

4 January 2015

Mr David Locke
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Australian Charities and Not-for-profits Commission.
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**RE: SHOW CAUSE NOTICE OF PROPOSED CHARITY SUB-TYPE
REVOCATION - THE WAUBRA FOUNDATION**

I refer to your letter dated 13 February 2014 to *M is* Sarah Laurie, CEO, The Waubra Foundation that was published on the ABC website on 19 December 2014.

I note that you have revoked The Waubra Foundation's registration as the sub-type of health promotion charity under Sections 35-10 of the *Australian Charities and Not-for-profits Commission Act 2012 (Cth)* ("ACNC Act").

You say that the Foundation will continue to be registered as a charity and that there will be some consequences for the Foundation's tax concessions. Presumably you mean that the Foundation will continue to be registered as a charity under Section 25.5 (5) Item No.4 of the ACNC Act .

Further, you say that you have considered all of the grounds for revocation set out in Section 35-10(2) of the ACNC Act and you do not intend to rely on these as grounds for revocation.

You accept that there are reports of a range of symptoms suffered by some people living within a certain proximity of some wind turbines and there is a research paper which records anecdotal complaints by people in the vicinity of wind farms.

You go on to say that there is no scientifically rigorous, credible or authoritative research that you have been able to find that establishes a causal connection between the symptoms suffered by some people and their proximity to the wind farms. The Australian National Health and Medical Research Council report *Wind Turbines and Health: A Rapid Review of the Evidence* states in its conclusion : "This review of the **available** evidencesupports the statement that : *There are no direct pathological effects from wind farms and that any potential impact on humans can be minimised by following existing planning guidelines.*

All of the grounds that you rely on appear to be related solely to the impact of wind farms on the community and whether or not they cause disease. With respect, I would submit to you that this is a very narrow interpretation of the work that the Foundation does.

I came into contact with M/s Laurie and the Waubra Foundation not through the proposed impact of a wind farm but through a proposed construction of a Gas Fired Power Station within 700m of my historic home. The proposal also impacts adversely on inmates in Wellington Jail and residents in the town of Wellington many of whom are Aboriginal.

The proposal was first muted in 2005 and to date no construction work has commenced despite the Project Approval lapsing in March 2014. To date the NSW Department of Planning has still not made a decision on whether or not they will extend the lapsing date for a further five years. The NSW Department of Planning are well aware of the damage to the health of numerous local residents from excessive low frequency noise at a similar gas fired power station at Uranquinty, near Wagga Wagga in NSW.

The proposal severely blights my property to the extent it is valueless because published Noise Modelling Data approving the Project shows that according to the Department of Planning it is OK to have Noise Levels some 18dB(A) above existing noise levels. The proposal lies within 700m of my historic home.

A proper analysis by a Noise Expert shows that those levels could well be exceeded substantially because of the way in which the models are constructed. Despite the Project Approval foreshadowing acquisition of my property after the Project is built and up and running, my property rights have essentially been confiscated for no consideration. An Aged Care Development has been abandoned, other potential investors have declined to proceed once the full impact of the proposal was known and there were no bids at a Public Auction despite widespread inquiry from across Australia and internationally. There has been no unconditional offer to acquire my property by the proponents on a fair and reasonable basis and in accordance with the *Just Terms* section of the Constitution or the relevant State Government legislation and there are no orders by the Minister for Planning or her delegated authorities to do so now. They just do not make a decision.

This is an intolerable circumstance to be placed in and no where to turn to except a charitable organisation which is working in the field of environmental noise - not just from wind turbines. It seems you choose to ignore this important aspect of the Waubra Foundation's work. The research from the World Health Organisation and other bodies made easily accessible by the Waubra Foundation clearly show that this Project near my home should never have been approved.

I will be forever grateful that Mis Laurie wrote a well researched and well written submission opposing the extension of this Approval for a further five years. I note that the Department of Planning has not made a decision – some 10 months after the close of the Exhibition period and months after receiving the Waubra Foundation letter which the Foundation have allowed me to use to educate public officials and Ministers of the Crown in NSW about the many known diseases caused by chronic exposure to excessive environmental noise, including particularly from sleep deprivation alone.

