

February 7, 2015

Dear Commissioner Pascoe,

I live in Falmouth Massachusetts, USA. I am also an appointed member of the town's zoning appeals board.

I write to encourage you to take a serious review of the December 11, 2014 ruling made by ACNC Assistant Commissioner David Locke where it was proclaimed that the Waubra Foundation is not a Health Promotion Charity.

I strongly disagree for many reasons. However, I'll address only one reason, which it is hoped, to be as dear to your heart as it is mine. I humbly thank you for your consideration.

The Town of Falmouth has experienced serious controversy with its' industrial wind project since 2010. The level of controversy created a revised wind turbine ordinance in 2013. The new ordinance, drafted by Falmouth's Planning Board, was overwhelmingly adopted by voters and has dramatically reduced the size and restricts the zoning of future wind projects in Falmouth.

Many residence have entered adverse impact appeals to the Falmouth Zoning Board of Appeals, as well as to the Falmouth Board of Health. I make the following observations based only upon the purview of the regulatory board to which I belong. It's been the zoning department's experience that all wind impact appeals have involved evidentiary document submissions into their respective case files. Documents from an assortment of experts have been given authoritative due respect by all board members. Waubra Foundation material has been, and remains, a valuable resource for Falmouth Zoning Board of Appeal members. I would expect members of Falmouth's Board of Health, as well as other government decision makers beyond Falmouth, share similar sentiments.

Due respect to Commissioner Locke, however, I find it disingenuous to restrict, censor or attempt to eliminate future Waubra Foundation research evidence by labeling the organization not a Health Promotion Charity. Government decision makers believe it customary and fully expect the force and effect of ***all the evidence***, if good tools are to craft the best decisions. It's reasonable to expected Mr. Locke to be aware of this principle. Yet, his understanding is seemingly absent on this crucial issue.

Madame Commissioner, I call upon your good sense and reason that ***it takes government to establish rules of the game that will provide a level pitch and assure fair play***. Commissioner Locke's position hardly renders decision makers a level pitch if valuable research tools are to be restricted, limited or eliminated. Resources, otherwise provided by the Waubra Foundation,

ultimately will diminish fair play. The highest level of fair play mind you, that I hope you will affirm, is owed the Public we strive to serve and protect.

Most Respectfully Submitted,

Mark J. Cool  
Resident  
Falmouth Massachusetts  
USA