



31 July 2015

Jeanette Radcliffe
Committee Secretary
Wind Turbines Select Committee

By email: windturbines.sen@aph.gov.au

Dear Jeanette

Response to Adverse Comments

Thank you for the opportunity to respond to a number of adverse comments made in various submissions to the Senate Select Committee on Wind Turbines. Please find below our response following extracts from the relevant submissions.

We kindly request that the committee rejects the noted testimony and that the relevant comments are removed from the public record.



Submission 470

“Pacific Hydro admitted that ‘The wind industry and Pacific Hydro worked collaboratively with Sustainable Energy Authority Victoria when the Victorian Policy and Planning Guidelines (PPG) were first published in 2003.’”

As per our previous response on this matter, it is standard practice of all governments to consult with stakeholders as part of policy and regulatory development. Pacific Hydro was one of many stakeholders consulted in the process undertaken by the Victorian Government in developing the wind farm planning guidelines. To assert that Pacific Hydro participated in writing the guidelines is incorrect.

*“Pacific Hydro’s submission to the Social and Economic Impacts of Rural Wind Farms reinforced the view that: **“achievement of compliance with the existing standard NZS6808:1998 provides protection against “sleep disturbance”, “noise levels” and “health and amenity.”**”*



*But shortly after the Victorian Planning guidelines were published in early 2003, Pacific Hydro (the Tenant) signed up hosts (Landlords) for its Portland Wind Energy Project with the legal requirement that hosts must fully indemnify Pacific Hydro against any nuisance caused by the wind turbines.*⁵

5.12 New Zealand Standard

(a) The Landlord acknowledges that:

(1) Generators may generate noise on and over the Land which may exceed the New Zealand Standard;

(2) in particular, the operation of the Wind Farm may affect the use, amenity and development of the Land or the Property for residential or habitable use;

The above extracts from a Landowners Agreement are not part of a standard Pacific Hydro Landowner's Agreement. As Andrew Richards outlined to the Senate Inquiry on 30 March 2015, such extracts relate to the unusual circumstance where, by mutual agreement between parties, turbines have been placed closer to residential dwellings than they normally would be, and that the parties acknowledge that compliance with the New Zealand Standard may not be achieved under such circumstances.

"Pacific Hydro has publicly acknowledged that the Cape Bridgewater Wind Farm has reduced quality of life for some residents. Based on this condition of the PWED contract, it would seem that Pacific Hydro anticipated, as had Meridian, that the operation of the wind farm might affect the sleep, amenity and indeed, the habitability of wind turbine impacted homes, despite the (alleged) protections of the New Zealand standard".

As stated previously, Pacific Hydro refutes any suggestion that statements made in good faith, and as part of a general discussion with the community or others, are an admission of any material detriment, sleep disturbances or reduced quality of life as a result of our wind farms. Rather, they reflect our ongoing commitment to local landowners and the community at Cape Bridgewater.

Pacific Hydro relies on advice from Australia's peak health body, National Health and Medical Research Council (NHMRC), to provide direction in relation to alleged health impacts of wind farms. The most recent publication from NHMRC (The NHMRC Statement: *Evidence on Wind Farms and Human Health 2015*) clearly concludes in its opening paragraph *"that there is currently no consistent evidence that wind farms cause adverse health effects in humans"*.

"And, assuming that Pacific Hydro knew that the operation of the Portland wind farms would adversely affect the amenity and habitable use of homes, including sleep quality, Pacific Hydro also added 5.12 (b):

The Tenant agrees that it must and if required at its own cost, implement appropriate acoustic measures (such as window glazing and insulation) to ensure a reasonable level of acoustic amenity in relation to indoor habitable areas of the dwelling located on the land."

The above extract from a Landowners Agreement is not part of a standard Pacific Hydro Landowner's Agreement. As Andrew Richards outlined to the Senate Inquiry on 30 March 2015, such extracts relate to the unusual circumstance where, by mutual agreement between parties, turbines have been placed closer to residential dwellings than they normally would be, and that the parties acknowledge that compliance with the New Zealand Standard may not be achieved under such circumstances.



“Pacific Hydro’s contract allowed for mitigation measures that could make homes habitable and indeed, sleep-able.”

As stated above, the mitigation measures referred to are part of one Landowner’s Agreement, which is not a standard Pacific Hydro Landowner’s Agreement. As Andrew Richards outlined to the Senate Inquiry on 30 March 2015, such extracts relate to the unusual circumstance where, by mutual agreement between parties, turbines have been placed closer to residential dwellings than they normally would be, and that the parties acknowledge that compliance with the New Zealand Standard may not be achieved under such circumstances. Therefore Pacific Hydro has agreed to implement appropriate mitigation measures in such an instance.

“In 2012, Dr [redacted] prepared a study of two Victorian wind farms. The report was re-published in 2014.⁸ Dr [redacted] noted that there are ‘measurable noise problems at both Waubra and Cape Bridgewater’ and concluded: ‘findings suggest that the individuals living near the wind farms of this study have a degraded Health related Quality of life through annoyance and sleep disruption and that their health is significantly and seriously affected (harmed) by noise.’”

We assume this is a report by acoustician Dr Bob Thorne. If so, then we contend that Dr Thorne is not a qualified medical practitioner and is therefore not qualified to make assertions regarding individual’s health. Further, Dr Thorne has not had the opportunity to conduct any acoustic testing at the Cape Bridgewater Wind Farm that we are aware of and therefore is not in a position to make such claims. On this basis, we refute both of the above claims.

“In the absence of the full satisfaction of Condition 13, Cape Bridgewater wind farm has not demonstrated compliance with the terms specified in its conditional planning consent.”

“Consent arrangements allow the operator of the Cape Bridgewater Wind Farm to operate that wind farm to its satisfaction and without review.”

We refer the Select Committee to compliance testing conducted by Marshall Day Acoustics, which was submitted to the Victorian Government in 2009. This report, which has been supplied to the Committee, clearly demonstrates compliance. Further, Pacific Hydro has satisfied (and continues to satisfy) all relevant regulatory and compliance obligations required of us.



Yours sincerely,

Andrew Richards
Executive Manager, External Affairs
Pacific Hydro