

# Nuisance vs Compliance

## Proving Nuisance

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### Wind farms know they cause nuisance.

Any neighbour who complains is a major risk to a wind farm business.

Every complaint is registered and becomes a black mark against the business credentials.

Rather than fix the noise problem, their strategy is to get rid of the neighbour as a business risk.

Every contact they make with neighbours is to assess the degree of the risk.

Their ultimate aim is to sign neighbours up to neighbour agreements or deeds, which are essentially gag orders to squash complaints.

### No one will help you.

The local Councils and EPA are complicit in this strategy and direct neighbours back to the wind farm to sort the problem out themselves.

EPA Victoria has written into law a “Noise Agreement” to remove the problem of complaining neighbours.

It is typical of farmers to be reasonable at first, to not “rock the boat”, believing the wind farm will work with them to fix the problem.

This is when farmers are most vulnerable because they take the wind farm at their word.

All the while the wind farm is assessing the risk. Each contact they make is to identify which neighbour is a problem, who can be swindled with agreements or tree plantations, and how many lies they can get away with.

### What do you do?

Proving nuisance is a journey.

The first thing you must realise is that you’re on your own, the authorities won’t help you.

The wind farm won’t admit to the nuisance, and the authorities will side with the wind farm.

Plenty of neighbours have sued wind farms and all, except the Bald Hills Boys, have settled out of court.

No one hears about these settlements because confidentiality clauses prohibit publicity.

At some stage, you will wonder whether it’s all worth it.

- Do you roll over and do nothing and live with the sleep disturbance?
- Do you sell up and leave?
- Do you stay and fight?

The better equipped you are the better the outcome.

If you decide to stay and fight, you may consider engaging a lawyer.

### The Steps

Lawyers needs your help.

**1. Collect as many documents as you can ....** because information will eventually be removed from the wind farm’s website.

Collect permit documents, audits, compliance reports, noise reports, environmental effects statements, construction programs, propaganda newsletters, and letters.

**2. Undertake background testing.**

Obtain your own independent background data.

It is so important to have your own background data because wind farms manipulate the background testing to produce a higher background level which allows them to emit higher noise and still claim compliance.

They manufacture higher background levels by planting trees to increase foliage growth, manipulating data and falsifying reports.

Ensure the acoustician you engage provides you with the raw data straight from the meter. This data can be analysed later.

**3. Take Photos**

Photos are gold – evidence that can’t be refuted. Take photographs of noise loggers, wind masts, construction work, repairs to blades and all activities of the wind farm.

Include a reference point so you can prove the location of the photo.

Always note the date and time.

And file them away somewhere safe.

**4. Don’t sign anything.**

The documents and agreements they offer you are a form of entrapment.

All agreements with a wind farm serve to remove your right to object to the noise.

All agreements eliminate you as a risk to their business.

**5. Keep a diary.**

A genuine handwritten diary is valid in court. Ensure the date and time of the nuisance is accurately recorded.

State the exact date. Don’t just say I was woken “last night” – as this confuses the dates. Was it yesterday last night or today early morning?

If your diary is accurate then the details i.e. wind speed and direction, power generation etc, can be identified later.

## 6. Complain often.

If you don't complain you don't have a problem, so submitting complaints is imperative to your nuisance case.

Complaints confirm the noise is unreasonable. Your complaints need to be genuine and correlate with your diary records.

Submitting complaints is stressful – the wind farms and authorities deliberately make it stressful so that you give up and go away.

Always complain by email or the website phone number and always use the word “complaint”.

This ensures your complaint is registered.

## 7. iWatch.

An iWatch will record your sleep patterns.

A record of your sleep patterns before and after the wind farm is valuable information to show sleep disturbance.

## 8. Phishing

The wind farm wants to know who they can buy off, who is gullible, who they can lie to, who they can manipulate, and who they need to armour up against.

They phish for information and build up a file about you and your family to use against you later.

They record every meeting or open day you attend, every Facebook post, every complaint, every letter you write and every public opinion you have.

They want to claim the noise you hear is not real, that you are anti-wind farm or you are hypersensitive to noise.

You invite them in for a cuppa. They pretend to care, they tell you lies and try to sign you up to a neighbour agreement to eliminate you as a risk.

You submit a complaint, and they will offer noise testing – a trap to obtain data to use against you later.

Before the wind farm is built, they will offer tree planting for “visual screening” – a trap to claim the background level has increased because of the tree foliage growth.

When you submit a complaint, they have no intention of helping – they just phish for information. They request copies of your diary; they quiz you on wind direction and require you to fill out their bullshit complaint form.

The number of complaints you make is a problem for them. Their tactic is to link all complaints together and claim they are a single complaint. Neighbours need to fight back by stating... ” I wish to submit a **new** complaint”.

## 9. Conditional Cooperation.

Their tactic is to claim you have been uncooperative. They say “We tried to help them, but they wouldn't cooperate”.

They will say “We arranged a meeting, but you didn't show up”. The meeting they arrange is always vaguely communicated and always at the most inconvenient time for you.

Always communicate via email.

Always confirm the meeting time in writing.

Always have someone with you at any meeting – preferably your lawyer.

They will twist the narrative to claim the problem is with your house. They never admit it's the turbines.

They will offer noise testing, window glazing, wall insulation and tree planting.

At this point, it is important you are under the advice of your lawyer. A lawyer will ensure your legal right to continue to complain or take further legal action is protected.

Agree to noise testing but conditional upon them giving you the raw data straight from the noise monitors and the SCADA data from the anemometers on the nacelles. You will need a lawyer to draw up this contract.

## 10. Keep records of being fobbed off.

You will be fobbed off by your local council, the EPA and the AEIC.

Their policy is to ignore your complaints and send you back to the wind farm.

Every fob-off, dismissive comment, and unhelpful reply can be used as evidence in your nuisance case.

## 11. Post-construction noise testing.

Wind farms are scared of informed people. They are intimidated by people who understand the LA90 system of wind turbine noise measurements.

They are scared of anyone with noise data.

Noise data exposes the real noise levels.

Noise data is noise data, whether it's obtained from a free app on your mobile phone, or an acoustician's monitor.

You can purchase a relatively affordable hand-held monitor and upload the data to your computer for analysis later.

The noise data you collect is valid data and can contribute to your noise nuisance claims.

However, if you intend to take legal action, you will need an independent acoustician.