complaints the Moyne Shire has received since October 2012 when the Macarthur wind farm commenced operation, and the health symptoms began immediately, NEVER ONCE has anybody from the Moyne Shire, be it the CEO, the Health Officers, the Planning Officer or individual councillors (all of whom receive copies of our complaints) contacted us, or visited our homes to investigate and discuss our problems (apart from the necessity as a result of the resident's claim of Nuisance under the Victorian Public Health and Wellbeing Act - referred to later in this submission).

We were alerted to this meeting on 24th September, by a resident living in an area south of Macarthur on Monday 22nd September. We immediately emailed councillors, CEO, Planning Officer and Community Officer requesting they defer their vote on Compliance of the Macarthur Wind Farm, pending receipt of the assessment critique to be prepared by our acoustician Mr. Les Huson. Mr. Huson had not completed his report at this stage, having only received copies of both the Arup and SLR peer reviews that day, despite our continual requests for these peer reviews for several months prior.

The vital information which we had been given by AGL which had not been supplied to either DPCD or the Moyne Shire for the purposes of peer reviews by both Arup and SLR, was the SCADA DATA, which would have blown both these peer reviews out of the water, and which would most definitely prove that the MACARTHUR WIND FARM IS NOT COMPLIANT.

Unfortunately the Moyne Shire Council totally IGNORED our request and proceeded with a vote on Compliance of the Macarthur Wind Farm, in the affirmative 6 - 1. They totally IGNORED the Gardners three reports outlining the fraudulent noise testing carried out for Compliance on the Gardner property. Once again, the only Councillor who voted against the Compliance determination was Councillor Jim Doukas, who is the ONLY councillor who truly represents the interests of the people and in our opinion is the ONLY councillor responsible in his duty to protect the health of the residents of the Moyne Shire.

See Attachment A 24, Officer's Recommendation Macarthur Wind Farm Noise Compliance.

See Attachments A 25, and A 26, being last minute email requests to CEO and Moyne Shire Councillors to defer vote on Compliance of the Macarthur Wind Farm, pending receipt of report being prepared by Mr. Les Huson, acoustician representing residents.

FOUR REPORTS WILL BE FORWARDED, AS PART OF THIS SUBMISSION, ELECTRONICALLY, due to their extreme size.

These are

1. AGL Post Commissioning Compliance Noise Report

2. Peer Review of above, undertaken by Arup acoustic consultants, commissioned by DTPLI.
3. Peer Review of above, undertaken by SLR acoustic consultants, commissioned by Moyne Shire.
4. Macarthur Wind Farm Noise Compliance Assessment Review, prepared by Mr. Les Huson, commissioned on behalf of residents by Piper Alderman Solicitors.

CLAIM OF NUISANCE under VICTORIAN PUBLIC HEALTH and WELLBEING ACT 2008 made by Piper Alderman Solicitors on behalf of 42 residents impacted by the Macarthur Wind Farm.

On 16 January, 2014, Piper Alderman served the CEO of the Moyne Shire with a letter of complaint of NUISANCE under the Victorian Public Health and Wellbeing Act 2008, and requested Moyne Shire to act to remedy the nuisance. See Attachment A 27.

The residents had each written letters to the CEO of Moyne Shire outlining details of the impact of this NUISANCE to their personal health and wellbeing. See Gardner letter Attachment A 28.

Piper Alderman notified Moyne Shire Council that the investigation would not be concerned with identifying WHETHER a "nuisance" exists, but with identifying the nature of the nuisance that does exist, and with identifying what is required to remedy the nuisance, under s60 of the PHWB Act.

The Moyne Shire systematically set about interviewing all residents represented by Piper Alderman in this "nuisance" claim, interviews being conducted by [REDACTED] Environmental Health Officer, and [REDACTED] Co-Ordinator Energy and Major Projects. The latter sat at our kitchen table and indeed commented, asking us if it was a tingling sensation we felt, as he was feeling it whilst sitting in our home also. He also felt this same sensation in another resident's home, which indicated to us that he was experiencing the vibration which we feel day in day out, in our homes.

The interviews were deficient as residents we were NOT asked to supply our health diaries or any medical records from doctors.

Despite the fact that Moyne Shire Council had been in receipt of literally HUNDREDS of HEALTH COMPLAINTS from residents at that stage, Council's solicitors formed the view that "On balance,we consider that the noise from the Wind Farm is not substantial and unreasonable, and therefore conclude that a nuisance does not exist". See Attachment A 29 Council Meeting 28/10/14 Macarthur Wind Farm - Investigation of Nuisance Complaints.

It would appear that this conclusion was also based on whether the Wind Farm was determined to be Compliant, which was TOTALLY IRRELEVANT to the claim of "nuisance" under the PHWB Act 2008. Primarily the main impact from the wind farm is as a result of the INFRASOUND emitted by the turbines, infrasound not even being covered by the Victorian guidelines or the New Zealand Standard.

ii MOYNE SHIRE COUNCIL MEETING 28th October 2014

At this meeting, Council voted on the Officer's Recommendation (see Attachment A 29) " that Council determines that the Macarthur Wind Energy Facility is NOT currently causing a

nuisance" Several residents made presentations to the meeting, but, the vote result was 6 - 1 outright rejecting the residents claim of "nuisance". Once again, the only Councillor to vote against this motion was Jim Doukas, the only Councillor who, in our opinion, had any idea of what they were voting about.

The residents were flabbergasted with this outcome.

Also note, once again, the significant weight which Council placed on the NHMRC reports (section 1 a. of Officer's Recommendation Attachment A 29).

Here we have what would appear to the residents, to be Moyne Shire Council making their own rules up as they go, and in our opinion, NOT adhering to the law. Residents ask does Moyne Shire Council think they are above the law, or are they being guided by others with a very strong vested interest ?

THEY ARE WELL AWARE THAT THE MACARTHUR WIND FARM IS CAUSING SERIOUS HARM TO SO MANY RESIDENTS. They have hundreds of complaints outlining the serious harm done to the residents. They are WELL AWARE that two families have been forced to move from the district due to the impact from the wind farm, yet they've DONE NOTHING to help us.

MOYNE SHIRE COUNCIL HAVE BEEN NEGLIGENT IN THEIR RESPONSIBILITY under the VICTORIAN PUBLIC HEALTH AND WELLBEING ACT 2008 by not attempting in any way to remedy, under the Act, the "nuisance" upon which residents' claim was made. As elected Councillors, they have a duty of care to protect the health of ALL residents within the Moyne Shire and they are ignoring their responsibilities.

iii. MOYNE SHIRE COUNCIL MEETING 25th November 2014

In September Moyne Shire councillors REFUSED to delay vote on Compliance of Macarthur Wind Farm until further report from Mr. Les Huson acoustic expert, was prepared as commissioned by Piper Alderman on behalf of the residents. As a result they voted overwhelmingly to accept Macarthur Wind Farm as COMPLIANT, despite being informed by residents that further information (SCADA DATA) had been given by AGL to us, but not to Moyn e Shire and DTPLI for purposes of their peer reviews.

