

Bald Hills Wind Farm Nuisance Complaint Upheld

South Gippsland Shire Council has successfully defended Supreme Court proceedings brought against it by the Bald Hills Wind Farm. Five local residents were also co-defendants to the case. The decision is open to appeal for a period of 28 days.

The application sought a judicial review of Council's resolutions of March and April 2019 that there existed an intermittent nuisance caused by the operation of the Bald Hills Wind Farm. Council's findings of 2019 included that the matter was better settled privately.

The court was asked to quash the Council's decision and consider whether Council failed to have regard to mandatory considerations in finding that a nuisance existed and whether Council disregarded material essential to performance of its statutory task.

South Gippsland Shire Council's Chair Administrator, Julie Eisenbise welcomed the Supreme Court decision which dismissed the Wind Farms application and proposed Orders to pay Council's costs.

"Noise emissions from wind farms are complex matters that Local Government is rarely called upon to adjudicate. I am pleased that Council's processes have withstood the scrutiny of the Supreme Court and I remain hopeful that the other parties can now settle this matter privately.

"As it currently stands wind farm operators may be complying with their obligations under the Planning and Environment Act but not the nuisance provisions of the Public Health and Wellbeing Act. We believe that this is something that Statutory Authorities need to resolve to avoid the situation that has occurred in South Gippsland, happening elsewhere," said Ms. Eisenbise.

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