



COMMUNITY REFERENCE GROUP

Minutes

Date: 02/10/18

Time: Start 7.06pm and finished 7.40pm

Place: Lal Lal Soldiers Memorial Hall, 412 Clarendon Lal Lal Road, Lal Lal

Attendance: Mike Stephens (Chair), Tracey Ward (Community Engagement Manager, Lal Lal Wind Farms), Sue Witherspoon, Kate Banner, Mick Frawley, Ron Read

Apologies: Andrew Aitken, Tony Trigg, Peter Britt, Shane Murphy

Guests: Vanessa Osborn (Moorabool Shire Council), Heather McMahon (Lal Lal EPA)

Minutes: Tracey Ward

Meeting Agenda

Item	Description	Action	Who By	Due
1	<p>MS asked for apologies for this meeting , then called for the minutes from the previous CRG meeting 040918 be accepted and seconded</p> <p>MS asked for acceptance that the CRG meeting minutes for 070818 were a true and accurate recording of the meeting</p> <p>Business arising from the previous minutes Follow up on letter MS wrote to council about roads and noise. There has been an update with council's complaint's procedure, which is now on their website. The letter from MS will be responded to in the next few days (See Appendix 2).</p> <p>Vanessa introduced herself and explained her background. Vanessa has been employed by council to sit in the planning team and will liaise with the community and local wind farm projects. Vanessa said that the council complaints procedure was uploaded on the</p>	<p>Accepted Seconded</p> <p>Accepted Seconded</p>	<p>KB MF</p> <p>KB SW</p>	

Item	Description	Action	Who By	Due
	<p>council website. TW said she will circulate this with the minutes, <i>(see Appendix 1 attached)</i>.</p> <p><i>Letter from council received on Friday 5/10/18, see attachment to minutes. Council's complaint procedure also attached.</i></p>			
2	<p>Update from Community Engagement Manager, monthly report for August 2018</p> <ul style="list-style-type: none"> • Voluntary Landscape program <p>Planning permit amendment approved to include program of works instead of each individual landscape plan to be submitted to DEWLP for approval.</p> <p>The program will resume when a new landscape architect is recruited.</p> <p>The program will include an offer of landscaping or a cash payment for people who would like to undertake their own landscaping.</p> <p>HMCM asked a question about a resident from McGuigans Road requesting landscaping along McGuigans Road. TW said she will follow up with the resident concerned. <i>Followed up by TW on 05/10/18</i></p> <ul style="list-style-type: none"> • Construction update <p>Access tracks and civils continue. Eight turbine pours have taken place now. The transformer for the switching yard arrived over the weekend. Some traffic works are taking place in Elaine.</p> <ul style="list-style-type: none"> • Community events:- <p>Community noise meeting (noise curtailment), Monday 8/10/18 at 7pm, Bungaree Rec Reserve. People invited to this event that previously attended the last 2 community noise meetings.</p> <p>Community benefit fund event, Wednesday 24/10/18 at 7pm Lal Lal Soldiers Memorial Hall.</p> <ul style="list-style-type: none"> • Demonstration of 40dB, turbine noise <p>This is being explored with ARUP, they have a mobile sound lab. There will be a 'drop in' afternoon for a couple of hours where people can hear turbines sounds under a variety of conditions. TW will provide more information at a later stage of when this will take place.</p> <ul style="list-style-type: none"> • Noise complaint incidence and response plan <p>Currently being reviewed.</p> <ul style="list-style-type: none"> • TV and Radio Survey 			

Item	Description	Action	Who By	Due
	Seeking households to participate in this survey, 20 households required.			
3	Follow up on council letter from MS <i>Letter from council attached, see Appendix 2.</i>			
4	Update from Vanessa Osborn (Moorabool Shire Council) Covered above			
5	Community issues and complaints (Feedback from TW) Concerns from some people regarding impacts to NBN services, TV and Radio survey. Not expecting any issues with these services, pre construction survey conducted as part of planning permit conditions.			
6	Any further Items?			