For the inmates of Wellington Jail it would appear that the Department of Planning thinks that is OK that inmates are subjected to unremitting noise levels that will

amount to torture under the *United Nations Convention Against Torture and Cruel, Inhuman and Degrading Treatment*, to which Australia is a signatory. I note that the *Australian Criminal Code 1995* prohibits torture and acquiescence to torture occurring, for which there are criminal custodial sentences for those who are held responsible.

It is not contested that noise annoyance has an adverse impact on human health, and I note that you have agreed that the Waubra Foundation "prevents sickness". Why then, do you choose to ignore the **many diseases** known to be caused by excessive environmental noise, whether the noise is caused from wind turbines, gas turbines, or some other source, including particularly those many physical and psychological/psychiatric diseases resulting directly from chronic sleep deprivation?

The trivialisation of sustained environmental noise impacts by the wind farm lobbyists, sociologist Professor Chapman, Director of Environmental Health in NSW, Professor Wayne Smith (via advice to the New South Wales Planning Assessment Commission ("PAC")), Senator Richard Di Natale (himself a medical graduate) and others should not be considered by the ACNC to be evidence in itself that the problem does not exist, especially when not one of these people have ever directly investigated the problems in the field for themselves (unlike the Waubra Foundation) and have continually ignored the first hand reports that they have received from people who are adversely affected and who are then publicly ridiculed.

Professor Bruce Armstrong, Emeritus Professor at Sydney University School of Medicine and Chairman of the NHMRC's expert panel on wind turbine noise has said to me that no cancer studies have been done that relate to Gas Fired Power Station impacts. **If no studies have been done how can it be said that the problem does not exist, especially when sleep deprivation is known to occur from excessive noise, and sleep deprivation is known to be associated with impaired immunity, which itself can cause a variety of cancers and chronic infections according to sleep physicians?**

Conversations that I have had with residents whose properties were acquired near a Gas Fired Power Station at Uranquinty support the view that residents whose properties were in the impact zone suffered from noise annoyance, sleep deprivation and associated depression related illness and were receiving medical assistance. Regretfully, they were forced to sign a "gag" agreement as part of the settlement, so they cannot speak publicly about what happened to them and in particular about their serious health problems. It is my understanding that some **ten** properties were acquired which was confirmed by the Hon Katrina Hodgkinson MP in her testimony to the PAC about another proposed gas fired power station at Dalton, in her electorate.

The Waubra Foundation has the expertise and the courage to shine a light on these problems and to assist in formulating policies that can help avert devastating adverse health impacts for rural residents, ie PREVENT DISEASES known to be caused by excessive environmental noise. In my view, this is precisely what a Health Promotion Charity does or is supposed to do.

These diseases and health problems are not figments of the imagination – they are real issues and to date have been ignored for too long by Government and the bureaucrats

that provide the recommendations to approve these noise polluting developments at inappropriate locations, with noise pollution guidelines that are not properly enforced and which do not protect people. In my view, the decisions are nothing more than an attempt to circumvent big business being forced to acquire property when they full well know that at some point in time after the proposal is up and running they may well be forced to acquire. Regretfully, at that point in time the serious damage to the health of the neighbours is done.

I would urge you to reconsider your decision and allow the Waubra Foundation to continue its valuable work and to assist in alleviating and preventing the many diseases well known to be caused by environmental sleep disorders and chronic sleep deprivation, stress, depression, and in some cases suicide.

The Waubra Foundation only exists because of the failure of government health, planning and noise regulations and authorities to protect citizens, such as myself and my neighbours. Your decision has just made it easier for vulnerable citizens to be harmed by governments working with big business, particularly those citizens living in rural areas, and including some of the most vulnerable in our community – namely Aboriginal inmates in correctional facilities such as at Wellington, already at a higher risk of diseases such as cardiovascular disease, and psychiatric diseases, both of which can have fatal consequences via heart attacks and suicide.

Yours sincerely,

N Barton