Les Huson's report was sent to Moyne Shire Councillors prior to the 25th November Council meeting. It was sincerely hoped that Council would exercise some consideration by revisiting their initial vote of Compliance, given the extra COMPELLING EVIDENCE proving NON COMPLIANCE which had emerged.

During the meeting, Councillor Jim Doukas proposed a motion that "Council accept the report and address the concerns listed in the report".....

Sadly, he was the ONLY Councillor who could see that there was a real problem, with real ramifications for Council, and once again was the ONLY Councillor to vote for this motion. ALL other Councillors ignorantly voted NOT to accept the additional report and information from Les Huson

Councillor Doukas emphasised the fact that noise testing had been fraudulently carried out, in particular at the Gardner property and that each Councillor was in receipt of THREE documents outlining the deficiencies in testing for Compliance around the wind farm.

One Councillor demonstrated his total ignorance of the noise testing process by disrespectfully suggesting that in the case of flat batteries of the noise loggers during Noise Compliance testing, the residents (obviously referring to the Gardner family) could have TAMPERED with the batteries. No doubt that Councillor had NO IDEA of what a noise logger was and the fact that the batteries/computer were in a heavily padlocked case

That same Councillor, when discussion took place regarding the Victorian guidelines, made comment suggesting that "as they're only guidelines, they don't have to be adhered to, as they're not law " !!!!

Comments and suggestions such as the above, show that the Standards and Planning controls are totally IRRELEVANT. It is outrageous to think that such an IGNORANT and UNINFORMED Moyne Shire Councillor has such power which will determine the future of those families SERIOUSLY IMPACTED by the Macarthur Wind Farm, when clearly the majority of Councillors have ABSOLUTELY NO IDEA they've obviously NEVER read the Victorian guidelines/NZ Standards, not having ever educated themselves on noise levels.

It is also clear that the Victorian guidelines and regulations, and the NZ standard CANNOT PROTECT COMMUNITIES FROM HARM.

The disaster of a wind farm at Macarthur is supposed to operate under a noise limit set by a standard written in New Zealand WELL OVER FIFTEEN YEARS AGO when there were NO 3 megawatt turbines operating anywhere in the world, and certainly NO 3 megawatt turbines on 90 metre towers, with 56 metre blades, like the monster Vestas V 112's used at Macarthur.

The 1998 NZ standard which is supposed to apply at this wind farm is not only OBSOLETE, but IRRELEVANT to what we must face here every day. There appears to be NO government body or agency or department with the spine to enforce, it in any event.

We refer to the case *Metroll v. Snowy Hydro 2007* whereby the VCAT member found that adverse health effects experienced by 70 Metroll staff, (headache/earaches/nausea/heart palpitations) working over the road from the gas peaking plant, were in fact caused by vibration and low frequency noise.

The panel member determined this power station WAS CAUSING NUISANCE and impacting the health of the Metroll staff. An interim order was issued, ordering the power station to be closed during Metroll's working hours, until the power station could be operated without causing harm to worker's health, ie. "nuisance".

These workers were only ever impacted during their working hours. Here at Macarthur we, (not to mention others who have the misfortune of living in the vicinity of other wind farms) are HAMMERED with infrasound and low frequency noise, ALL DAY WHEN WE'RE WORKING, and ALL NIGHT WHEN WE'RE TRYING TO SLEEP.

Irrespective of Compliance with Planning Permit conditions and the fact that the NZ standard does not include infrasound or low frequency, "nuisance" is most definitely the case here at Macarthur, and both the Moyne Shire and their lawyers (in addition to other government agencies) need to take a long hard look at this case.

<http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/vic/VCAT/2007/748.html?stem=0&synonyms=0&query=Metroll>

In common law, interference from noise can be substantial, even if only temporary in duration, if it causes ANY interference with a person's sleep.

The loss of even one night's sleep through excessive noise, has been repeatedly held to be substantial and not trivial in this sense.

A MAN IS ENTITLED TO SLEEP DURING THE NIGHT IN HIS OWN HOUSE.

g. THE EFFECT THAT WIND TOWERS HAVE ON FAUNA and AERIAL OPERATIONS AROUND TURBINES, INCLUDING FIREFIGHTING and CROP MANAGEMENT.

i. Flora and Fauna

AGL employed the company Brett Lane and Associates for the purposes of the flora and fauna studies for their application for a Planning Permit for the Macarthur Wind Farm.

Attached document A 30, which accompanied an official complaint about this company's fraudulent studies, outlines the incompetent and totally deficient manner in which these studies were carried out.

Attachment A 31 is copy of a letter of complaint, made to Ombudsman Victoria in May, 2009.

Eight years later, and only twelve months after commencement of Macarthur wind farm operation, we find that this monster wind farm, has in fact, killed FIVE TIMES as many birds as predicted (and upon which the Planning Permit was obviously granted) by AGL and Brett Lane in 2006, and 30 % of this shocking birdkill are RAPTORS.

THIS IS AN ABSOLUTE DISGRACE.

NO GOVERNMENT BODY HAS ACTED UPON THIS, to our knowledge, as it would appear that Moyne Shire do not have the funds to investigate or prosecute, and obviously the Victorian State government have NO INTENTION of acting upon this mass bird kill, either.

AGL's report will be forwarded electronically as part of a Stop These Things posting, as it also is far too large to include with this submission.

We no longer see Wedgies on our property, along with many other birds which used to invade our wetland areas. Another resident living several kilometres from the wind farm to the west, reports NOT SEEING ANY BIRDS ON THEIR WETLAND since commencement of the turbines here.

AGL's report estimated the wind farm is averaging 10.19 bird deaths per turbine per year. Multiply the average figure out by 140 turbines (1426 birds) and that is an awful lot of important birds being killed each year, around FIVE TIMES the deaths estimated at the time the permit was issued. The report also acknowledged that this is likely to be an UNDERESTIMATION. Of course many carcasses are likely to be removed by predators before they can be collected by the once-a-month monitoring of bird deaths. On page 23 the report recommends switching to a weekly monitoring schedule to more accurately determine the number of bird deaths.

Moyne Shire, as the Responsible Authority for the Macarthur Wind Farm, has been asked to shut down the most deadly of these turbines, as the original Planning Panel recommendations require, until they put systems in place to better monitor what is happening - preventative measures and mitigation need to be taken as per the Planning Panel report.

Radar technology is used successfully at wind farms in Texas and we are of the belief that AGL must implement this readily available radar technology to prevent bird deaths by switching off turbines when birds are detected.

Of course the flight path of the Southern bent-winged Bat (threatened species) tracks right through the middle of the Macarthur Wind Farm. Residents expressed their extreme during the Panel in 2006 - see submission

Needless to say our concerns were IGNORED by AGL who brought in a supposed expert to counteract our accurate claims. This AGL report doesn't even take into account the bat deaths as with only monthly monitoring of bat kill, their tiny carcasses would have decomposed as this only takes less than one week. The lungs of bats explode in the middle of wind farms, due to the extreme fluctuations of air pressure, so they don't have a hope of survival.