Appendix 1

Wind Farm Complaints Handling Policy



Policy Type:	Organisational
Version:	1
Date Adopted:	21 September, 2018
Service Unit	Strategic Planning and Development
Directorate:	Growth and Development
Review Date:	September, 2020

1. Purpose

This document outlines the Council's policy and procedure for receiving and handling complaints. In undertaking this role, the Council will assist parties to find resolutions to complaints. Where appropriate, the Council may take appropriate enforcement action against the wind farm operators.

2. Scope

In accordance with the Moorabool Planning Scheme the Moorabool Shire Council (the "Council" or "we" or "our") is the Responsible Authority under the Schedule to Section 72.01 for administration and enforcement. A role of the Council is to receive complaints from concerned residents regarding the operation wind farm facilities within the Municipality. To facilitate this Council will work collaboratively with wind farm operators to minimise amenity impact on residents in accordance to our obligations under the *Planning & Environment Act 1987*.

Residents should bear in mind that the Council's role in complaint handling is a statutory role resulting from the State Government issuing wind farm planning permits. All complainants should seek resolution of issues with individual wind farm operators in the first instance.

In seeking to address resident complaints, the Council will not seek to duplicate or override the important statutory responsibilities of State and Territory governments.

You may still pursue your complaint via other jurisdictions, such as formal legal action or other dispute resolution mechanisms.

3. Policy

Core principles that guide the handling of complaints by the Council are:

- We are the Responsible Authority for enforcement.
- Our role is to use best efforts to assist the parties to find acceptable outcomes and reach agreement on a way forward.
- We will assist parties to share fact and evidence based information relevant to a complaint so that they can work towards an outcome.
- We will always act impartially and ethically.
- We expect that the parties involved in a matter brought to the Council will act with integrity and respect, and be genuinely seeking an outcome to the issues raised.
- The Council's process is a statutory requirement under the *Planning & Environment Act 1987*.

Wind Farm Complaints Handling Policy



The Council will use best efforts to assist parties to resolve complaints received, however, the Council will not provide legal, professional or technical advice to any person.

3.1. Complaint Handling

The Council will receive complaints from concerned residents with regards to any breaches of planning permit conditions from any wind farm facility. The concerned resident may be represented by an appropriate nominee acceptable to and approved by the Council.

The Council may decide not to handle a complaint. One of the factors in determining whether or not the Council will handle a complaint will be how current the issue is and whether it relates to a current planning permit condition. For example, the Council is more likely to accept a complaint that relates to a current issue as there will more current and available evidence and prospects of resolution. Older complaints, particularly those that were about issues that occurred pre planning permits, are unlikely to be considered.

Our procedures enable us to provide an independent, objective and consistent process for responding to enquiries and for handling complaints from concerned residents. There are five main steps in our complaint resolution process:

- (i) Enquiry
- (ii) Complaint
- (iii) Conciliation
- (iv) Enforcement
- (v) Closure

3.2. Enquiry

Your initial contact to the Council will be treated as an enquiry if you:

- Are requesting or providing information only;
- Choose to remain anonymous;
- Are not a resident or a person working within proximity to a wind farm facility;
- Have not provided evidence to Council that you have attempted to resolve the issue with the relevant wind farm operator; or
- Have lodged an initial complaint and need to provide more information before the matter can be accepted as a formal complaint by the Council;
- You may contact us by letter, email or telephone.

3.3. Complaint

If you would like to lodge a complaint with regard to a wind farm facility, we require the following information from you in writing, via letter or email:

- Your name;
- Your address;
- Your contact details, including telephone and email;

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- The name of the wind farm facility;
- The approximate distance of the nearest turbine to your dwelling;
- The complaint you wish to make about the wind farm facility;
- The basis of the complaint;
- When you first made the complaint about the wind farm to the other party;
- Evidence in support of the complaint, including relevant dates;
- A summary of any current or previous attempts to resolve the complaint, including relevant correspondence from you and other parties to the complaint;
- The practical outcomes you are seeking in a resolution to the complaint;
- Your written permission for the Council to discuss the complaint and provide your details to the other party or parties to the complaint; and
- Other information we may deem necessary to assist us in attempting to understand the complaint and approaches for its resolution.

