

Lesson 26: The Biggest Threat to a Wind Farm is a Neighbour Who Complains

The biggest threat to a wind farm is a neighbour who complains.

Every complaint is logged and registered and remains with the company as part of its performance record.

Complaints show up as black marks against the business when on-selling to risk-averse foreign investors.

Everything a wind farm says or does is to minimise risk.

Every gift or neighbour deed is part of the strategy to remove the threat of complaints and eliminate the risk of black marks against the business.

Before the Wind Farm is Built ...

Wind companies are speculators – they have no money.

They need to secure a permit which creates a business to sell.

They need collateral to borrow from banks or investors.

They need investors to finance the infrastructure.

- The business is validated with a permit.
- The collateral is gained through holding the rights to landowners' titles.

Stymying Investor Interest

Investors and banks are risk averse. They won't touch a controversial business that will incur procedural hold-ups and legal delays.

To attract investors, wind farm developers will invest heavily on their "image". Their website is full of love for the community and community "love" back.

In reality they don't give a shit about the community – all they want is a business to develop and sell.

The development stage is a very crucial period for the business. They need a social licence.

They invest heavily in buying off or gagging potential complainants even before the modelling has been done.

They exterminate any business risk by securing:

1. Agreement to Lease Deeds
2. Neighbour Agreement Contracts
3. Community Benefit Schemes

These contracts are an admittance of future noise nuisance. A person who signs a Deed/Contract signs over the rights to their land title and loses the legal right to complain.

Give investors a reason not to invest.

If a business developer receives a significant number of complaints and legal challenges – potential investors may consider the risk too high.

So right from the get-go **LODGE COMPLAINTS !!**

It's a numbers game – the more complaints the less attractive the wind farm is to an investor.

What to complain about

1. Misleading and Deceptive Conduct
2. Bullying by the company personnel/ reps
3. Hard sell tactics.
4. Lies told.
5. Inappropriate location.
6. Loss of enjoyment of land.
7. Too close to homes.
8. Loss of agricultural production.
9. Loss of visual amenity.
10. Noise Nuisance
11. Destruction of wildlife habitats.
12. Death of native wildlife.
13. Fire risk.
14. Impact on crop and pasture spraying
15. Destruction of local roads.
16. Loss of property value.
17. Cumulative Effects
18. Biosecurity

How to complain

Each complaint is logged, recorded and kept on file.

Unless the word "**complaint**" is used the wind company won't log it as a complaint.

Ensure your complaint is marked "complaint".

Every wind farm website has a contact phone number or email address. This is their official main office contact.

1. Ring in your complaint and leave the message "**I wish to lodge an official complaint**" ... then outline your complaint.
2. Email – Always use the info@ or their general email address. Write the words "**complaint**" in the heading. Then in the body of the email "**I wish to lodge an official complaint**". Then go for it.

Remember all complaints must be genuine. You may need to provide evidence to support your complaint. Record all conversations with wind farm reps in a diary.

After the wind farm is built ...

If you don't complain you don't have a nuisance problem.

Your complaint must be genuine.

Only submit your complaint when you are impacted by the nuisance.

Ensure that the time and date of the nuisance is accurately recorded in your complaint.

Your complaint must reconcile with your diary.

Keep a record of all complaints sent to the wind farm.

As long as the complaints are genuine and accurate they are tenable in court.

Use the word "complaint"

If you don't use the word "complaint" the wind farm will NOT register your notification as a complaint.

Always use the word "complaint" in both the heading and description .

Use the word "unresolved"

A wind farm will claim that by simply replying to your email the complaint is resolved.

Don't let them get away with it. State clearly -

"I confirm my previous complaints remain unresolved".

The number of complaints are a problem to them.

Don't allow the wind farm to classify your multiple complaints as one single complaint.

A wind farm will suggest your many complaints are supplementary comments to your first complaint. This allows them to only register the one complaint.

"I wish to register a new complaint. I confirm I have submitted 6 separate complaints for the month of July and each complaint remains unresolved".

Nuisance v Compliance

A wind farm will always talk about compliance. "compliance" is their game.

Don't play their game – Your game is "nuisance"

It is against the law for a wind farm to cause you harm.

A wind farm has no defence against nuisance.

Private Nuisance is an act that interferes with a person's enjoyment and use of their land.

The affected person must show they live on the land and that the interference was substantial and unreasonable.

In the Common Law of Nuisance – it's the Company that holds the Burden of Proof.

It is up to the company to prove there is no nuisance.

The Bald Hills Judge accepted all complaints and diaries tendered by the plaintiffs as evidence in court.

The wind farm could not disprove the nuisance.

Justice Richards determined the wind farm's evidence was "patently absurd". [the judgement can be found here](#)

"Having regard to the answers to questions 3 to 10, has the interference with the plaintiffs' use and enjoyment of their land been unreasonable?"

Yes. Noise from the wind turbines on the wind farm has amounted, intermittently at night, to a substantial and unreasonable interference with the plaintiffs' enjoyment of their land. The wind farm noise has been a common law nuisance at both properties." 11

After 2016, Mr Zakula continued to keep records of turbine noise that disturbed him, although his complaint letters became less frequent. I have reviewed those records, as well as his complaints. The records are consistent with Mr Zakula's evidence about noise disturbance from the wind farm from 2015 onwards. Between September 2015 and December 2019, he recorded more than 450 nights on which his sleep was disturbed by wind turbine noise, including 11 nights on which he could not sleep at all." 29

"Mr Zakula made 14 more noise complaints to Bald Hills during 2015, initially by telephone and then, from November 2015, by letter. By that time he felt that it was pointless to keep making telephone calls and repeating the same things over and over again, and so he started to put his complaints in writing. He made notes when he was disturbed by noise from the turbines, which he then compiled into letters to the wind farm. Initially he did this monthly." 24