Brolgas have lived in this district since before white settlement due primarily to the prevalence of wetlands. It has been discovered that the Macarthur Wind Farm has in effect displaced Brolga from effectively using the area within 5 kilometres of the wind farm we very seldom see or hear Brolga any more, whereas prior to the commencement of turbines at Macarthur Wind Farm, it was commonplace to see Brolga in the nesting periods here - we've had utilising our property each year since we arrived, and they regularly feed in amongst the sheep in the paddocks with their chicks. However this is a sight we HAVE NOT EXPERIENCED since before the turbines began turning in October 2012 !!!!

See report by Hamish Cumming 2/12/2014 "Understanding AGL's "Utilisation of habitat by Brolga within the vicinity of the Macarthur Wind Farm 2013" - to be forwarded electronically.

On 22nd September 2014 we emailed the Moyne Shire regarding this outrageous revelation of massive birdkill by the Macarthur Wind Farm turbines, and asking what the Moyne Shire intended doing about it. We enclose the response from the then Mayor James Purcell. See Attachment A 32.

Needless to say we haven't heard another word from the Shire regarding its situation. In fact today I have emailed the CEO of Moyne Shire asking him to fill me in on what the outcome was regarding this unacceptable carnage of birds/bats and whether AGL has been ordered to take any further action.

It will be interesting to read their response as, after all, if the Moyne Shire is in TOTAL DENIAL of the health impacts on the residents living in the vicinity of the wind farm, and is doing NOTHING to protect the residents, one could imagine they'll possibly DO NOTHING about the bird/bat kill also. Had Moyne Shire been pro-active on this issue, one would have hoped they would have corresponded with us. We are of the opinion they'll possibly pass the buck onto the State government, and as a result this whole disaster could easily be "swept under the carpet" !!!!

ii. Aerial Operations/Fire Fighting and Aerial Noxious Weed Spraying

Fire fighting has, and still is HUGE CONCERN of ours and all the neighbours of the Macarthur Wind Farm, particularly as the MWF site is heavy rocky barrier country and is literally INACCESSIBLE by wheeled vehicles. It is said in the stones that you literally "sit and wait till the fire comes out the other side of the rocky barriers"

We presented a very comprehensive submission to the Planning Panel in 2006, but were dismissed, as AGL brought in the Community Health Officer for the CFA in Hamilton who, no doubt under instructions from the proponent literally assured the Panel members that there would be no increased risk of fire, nor any reduction in fire fighting capacity due to the 140 turbines of the Macarthur Wind Farm.

Residents were told, during the Planning Panel, that firefighting aircraft could easily fly between the turbines, and we still occasionally hear comment to that effect, in latter times !!!

In 2010, in response to a radio program we contacted [REDACTED] Fire Services Commissioner (see Attachment A 33) expressing our concern that the turbines at the Macarthur Wind Farm would prevent the CFA using aerial water bombers etc. Communication took place for quite some time until Mr. Lapsley, who had supposedly contacted all the District Group Officers for the CFA in the south-west, responded informing us that there would be no additional concerns such as we had raised, should a fire start within the Macarthur Wind Farm - needless to say we were flabbergasted with his response and attitude.

However, history has shown that wind farms DO present huge problems for fire fighting as was evidenced at Cape Jervis at the Starfish Hill wind farm several years ago, where Safework South Australia instructed CFS and other emergency crews move back ONE KILOMETRE to extinguish spot fires as the blades were still turning whilst still on fire !!!! In this rocky barrier country, if not extinguished early, a fire has the potential to burn to the coast on a bad summer day. Once the fire leaves the wind farm site of 66 square kilometres, it will be on a massive front of many, many kilometres

To the absolute horror of the neighbouring farmers to this monster wind farm, not once on a TOTAL FIRE BAN DAY since October 2012 has the Macarthur Wind Farm turned the turbines off as a safety measure against fire. On a total fire ban day in Victoria, farmers are NOT permitted to use machinery, they're not permitted to use angle grinders or other such machinery, but AGL is permitted to still operate its 140 enormous turbines.... !!!!

We are of the opinion the CFA still do not have adequate safeguards or policy for fire fighting as one continually hears that the ACCESS TRACKS of a wind farm will ASSIST with fire fighting. These tracks are a dead end and we all remember the Linton fire years ago where five firefighters lost their lives at the end of such a dead end track, as they HAD NOWHERE TO GO .

In recent years, aerial fire fighting has enabled authorities to get onto a potential hazardous fire quickly. Time and time again we see on television where the water bombers are most successful in quickly extinguishing fires before they literally take off.

BUT there's no way known aerial water bombing could take place in the Macarthur Wind Farm and most probably quite some distance from the outside turbines, due to the extreme fluctuation of air pressure caused by so many turbines, and the problem being exacerbated by the siting of these turbines FAR TOO CLOSE TOGETHER.

Early in March 2013, a fire started on "Langulac" a property to the east of our property and to the

north-east of the Macarthur Wind Farm site. With a very strong westerly wind, we found ourselves in a quite frightening situation with the wind blowing in the direction of our property, and the fire burning out of control in rocky barrier country. Between the property where the fire was burning out of control, and our property, there were possibly up to forty or more wind turbines quite frightening.

Attachment A 34 is correspondence the following day, between neighbours and [REDACTED] of AGL of Head Office in Sydney. It appeared Mr. [REDACTED] was out of the office during that time and the response was given by one of the Public Relations Team of AGL. Once again, this was literally a "desk top" response from an employee of AGL who no doubt would have absolutely no idea whatsoever, of wildfire. Our fears have certainly NOT been allayed, concerning the total inadequacy of AGL's firefighting capacity, and the seriously increased danger due to the proximity of the turbines, PREVENTING ANY FORM OF AERIAL FIREFIGHTING, which is the first response, and an incredibly quick and effective response to firefighting in Victoria these days.

Needless to say, since October 2012 when first turbines began operating, we have been PREVENTED FROM USING AERIAL SPRAYING as the most effective method to prevent noxious weed growth on our property. Yes, by all means the centre of our property could be aerial sprayed, but this is only a pocket handkerchief in area, and the majority of our property is too close to turbines on the south and east.

As explained above, this rocky barrier country makes it nearly impossible to control growth of noxious weeds effectively. So now, the ONLY way we can spray our property for noxious weeds would be to bounce over the rocks for days and days on a tractor, or NOT SPRAY AT ALL, which is possibly the preferred option taken by most of the possibly 30 landowners neighbouring the perimeter of the Macarthur Wind Farm. I did read some years ago that some members of the Aerial Agriculture Association of Australia would contemplate legal action against wind farm operators for severe reduction in their businesses, due to proximity to turbines.

Neighbours at the Planning Panel expressed their concern about prevention of aerial spraying due to proximity to wind turbines.