You may contact Council with questions that you may have in preparing the materials to lodge a complaint.

Accepting your Complaint

When we have received all of the requested information from you to file a complaint, we will accept your complaint, confirm with you that your complaint has been accepted and ensure that you have been provided with a complaint reference number.

The Council will review the materials provided and may contact you to discuss the matter. The Council may also contact other parties that are relevant to the complaint and assess their willingness to work to work with us to resolve the complaint.

Based on the review of the information and subsequent discussions, the Council will determine the next steps in the complaint handling process.

Information Handling

All information received by Council for the purposes of handling these complaints will be managed by the Council in accordance with *Information Privacy Act 2000*, available at www.legislation.vic.gov.au.

3.4. Conciliation

In some cases, the complaint may be best directed to another party for advice or information, such as the wind farm developer, wind farm operator, a State Government department or agency.

Council may seek to conciliate the complaint between you and the other party. If the parties are agreeable, the Council will invite you and the other party to meet with the Council for a discussion about the complaint and potential solutions. The meeting is an opportunity for the parties to come together, present their point of view and, in the presence of the Council, attempt to resolve the complaint by agreement.

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The Council will confirm, after consultation with the parties, when and where the meeting will take place and who is to attend the meeting.

At the beginning of the conciliation meeting, the parties will be informed by the Council about the way the conciliation will be conducted and the role of the Council at the meeting.

If parties do not resolve the complaint at the initial conciliation meeting, a further meeting may be scheduled if the Council is of the view that a subsequent meeting would be productive.

If attempts to conciliate the complaint do not result in an agreement to resolve the complaint, the Council may, at the Council's discretion, undertake further enforcement action.

3.5. Enforcement

In the event that the complaint has not been resolved by conciliation, and it is considered the Wind Farm is not in compliance with permit the Council may seek resolution through VCAT or other Courts.

Council will keep the complainant's informed of any VCAT or Court process and may require the complainant to act as a witness for such proceedings.

3.6. Closure

The Council will consider whether a complaint is resolved and/or may close the file and stop handling the complaint at the Council's discretion. Reasons may include where:

- You confirm that you have accepted the other party's offered resolution;
- Information has been provided by the respondent that addresses the questions or issues raised;
- The Council has made recommendations to the parties;
- You do not provide consent for us to discuss your complaint or share information;
- Despite our efforts, you have not been able to reach a resolution of your complaint and we consider that further time and effort in handling the complaint will not assist with achieving a resolution;
- Enforcement action undertaken has resolved the matter or failed to prove the case;
- You advise us that you no longer wish to pursue the complaint;
- Despite our efforts, you cannot be contacted by us to discuss the complaint.

The Council may decide to also stop handling a complaint for other reasons. These include where:

- You have not provided sufficient documentation or evidence by a stated time for there to be an meaningful discussion of the complaint between the parties;
- You have engaged legal representation to handle your complaint;
- You have made threats to Council or respondents to the complaint;

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- Your behaviour has been unreasonable and detrimental to the objective of reaching a resolution to the complaint.

When we close the file on an accepted complaint, we may advise you that the matter will not be considered further by Council and explain our decision. We may also inform the other party, if required.

3.7. Respect

We expect that all parties to a complaint will communicate with us and with each other in a professional, courteous and non-threatening manner. We take a serious view of communications that contain offensive, rude, abusive or threatening material. In these cases we may take a number of steps, including:

- Suggesting that a party only communicate to the Council in writing;
- Editing information that we have received to remove offensive or abusive comments;
- Not responding to communications that contain offensive or abusive comments;
- Stop handling the complaint; or
- Report issues of concern to a higher level of management or to an external agency or regulator, the police or a law enforcement agency.

4. Related Legislation

- Local Government Act (Victoria) 1989
- Planning & Environment Act 1987
- Moorabool Planning Scheme

5. Council Plan Reference

Objectives: Providing Good Governance & Leadership
Context: Our Business and Systems

6. Review

As a minimum, this policy will be reviewed every second year.

