

## Media statement

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*19 August 2020*

Bald Hills Wind Farm (**BHWF**) respects the decisions of the Supreme Court of Victoria handed down on 18 August 2020. Those decisions upheld the findings of intermittent nuisance by the South Gippsland Shire Council under the Public Health and Wellbeing Act 2008 (Vic). BHWF had sought judicial review of the Council's decisions following the Council's investigations of noise complaints.

Although BHWF is disappointed with the outcome, the Court determined that the Council's findings of intermittent nuisance in March and April 2019 have no legal effect or consequence.

In accordance with the Council's recommendation to settle the matter privately, BHWF has participated in good faith in mediation with the landowners who joined the Supreme Court proceedings. Despite BHWF's best and reasonable efforts, the matter has not been resolved.

Neither the Council's resolutions nor the Court's decisions opined on the wind farm's compliance with its Planning Permit or whether or not the wind farm's operations constituted a nuisance at common law. Noise compliance is determined by the State Government of Victoria in accordance with the wind farm's Planning Permit, which stipulates industry accepted acoustic standards to which the wind farm must adhere.

The Planning Permit conditions are based on a standard that establishes best practice in Australia for protecting against sleep disturbance and amenity impacts. Following extensive monitoring and analysis, the Victorian Minister for Planning confirmed the wind farm's compliance with the Planning Permit as recently as in March 2019.

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### **About Bald Hills Wind Farm**

The Bald Hills Wind Farm is located approximately 10kms south east of Tarwin Lower in South Gippsland, Victoria and consists of 52 wind turbines. The wind farm produces up to 380,000MWh of electricity per year, which is the equivalent of meeting the electricity requirements of over 62,000 homes. In doing so it prevents up to 335,000 tonnes of CO<sub>2</sub>e emissions per annum. The wind farm supports the Bald Hills Community Fund which provides donations to local community and not-for-profit organisations.

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