The document "Reply on behalf of the Proponent" (produced by [REDACTED] Freehills, for and on behalf of AGL 9 March 2006) quotes Section 6.47 c on Page 24 -

"The recent consultation with at has confirmed that east/west spraying could be undertaken, and the approx. 500 metre separation between wind turbines provided a reasonable separation distance for obstacle avoidance". As we now know, the turbines are FAR CLOSER than the average of 500 metres, some as close as 300 metres, and in subsequent conversation with the Aerial spraying contractor quoted above, it was confirmed that AGL had coerced him into claiming there would be NO impact on aerial spraying.

Section 6.47 e on Page 24 of the same document reads "To try to finally put the matter to rest, the Proponent has also again contacted [REDACTED] of Field air, the pilot who actually undertakes the aerial spraying on the Macarthur site, particularly the Officer property. A letter from Mr. [REDACTED] has been provided to the panel indicating that the wind farm WILL NOT ADVERSELY AFFECT AERIAL SPRAYING and spreading on the wind farm site or adjacent land".

Thus the commencement of operations of 140 massive turbines at the Macarthur Wind Farm in October 2012 BROUGHT AN END to our ability to use aerial agriculture in any form, and also TAKES AWAY OUR RIGHT to have our property adequately protected by wildfire.

i. OTHER RELATED MATTERS

a. THE GARDNER STORY

Having lived in what we refer to as "sleepy hollow" on our magnificent small farming property which we had built by ourselves, for 24 years since 1980 we were interested when we first heard of the wind farm being proposed [REDACTED]

[REDACTED]

[REDACTED]

Our response was "as long as it doesn't affect us, we don't mind". What an understatement, looking back This was to be the beginning of now nearly ELEVEN YEARS of hell, with lots more to come.

In a conversation with Mr. [REDACTED] initiator of the Victorian Landscape Guardians, to whom I was referred, shortly after, he told me three facts - "it's all about money", "they don't work" and "it'll change your life forever".....

NEVER WERE MORE TRUE WORDS THAN THOSE SPOKEN.

[REDACTED]

Initially we were offered to have turbines on our property, but we declined this offer from AGL, as we loved and valued our property too much and certainly had no desire to destroy this magnificent reliable agricultural country, of which, after all, we are all only caretakers.

The Gardners, along with other neighbours, attended the Planning Panel near Hamilton, every day during February and March 2006. Our principal objection was based on our fear for our highly successful elite wool-growing enterprise - a shedded sheep enterprise of 400 specially bred Merino sheep with an extremely sensitive nervous system.

We had heard of possible health impacts, but our fears were allayed by AGL who continually told us

THERE WOULD BE NO HEALTH IMPACTS.....

AGL employed Mr. [REDACTED], whom AGL's legal representative described as "an undisputed international expert in wind farm acoustics"..... "The uncontested evidence of Mr. [REDACTED] is that, even based on these conservative 'worst case' assumptions, the standard will be met at all dwellings"

Section 6.11 of AGL's document "Reply on behalf of the Proponent" states -

"THE NOISE WILL NOT AFFECT LIVESTOCK, AND WILL BE FAR LESS THAN NOISE FROM COMMONLY USED FARM MACHINERY OR VEHICLES" ... then onto Section 6.13 which reads -

"BASED ON THE EVIDENCE AND PROPOSED CONDITION, NOISE IS SIMPLY NOT AN ISSUE FOR THE MACARTHUR SITE".

So from the outset, we are of the opinion AGL lied to the neighbours, and lied to the community in this district. The above statements have since proven to be WRONG and so far from the truth, it's a disgrace. AGL lied about their 87 % Community Support, as we, being such close friends of the turbine hosts, were well aware that a large amount of those signing the proformas distributed in this district saying "Yes, we want the Macarthur Wind Farm", were in fact friends, and family of the hosts, these signatories living in districts far away from Macarthur. In fact many lived overseas and were also employees of Meridian Energy in New Zealand so much for community support !!!!

Throughout the Planning Panel we listened to the solicitor for AGL actually telling the Panel members that their job was to implement the Government's Wind Farm Policy.

In 2005 Ann and Andrew Gardner had applied to the Moyne Shire for a Planning Permit to construct farmstay units on their property, close to the boundary with the wind farm, where we imagined our farming operations could possibly be impacted, due to the highly sensitive nervous system of our very ultra-fine wool sheep.

Moyne Shire Council approved this application before the Panel Hearing, but then AGL exercised their right to object and subsequently referred this matter to VCAT.

The hearing took place in July 2006 and, as expected, our application was defeated. This for us, was a most HUMILIATING AND STRESSFUL experience as AGL were out to get rid of our development, and we're convinced the government had pre-determined the outcome of the VCAT hearing. AGL and the government really did a job on the Gardners and we will never forget this humiliating experience where we were absolutely crushed by those involved.

However the worst was yet to come this case was determined as a RED SPOT case by VCAT. We were informed later when we complained at VCAT's and the media's treatment of our case, that VCAT occasionally determine a special case as RED SPOT, ie. one which the media is given open slather to report.....

Attachment A 35 is one of the appalling articles which appeared in the media soon after, and Attachment A 36, the cartoon, appeared in the Financial Review on 27th July 2006. Needless to say we were just devastated at being made such a public joke of by the media, AGL, VCAT and the Victorian government.

Attachment A 37 is just one of the letters written to VCAT in search of a reason for such

demoralising and cruel treatment by those involved.

We have to say, reading over this material of the VCAT case, brought on by AGL, has terribly upsetting and memories of the treatment of us by those determined to destroy us, have come flooding back as we write this submission.

NEXT, and unfortunately we cannot remember the exact date, came a telephone call to Mrs. Gardner from Mr. [REDACTED], General Manager - Resources of Southern Hydro, the subsidiary of Meridian Energy, the 50 % owner of Macarthur Wind Farm, with AGL.

Mr. [REDACTED] asked "How would you like a relocation package" to which Ann Gardner very promptly replied -

"Mr. [REDACTED] do you really think I would sell my children's home to facilitate my neighbour's desire to build an industrial power station on my boundary ?"

He spluttered "Have a good day", and quickly hung up !!! No doubt another attempt by Macarthur Wind Farm Pty. Ltd, to get rid of the Gardners.

As mentioned previously our main concern prior to the construction of the Macarthur Wind Farm, was the possible detrimental impact on the health of our superior, specially bred ultra-fine Merino sheep - sheep which one is unable to buy and which took us more than 30 years to breed.

We first began operating our purpose built enormous ultra-fine sheep shed in 2001 and by 2004 had begun to have great success with our wool sales of such elite wool, sold specifically to the Italian high fashion market. In 2005, we held the Australian record for a bale of wool produced, and in 2006 we literally "hit the jackpot" with sales of four bales of wool, the two highest being \$70,000 and \$50,000 per bale with the remaining two not much lower in price.....

