

Lesson 6: Step 1. Gathering the Evidence

The Common Law of noise nuisance is argued on evidence.

- Only a judge or adjudicator can determine if a nuisance has occurred.
- Only a judge or adjudicator can determine if the nuisance is unreasonable.
- Only a judge or adjudicator can determine if the nuisance causes unreasonable interference with the enjoyment of your land.

Your lawyer requires evidence to make the case of ongoing unreasonable nuisance.

The Bald Hills judgment determined that both subjective and objective evidence is tenable in court.

[The Bald Hills Precedent can be found here](#)

Gathering the Subjective Evidence

The precedent is set, and genuine, authentic subjective evidence is accepted as legitimate evidence in court.

Recognise Subjective Evidence

You are not going mad – what you are feeling is real and something is doing it to you.

Have your sleep patterns changed?

Are you sleep disturbed?

Are you feeling nauseous?

Are you feeling tired?

Do you get headaches?

The Waubra Foundation Web Site lists the symptoms of turbine sickness.

<https://waubrafoundation.org.au/health/symptoms/>

Gathering the Objective Evidence

Objective Evidence can be obtained from various gadgets available, such as watches, weather reports, wind socks/weather monitors, mobile phones, noise monitors, and the like.

Objective Data includes.

- Exact time and date of the adverse health effect
- Wind Direction
- Wind speed data
- Noise data from monitors
- Atmospheric conditions
- iWatch data

You're Not Going Mad !!

Sometimes the problem is hard to identify.

For Example: waking in the night to no sound is common.

Cooper explains that the infrasonic pulsation waves from the turbines activate the sensors in the inner ear.

This is the mechanism of sensing the pulsations rather than hearing the noise.

It has been suggested that the brain becomes confused, the brain thinks it receives sound, but there is no sound – just the pulsations.

People are woken in the night – their brain and body tell them there is a noise – but there is no noise heard.