

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
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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*.

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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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21/9/18
Date