We continued to enjoy such success with production of our magnificent ultra-fine wool, and were rewarded accordingly at wool sales (although it necessitated 365 days a year working feeding the sheep in the shed, with no days off, let alone holidays) and in 2011 we were awarded SECOND PRIZE in the Ermenegildo Zegna of Italy competition for the finest fleece produced in the world. This is a highly coveted prize and this was the first time an individual grower had been awarded a place in the Zegna trophy in Victoria.

We were flown to Sydney in September 2011, and enjoyed an all expenses paid two day luxury stay at the Four Seasons hotel where at a formal dinner hosted by Zegna of Italy, we were presented with our second prize trophy, in addition to other exquisite Italian gifts, by Count Paulo Zegna who flew out from Italy for this presentation.

Sadly, not long after that, it all went downhill..... at the end of 2011, when the season was particularly dry, our property was continually inundated with dust coming from a rock crushing plant which was situated on the Macarthur wind farm site, VERY CLOSE to our farm boundary. We were lead to believe AGL was instructed to crush their own rock for construction of tracks, on site, due to the devastation of the district roads caused by trucks carting such to the wind farm site. AGL had 16,000 acres upon which to locate this enormous rock crushing plant, but chose to locate it right in the north-west corner, not far from the boundary of the Gardner property. We wonder why

From this time on, dust billowed into our property, into our farm sheds, into our woolshed, into our

home and into our ULTRA-FINE SHEEP SHED. Not only was our elite ultra-fine wool contaminated by dust (a no- no, in wool production) but the sheep drinking troughs became full of dust, and we noticed the health of our once extremely healthy sheep deteriorate. We notified AGL of this serious problem. We wrote complaint after complaint after complaint. We were eventually visited by several AGL staff, who assured us this problem would be rectified. However, IT GOT WORSE.....

During the Planning Panel held in 2006, AGL acknowledged the Gardners concern regarding dust contaminating our superior ultra-fine wool in Section 5.9 in the document "Reply on behalf of the Proponent" which reads "Andrew Gardner conceded that his primary 'business' concern was with possible impacts during the construction phase (particularly the possibility of dust or grit in the ultra-fine wool", rather than from the wind farm operations".

Section 5.9 c of this document reads "The Proponent can regulate its wind farm construction impacts, and can ensure that the construction EMP contains an adequate dust suppression protocol".

THEY DIDN'T adhere to this assurance, they didn't regulate wind farm construction impacts, they didn't give any consideration whatsoever to our business even though they were FULLY AWARE OF OUR CONCERNS ABOUT DUST..... and as a result of this total disregard, and negligence, OUR SPECIALIST BUSINESS (one of only about 15 in Australia, and indeed, the world) WAS DESTROYED.

AGL were forced to have our entire home cleaned inside and outside, twice during this ordeal. But the real victims were the sheep which began to die as their water had become constantly contaminated by the dust billowing into their shed. In order to save what was left of our prize flock, in May 2012 we were forced to close this enterprise and put the sick sheep back into the paddock, nurse them back to some semblance of health and sell them. THAT WAS THE END OF OUR EXTREMELY SUCCESSFUL ULTRA-FINE WOOL GROWING ENTERPRISE, pretty well the top in Australia at that time, as particularly recognised by second place in the Zegna of Italy prize in 2011. AGL refused to compensate us, as they denied responsibility totally. We issued them with a large compensation claim, as it would take years and years to breed up any more sheep suitable for this enterprise, but to no avail. So that was the end of this highly successful, elite wool-growing operation, which constituted around 80 % of our annual farm income.

See Attachment A 38 letter sent to AGL 1st September 2012 outlining situation and sequence of events involved in the slow death of our ultra-fine wool growing enterprise.

See Attachments A 39, A 40 and A 41 being letters written to [REDACTED] General Manager Power Development AGL including documentation of events leading up to closure of shedded sheep enterprise, and financial claim made to AGL for loss of this very financially successful enterprise.

Needless to say the response from AGL was totally negative, and one of outright denial of responsibility for destruction of our enterprise.

October 2012, saw the first fifteen turbines begin operation on the Macarthur Wind Farm. Literally from those beginning days Ann Gardner was impacted, particularly by the infrasound emitted by just fifteen turbines. Andrew was not hardly impacted for the first six months, hoping this situation may continue. However, gradually he began to feel the detrimental impact from the turbines, with his principal impact coming in the form of "bolts" of pressure to the head. He experienced these strong pressure "bolts" when walking around a corner of a shed, when walking out the gate, when walking between farm sheds. At that time our acoustic expert Mr. Les Huson had installed an infrasound monitor in one of the bedrooms in our home, so suggested Andrew record in his farm diary, exactly

the time when he experienced these painful "bolts" of pressure. Les had his own possible explanation and interpretation of Andrew's symptoms, and upon downloading the data he had collected over a period of time from the infrasound monitor in our home, was able to correlate the time of Andrew's pressure "bolts" with apparent spikes of infrasound emitted by the turbines at the Macarthur Wind Farm.

Andrew's evidence of impact outlined above, was given at the Cherry Tree Hill VCAT case in 2013, as was also a statement prepared by Les Huson, outlining this finding.

See Attachments A 42 and A 43 details of Cherry Tree Hill VCAT statements mentioned above.

Not long after the commencement of first fifteen turbines, when it became apparent that one of us was being seriously impacted, we were advised by our doctor to "get away" from home, so from that date onwards, we have been forced to leave our home and the farm, our work place, in order to remove our bodies from the severe impact of infrasound, and also to get a decent sleep at night.

We have been denied our common law right to a decent sleep in our own home by AGL and the Macarthur Wind Farm. We are both experiencing ongoing sleep deprivation, which most definitely severely affects our ability to work on our property during the day. Added to this already serious situation, the conditions in the paddocks are appalling, and we both find we are VERY BADLY IMPACTED BY INFRASOUND and BACKGROUND NOISE whilst trying to ride motor bikes, muster sheep and drive vehicles, in a very unhealthy and DANGEROUS PHYSICAL STATE of exhaustion.

It is extremely unsettling having to pack up and go away for at least two nights of each week, which is really for three days, including travelling. The expense of this forced exit is enormous !!!! However, only being able to stay on our property for little more than half the week, means we are unable to run our farm properly either..... animals are neglected as we surely can't afford to employ anybody to check our animals for us, particularly having lost the greatest part of our business enterprise and income, being the ultra-fine sheep shed.

We are both experiencing ongoing sleep deprivation.....

We submit complaints about the impact on our health, to AGL regularly. The Moyne shire councillors and other officers in the Shire are also copied in on our complaints, as are also many politicians and officials of a variety of government agencies, such as Victorian Departments of Health, Planning and Environment. `

AGL's responses are always the same, standard denial that our health concerns are as a result of the turbines at the Macarthur Wind Farm, and always recommend we see a doctor. See Attachment A 44.

See Attachments A 45, A 46, A 47, A 48 and A 49 - all copies of complaints made to AGL and others.

Of course, since February 2014, AGL have included in their standard response (similarly to so many other government agencies etc.) the statement that the NHMRC published a study titled Evidence on Wind Farms and Human Health, which concludes "there is no reliable or consistent evidence that proximity to wind farms or wind farm noise directly causes health effects".

