

P2910/2012 Cherry Tree Wind Farm Pty Ltd v Mitchell Shire Council

Transcript of remarks made by the Tribunal in relation to the application for review on Wednesday 6 March 2013.

The Tribunal finds itself in a position where there is some direct evidence and much anecdotal evidence that people living in proximity to wind farms experience deleterious health effects, and those effects are of the same type, being sleep disturbance, increased anxiety, headaches, and pressure at the base of the neck.

There is clearly an association between wind farms and the symptoms that have been described. The question is whether there is a causal link.

Those opposing the wind farm say that the association is of itself evidence of a causal link particularly given that there is evidence that the symptoms disappear when people temporarily move away from the wind farm for a weekend, or a holiday, and reappear when they move back. On the other hand, there is a body of acoustic and medical evidence that the cause of these complaints cannot be attributed to wind turbines on any physical or physiological basis.

The one thing about which there is general agreement between the expert witnesses is that there is a need for further research and studies.

In the mind of the Tribunal there are two issues.

- Is there a causal link - physiological or psychological – between wind farms and the impact on health or people living in proximity.
- If so – and this issue is as important as the causation issue – what is the incidence of these symptoms among the population of residents living in proximity to wind farms, and how does that incidence vary (if it does at all) with distance from the wind turbines. Does it affect 5% or 50% of those living in proximity to a wind farm?

It is arguable that the application of the precautionary principle requires the proponents to prove that there is no causal link between wind farms and deleterious health effects or, if there is, that it affects only a small proportion of the population.

We have been told that the EPA of South Australia is about to embark upon a detailed study of the alleged effects of the wind farm at Waterloo in South Australia on the surrounding population, and that this study will be carried out in April and May. We are also told that the Rapid Review done by the National Health and Medical Research Council is to be updated in the near future, which may shed light on these issues.

The issues are compounded by the fact that there is virtually no overlap between the expertise of the acousticians and the expertise of the medical professionals, which makes it difficult to gel the conclusions reached by experts in these two fields.

So the Tribunal invites submissions as to whether in the event that it is satisfied in relation to other issues of amenity, including the issue of what considerations should be given to the situation of *Wollert Glen* and the *Waugh's*, the impact on flora and fauna, and the affect on erosion and salinity, and if it is satisfied that there is a sound policy basis for the proposed development, it should defer a final decision until these further studies and pronouncements are available.

If a final decision is to be deferred, the Tribunal would be assisted if during the interim a properly conducted survey could be carried out in relation to two or three operating wind farms to identify the incidence of health related complaints by people residing at various distances from wind turbines. What we are endeavouring to ascertain is whether the problem which is said to exist is evident from soundly based empirical data.

To assist the transparency of this process it may be helpful if a methodology was first agreed upon between the proponent, the Landscape Guardians and Council, who in turn may take on board any suggestions from the Waubra Foundation and other residents.

We appreciate that the permit applicant may not be interested in pursuing these surveys if the Tribunals findings in relation to the other issues are adverse, so we would be prepared to give our findings on those issues by way of a preliminary decision so that everyone knows where they stand.

We would add that the Tribunal is not prepared to defer a final decision indefinitely, and so if the additional material is not to hand within the next six months or so we believe we will have to determine the matter on the basis of the material now before us guided by the large number of decisions in the wind farm cases that have been made, and decisions relating to the application of the precautionary principle.