7. Approval

This policy will come in effect once signed by the CEO.

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Rob Croxford
Chief Executive Officer

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Date

Appendix 2



Lal Lal Wind Farms Community Reference Group
PO Box 669
Buninyong VIC 3357

5 October 2018

Ref: Lal Lal Wind Farm
Ask for: Vanessa Osborn
File: 13/03/004

ATT: Mike Stephens

Dear Mike,

**RE: Noise Complaints and Road Rehabilitation
Response to letter from Lal Lal Wind Farm Community Reference Group**

Thank you for your letter to the Moorabool Shire Council (the Council) in relation to complaints referred by residents with regard to the Lal Lal Wind Farm in regard to noise and road condition. As outlined in your letter, all complainants should seek resolution of issues with Lal Lal Wind Farm in the first instance.

As discussed in the Community Reference Group (CRG) meeting on 2 October 2018, the Council have a complaints handling policy specifically for the wind farms. The Wind Farm Complaints Handling Policy outlines the Council's policy and procedure for receiving and handling complaints with regard to the wind farms, and assist parties to find appropriate, mutually agreeable resolution. The policy and complaints form can be found on our website:

<https://www.moorabool.vic.gov.au/residents/community/windfarms-in-moorabool>

Complaints, whether noise, roads or other issues, will be managed by Council in accordance with the abovementioned policy. Therefore I have merged the specific questions in your letter and provided an overall response.

What is the Shire's role in the noise complaints process for Lal Lal Wind Farms? Currently Lal Lal Wind Farms complaints procedure makes no mention of Moorabool Shire council.

In accordance with the Moorabool Planning Scheme the Council is the Responsible Authority for administration and enforcement of permits granted within the Shire. A formal complaint can be made to Council using the process explained in the Wind Farm Complaints Handling Policy. It is important to reiterate that the complaint must first go to the wind farm.

At what stage of the noise complaint, can people approach the Shire to have their complaint resolved if there is no resolution with Lal Lal Wind Farms?

The wind farm will have their Complaint Investigation and Response Plan that they must abide by. To carry out a detailed investigation can take some time. Council will not accept a complaint until the wind farm has completed this investigation and all the relevant information is provided (see website link for details on required information).

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What procedures, policies and processes does the Moorabool Shire Council have in place to ensure that it is equipped to adequately handle complaints?

As outlined, the Council has the Wind Farm Complaints Handling Policy. In conjunction with this, there is also a Wind Farm Internal Customer Service Process to guide the customer service team in assisting with enquiries and complaints relating to wind farms.

What level of support and follow up, can you offer ratepayers dealing with Lal Lal Wind Farms over noise/road issues?

Moorabool Shire Council is the first council in Victoria to have employed a dedicated Wind Farm Officer (Vanessa Osborn). The role of the Officer is to support and follow up issues, enquiries and complaints in accordance with the Wind Farm Complaints Handling Policy. The Officer has the support of the Coordinator, Manager and General Manager if additional resources are required.

What is the Shire doing to ensure that the inconvenience to its ratepayers through damage to roads, road traffic limitations and road closures is minimised?

Council is aware of the impact the wind farm construction traffic is having on local roads and has put in place arrangements with the developers to protect the safety for local road users. Council has developed a maintenance regime that the developers are required to follow for these roads; which may include signing any roads in poor condition, patching and pothole repair, and/or major repairs and reconstruction, depending on the type of damage occurring.

As part of the permit to construct the wind farms, the developers have completed pre-condition surveys of the roads and bridges being used by construction vehicles and they will also be required to complete a post-condition survey. These surveys will then be used to determine which roads and/or bridges will require further repairs and improvements once construction has completed.

I trust this information addresses your concerns adequately, however please do not hesitate to contact Vanessa Osborn on 5366 7100 if you have any questions.

Kind Regards



Robert Fillisch
Manager Statutory Planning and Community Safety

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