Between Ann and Andrew Gardner possibly around 200 complaints have been submitted to AGL etc. since the wind farm commenced operation in October 2012. We also possess copies of nearly 200

health complaints to AGL made by other neighbours to the Macarthur Wind Farm, one badly impacted neighbour and her family living SIX KILOMETRES FROM THE NEAREST TURBINE.

Ann Gardner has already filled in SIX LARGE SCHOOL EXERCISE BOOKS documenting ongoing impact and numerous health symptoms, at different times of the day, and night, as a result of being absolutely hammered with infrasound/low frequency noise beginning October 2012. Andrew Gardner has also kept a health diary for the last two or more years as evidence of the ongoing serious impact on his health and wellbeing.

AGL continues to downplay the number of complaints from residents, and NOT ONCE has anybody from AGL/Moyne Shire/State government departments bothered to contact us, nor been to visit to investigate our problems.

b. AGL's LETTER TO ALL DOCTOR CLINICS WITHIN RADIUS OF 100 KM OF MACARTHUR WIND FARM

In February 2014, the residents discovered and received a copy of a letter written by AGL to ALL doctors clinics within a radius of about 100 kilometres from the Macarthur Wind Farm, informing them that should any patients present with symptoms which they attributed to the turbines at the Macarthur Wind Farm, there is no evidence linking health symptoms with wind turbines, and where appropriate, the doctor should direct any concerned patients to AGL's website.

Needless to say we were all justifiably horrified by this discovery !!! See Attachment A 50.

The emergence of a copy of this letter confirmed with several residents, the reasons their doctors hadn't been particularly concerned when consulted about symptoms attributed to the turbines, and subsequent doctor's denial of such. One particular resident had a shocking experience with a district doctor, where the doctor was initially sympathetic, but on a follow-up visit, the doctor had changed his attitude markedly. At the same time the resident noticed the AGL logo on a piece of paper in a pile on his desk. Of course this would have been a copy of the letter which AGL sent to ALL clinics in this district.....

AGL's actions writing to ALL medical clinics in the south-west district of Victoria was TOTALLY UNACCEPTABLE.

It was an example of MISLEADING and DECEPTIVE CONDUCT on the part of AGL, with the potential to cause much community harm or injury, (doctors not taking people seriously) and inducing BREACH OF CONTRACT (interfering with doctor/patient relationship).

Also enclosed is a letter from [REDACTED], General Manager Business Customers and Power Development, AGL in response to one of my complaints/letters indicating my doctor had attributed my symptoms to infrasound from the turbines at the Macarthur Wind Farm. On two occasions [REDACTED] requested permission to contact my doctor, but his requests were declined on both occasions. This is an example of how determined it appears AGL are to discount any claims of health impacts from their turbines.

See Attachment A 51.

c. ANN GARDNER'S FOI REQUEST

In May 2013 the Victorian Department of Health issued two reports titled Wind Farms, Sound and Health, the first being Community Information and the second being Technical Information. Once again, any relation between health impacts and wind turbines was denied

In our opinion, in these two reports the Victorian Department of Health gave WRONG information deliberately to MISLEAD the people of Victoria. This proves the Department of Health have done some thing which, in our opinion, is NOT in the public interest.

The Victorian Department of Health are FULLY AWARE OF HEALTH IMPACTS from wind farms, in particular the Macarthur Wind Farm, as by May 2013 when this report was released, they would have been in receipt of more than 100 complaints of health impacts from residents in this district.

Unfortunately there did not appear to be any information regarding authors, and with our suspicion as to those who may have contributed to these reports, in late July we submitted an FOI request to hopefully obtain information as follows -

Name or names of author/authors.

Copies of ALL correspondence from any THIRD PARTIES related to the production of these two reports, including ALL correspondence with -

- a. The Clean Energy Council
- b. Any corporate entity with wind farm interests
- c. any academic person
- d. any academic institutions

On 27th September, 2013 we were informed that our FOI request had been denied and NO information would be supplied as per our request in July.

As permitted under the Victorian FOI Act, we exercised our right of appeal to the FOI Commissioner which was at first refused outright, however again we requested such information outlining a technical error which was made in the interpretation made by the FOI Commissioner's office.

As a result of this second appeal, the FOI Commissioner granted part of our request and ordered Victorian Department of Health to hand over comprehensive documentation, as per our request, but literally with no names or personal details.

The saga continued well into 2014, with our being informed later in 2014 of the Victorian Department of Health's decision to refer the FOI Commissioner's decision to VCAT.

We will not include all the documentation and correspondence which has been coming back and forth for nearly TWO YEARS now, indicating in our opinion, total incompetence on behalf of some representatives, as this case is still ongoing in VCAT.

It appears to us that the Victorian Department of Health still refuse to hand over documentation and all we can say is WHAT DOES VICTORIAN DEPARTMENT OF HEALTH HAVE TO HIDE ?

This is an absolute waste of taxpayer's money and an insult to our intelligence and a total waste of everybody's money and resources, not to mention an insult to the FOI Commissioner who was also ordered to appear at VCAT (it appeared by mistake, as she promptly informed VCAT) with me.

I, Ann Gardner, am now being represented by a very capable person, who offered to take this unnecessary additional load (and worry/anxiety) from me. My representative didn't believe I needed the excessive addition of stress to the already stressful situation we find ourselves in, being so badly physically and mentally harmed, and financially impacted by the turbines of the Macarthur wind farm.

So this ridiculous saga continues, outlining the total lack of transparency displayed by the Victorian Department of Health, which does not seem to care about such an outrageous waste of taxpayers money, in their desperate attempt to totally conceal the details of these two reports.

d. PIPER ALDERMAN REQUEST VICTORIAN DEPARTMENT of HEALTH CARRY OUT HEALTH IMPACT ASSESSMENT at MACARTHUR

On 17th of January 2014, in conjunction with the complaint of "nuisance" made by 42 residents to the Moyne Shire, Piper Alderman wrote to the Victorian Minister for Health, David Davis requesting a Health Impact Assessment and Public Inquiry into a serious risk to public health caused by the Macarthur Wind Farm.

See Attachment A 52

The enclosed response from Secretary, Department of Health claimed "I do not believe that it is appropriate or necessary for the Minister or me to issue a directive for either an enquiry or a Health Impact Assessment".

See Attachment A 53

We believe this is just another "fob off" from the Victorian Department of Health, which by May 2014 had been in receipt of HUNDREDS OF COMPLAINTS from residents impacted by the Macarthur Wind Farm. They are FULLY AWARE of what's going on here at Macarthur, but it appears to us, all of these government departments are part of a massive COVER UP OF FRAUD, which has been allowed to continue, unchecked, whilst at the same time the health and lives of thousands of rural Australians, continue to be destroyed.

e. ABC - OUR NATIONAL BROADCASTER

The ABC have shown over the past 11 years, their continued BIAS toward wind farms.

Whilst we visited Sydney to receive our second prize in the Zegna Trophy for the finest fleece produced in the world, the ABC 7.30 REPORT crew attended the Four Seasons hotel and interviewed us, photographed us being presented with our prizes etc. and began their story about our serious concern regarding the possibility our elite ultra-fine wool-growing enterprise could be impacted by operations at the Macarthur Wind Farm.

Upon our arrival home again from the festivities in Sydney, some time later this 7.30 REPORT crew visited us at our farm, filming and interviewing us regarding our serious concerns, once again. However, unbeknown to us, AGL had literally "hijacked" our story and organised a counter attack on us, which was just dreadful. Their consultant organised interviews with people living near the

Challicum Hills wind farm at Ararat, though these people did not operate a shedded sheep enterprise, and certainly did not run ultra-fine sheep. However the story compared their enterprise to ours, in addition to interviewng one of the turbine hosts for the Macarthur Wind Farm, who gave his opinion that to house sheep was cruel. The film crew took photos of a lone sheep looking through the gate of our woolshed (we would not allow them into our sheep shed for security purposes) and made this sheep out to be one of the shedded sheep. This sheep wasn't healthy and had been put into the woolshed to protect it from inclement weather outside and ensure it was fed properly, which is our practice to try and nurse unhealthy sheep back to normal. Of course this was portrayed as our shedded sheep and the entire program was turned, by both AGL and the 7.30 REPORT team, into what we would classify as an animal rights program. It was not long after the shocking ABC Live Sheep Export debacle

This was to be our first encounter with the ABC.

Over the years, whilst phoning into talk back on 774 3LO we have been howled down and denigrated by the presenter Jon Faine on numerous occasions, who is obviously pro wind farm and certainly feels this is the best manner in which to "save the planet". We no longer listen to this program as we feel this presenter is SO BIASED with his green attitude, but actually, like so many other ACB journalists, HAS NO IDEA ABOUT WIND FARMS, and in particular is ignorant of the problems encountered by those living near them.

Countless other ABC programs have displayed outright BIAS towards wind farms, but another appalling example of obvious bias, was the Science Show, hosted by ABC presenter Robyn Williams on 10th January, 2015. On this program titled "Getting the Scientific Message Across", Robyn Williams interviewed amongst others, high profile ABC journalist Annabel Crabb, whose performance was just a disgrace and blatantly displayed incredible ignorance about wind farms. She had the audacity to classify those complaining of health impacts from turbines as 'DICK BRAINS'.

Naturally we took offence to Ms. Crabb's behaviour and wrote to her, inviting her to come to our district and see for herself what it's like living next to a wind farm, and that in fact, we are not "Dick Brains" but quite intelligent rural Australians whose lives have been turned upside down, through no fault of our own.

See Attachment A 54 Letter to Annabel Crabb.

Despite many emails requesting a response from Annabel Crabb, we have not as yet received the courtesy of any reply at all, let alone acceptance of our invitation to come and learn a bit about which she displays such ignorance.

The ABC's Media Watch program held on Monday 16th February displayed extreme bias towards wind farms, and as is well known absolutely slammed Steven Cooper's Cape Bridgewater research, along with the three families who took part in this ground breaking research. It appears there is a possibility of legal ramifications regarding this program, as their denigration of the above persons was nothing short of a disgrace, in our opinion.

In recent times we have also included many ABC journalists in our list of addresses to whom Complaints are forwarded. This list of ABC journalists have, over the years, displayed total ignorance in their coverage of wind farms. They are all in such a position whereby a large proportion of Australians listening to their "spin" and condemnation of anybody who dares to oppose this form of renewable energy, and from this, what appears to us to be "rubbish" coming out of ABC journalists mouths, and from their pens, is the information from which ignorant and gullible people form their

own twisted views.

However, as from about the last week in February, it would appear that a BLOCK has been placed, by the ABC, on ALL emails from me, as my email complaint copies, forwarded to journalists, bounce back immediately. Also all emails addressed to Annabel Crabb and her assistant, in my attempt to be given the courtesy of a reply from either Ms. Crabb or her assistant, bounce back immediately. Within seconds of sending emails to ABC journalists, I receive an email immediately, stating "Delivery Status Notification (Failure), and listing the 22 ABC journalists to whom my complaint emails have been addressed.

THEY DON'T WANT TO KNOW - what a sad state of affairs this is, when our National Broadcaster, the ABC treats Australian people with such contempt !!!!

f. WAUBRA FOUNDATION - revoke of CHARITY STATUS by A.C.N.C.

For many years now, the Waubra Foundation has provided wonderful support to the victims of noise pollution, in the case of the residents of this district, noise pollution caused by the turbines of the Macarthur Wind Farm.

It appears a concerted effort has been undertaken for several years now, by some politicians and academics, to denigrate this not-for-profit organisation, and severely criticise, and on occasions, we are of the opinion, defame, some of the volunteer officers working tirelessly within the Waubra Foundation. The Waubra Foundation's sole purpose is to ameliorate the severe health problems suffered by victims of environmental noise pollution. It does this by attempting to promote, assist and distribute the results of independent research, which are widespread, whether it be associated with coal seam gas or wind farms.

Recently we were made aware that the status of a "Not for Profit Charity" was to be revoked, it appears as a result of lobbying by those who, in our opinion, may have a vested interest in the wind industry. This is just another desperate attempt by some, who possess a belief in renewable energy, no matter the cost to human lives. Of course these people live in cities, most probably, and on most occasions have never visited a wind farm, let alone lived near one.

See Attachment A 55 This letter requests of Commissioner Susan Pascoe, that the A.C.N.C. reverses its recent decision regarding the status of the Waubra Foundation as a not-for-profit Charity Foundation.

g. IRISH ASSEMBLY SLAMS ETSU 99

At a recent Irish Senate Inquiry, the ETSU 99, upon which all Australian guidelines and the New Zealand Standard are based was absolutely "slammed" as may be read in the following link -

<http://www.niassembly.gov.au/assembly-business/committees/environment/reports/report-on-the-committees-inquiry-into-wind-energy/>

It's time the Australian authorities took similar action, to prevent the CRUEL, INHUMAN and DEGRADING treatment from which thousands of hard working rural Australians are suffering.

SLEEP DEPRIVATION from which we and so many others suffer constantly, in particular the families whom Piper Alderman represented in their 2014 request for action by Moyne Shire and the Victorian Department of Health, is recognised as TORTURE by the World Health Organisation.

Some public officials, be they Federal, State or Local government officials, are demonstrating WILFUL BLINDNESS by their lack of action in protecting the health of the rural constituents they represent, and MUST BE MADE ACCOUNTABLE for their lack of concern and action.

h. STEVEN COOPER'S CAPE BRIDGEWATER RESEARCH

Steven Cooper's research at Cape Bridgewater, which, after many weeks, resulted in finding a direct link between resident's health complaints and infrasound emitted by turbines, MUST BE CARRIED OUT HERE AT MACARTHUR.

The situation here at the Macarthur Wind Farm is EXACTLY the SAME as that experienced at Cape Bridgewater, whereby so many residents (many more families than three) are being belted day in and day out by infrasound emitted by 140 turbines. However, the turbines here are of much greater generating capacity, ie 3 megawatts, and there is a far greater concentration of turbines over the footprint of this wind farm (140 turbines 90 metres high with 56 metre blades), as they are sited FAR TOO CLOSE TOGETHER.

Similarly to Cape Bridgewater, our local shire of Moyne, has denied any health impacts and rejected our claims and DONE NOTHING TO HELP US, the State government departments continue to deny any health impacts, and have DONE NOTHING TO HELP US, and the developer AGL continues to deny any health impacts, and HAS DONE NOTHING TO HELP US.....

This should NOT BE HAPPENING TO US, and others, at this age, having lived happily and healthily in this district for 30 to 50 years, until our neighbour's development, AGL and the Macarthur Wind Farm began CAUSING a NUISANCE and TRESPASSING OUR PROPERTY RIGHTS in 2012.

It is emotionally draining, having to fight for one's right to live on our own property and being forced to leave our property each week to get a good night's sleep. It affects our relationships with each other, as we battle to cope with this TORTURE, and it is exhausting as we attempt to operate our business, experiencing ongoing SLEEP DEPRIVATION.

We are treated like second class citizens by all levels of government, in our desperate attempts for help and to protect our health.

It would appear to us that we are literally COLLATERAL DAMAGE and have been told so in no uncertain terms over the years by some government officials.

We repeat, it is clear that the Victorian guidelines and the New Zealand Standard CANNOT PROTECT COMMUNITIES FROM SERIOUS HARM.

We would be willing to appear at the Senate Hearing to be held at Portland on 30th March 2015.

ANN GARDNER

ANDREW GARDNER

17th March, 2015

APPENDIX to Senate Inquiry submission

A 1 to A 55 enclosed with Submission

- A 1 CER letter claiming no reason to stop LGC's
- A 2 Letter from NHMRC advising us to visit our doctor
- A 3 Letters from Denis Napthine (Premier),
██████████ on behalf of Jaala Pulford, Minister for Agriculture,
██████████ DELWP, all claiming NO health effects from WEF's
- A 4 DPCD letter re tick of Compliance
- A 5 AGL Planning Panel statement claiming closest turbine 130 metres Gardner
boundary
- A 6 DPCD letter Notice of Decision – incorrect figures
- A 7 Amended Planning Permit Assessment – incorrect figures
- A 8 Letter to Minister Planning – violation of planning permit Macarthur w.f.
- A 9 Sections of Vic. Planning Act not complied with, ie. No notice given
- A 11 Letter to DPCD listing false information – why no consideration of neighbours ?
- A 12 Letter from DPCD Amendments to Planning Permit
- A 13 FOI to DPCD requesting all documents re new noise modelling & noise data
- A 14 Letter to Minister 9th letter request overturn planning permit Macarthur WEF.
- A 15 Letter from FOI DPCD – found no documents re new noise modelling & data
- A 16 Letter from Dr. ██████████ re turbine separation distance
- A 17 Gardner report on Post Construction Compliance Noise test Macarthur WEF
- A 18 Gardner Supplementary report Post Compliance Noise testing
- A 19 Les Huson observations of Accoms equipment and methodology
- A 20 AGL's own ad in newspapers claiming Compliance 16 months before such
- A 21 Media release by AGL on wind farm Compliance 30/4/13
- A 22 AGL's ██████████ demanding public statement re Compliance from A. Gardner
- A 23 AGL's ad in newspapers claiming no change in infrasound at Macarthur WEF
- A 24 Moyne Shire ticking Compliance of Macarthur WEF
- A 25 To Moyne Shire disputing their evidence & advising residents have own evidence of
Non Compliance of Macarthur WEF
- A 26 Letter to Moyne Shire asking to delay vote on Compliance Macarthur WEF
- A 27 Letter to Moyne Shire Piper Alderman claim “Nuisance” under PHWBA 42 residents
- A 28 Letter to Moyne Shire by Gardners re claim of “Nuisance”
- A 29 Moyne Shire investigation of “Nuisance” complaints
- A 30 Brett Lane & Assoc. misleading actions & conduct flora/fauna studies
- A 31 Letter to Ombudsman re disregard for neighbour's evidence brolgas & birds
- A 32 Letter to Moyne Shire re Bird Kill Macarthur WEF, and inaction
- A 33 Letter to CFA – no protection in or around WEF for neighbours
- A 34 Letter to AGL – inaction by AGL to fire close to WEF 2013
- A 35 Herald Sun article re Gardner VCAT case outcome – farmstay application for permit
- A 36 Cartoon in Financial Review re outcome of Gardner VCAT case – ridiculing us

- A 37 Letter to VCAT – why did VCAT ridicule Gardners in public domain ?
- A 38 Letter re AGL set to destroy our business
- A 39 Letter to AGL re compensation destruction our ultra-fine wool growing enterprise
- A 40 List financial losses incurred by Gardners due to impact Macarthur WEF
- A 41 Letter to AGL compensation claim reasons Gardner
- A 42 Cherry Tree Hill VCAT statement Andrew Gardner
- A 43 Cherry Tree Hill VCAT expert evidence Les Huson
- A 44 Reply from AGL claiming no change infrasound – see doctor
- A 45 Formal Complaint AGL/Moyne Shire – conditions so bad, had to leave home
- A 46 Formal Complaint AGL/Moyne Shire – high winds, noisy & feeling sick
- A 47 Formal Complaint AGL/Moyne Shire – day & night impact, sleep deprivation
- A 48 Formal Complaint AGL/Moyne Shire – unbearable sensation maximum level “5”
- A 49 Formal Complaint AGL/Moyne Shire – common law right to sleep at night
- A 50 Correspondence [REDACTED] AGL to all district medical clinics regarding
evidence no health impacts from AGL turbines
- A 51 Correspondence from [REDACTED] AGL asking permission to contact Gardner's
doctor
- A 52 Piper Alderman letter to Victorian Minister Health requesting DOH carry out Health
Impact Assessment and inquiry into health effects at Macarthur WEF
- A 53 Response to above from Secretary Vic. DOH rejecting request for HIA & inquiry
- A 54 Letter to ABC journalist Annabel Crabb inviting to visit district & Macarthur WEF
- A 55 Letter to Commissioner Susan Pascoe in support of Waubra Foundation

FURTHER DOCUMENTS forwarded electronically to Senate Inquiry

- AGL Post Commissioning Compliance Noise Report
- Peer review of above by Arup acoustics on behalf of DTPLI Victoria
- Peer review of above by SLR acoustics on behalf of Moyne Shire
- Les Huson Assessment Report of above peer reviews
- AGL's Bat and Avifauna Mortality Monitoring Report March 2013 to February 2014
- [REDACTED] assessment and understanding of above Bat and Avifauna report