



Mt Mercer Wind Farm

Noise Complaint Evaluation and Response Plan

1 Introduction and Purpose

Mt Mercer Wind Farm (**MMWF**) is located approximately 30km south of Ballarat in Western Victoria, and consists of 64 wind turbines with a total capacity of 131MW. The wind farm is operated by Mt Mercer Windfarm Pty Ltd (**MMWFPL**).

This plan identifies management processes to be applied to Noise Complaints relating to the operation of the wind farm's wind turbines.

All Complaints, including Noise Complaints, received from the community are recorded and MMWFPL will endeavour to respond in a timely and courteous manner. Pursuant to this plan MMWFPL is committed to:

- providing an accessible, open and transparent Noise Complaint handling process;
- ensuring all Noise Complaints are managed fairly, sensitively and efficiently; and
- clarifying the roles and responsibilities of MMWFPL in complaint handling, including how complaint data is recorded, analysed and reported.

If Complaints arise as a result of the operation of the wind farm that do not fall into the category of Noise Complaints (including, but not limited to Complaints in relation to noise and other impacts from construction and maintenance works, traffic, shadow flicker etc), those Complaints are managed via the Complaint Evaluation and Response Plan endorsed by the Minister for Planning, which forms part of MMWF's Planning Permit.

1.1 Application

MMWFPL is responsible for the implementation and management of this Noise Complaint Evaluation and Response Plan (**NCERP**).

The NCERP has been developed in accordance with:

- *AS 10002:2022 – Guidelines for Complaint Management in Organisations*;
- *NZS 6808:1998 – New Zealand Standard – Acoustics – The Assessment and Measurement of Sound from Wind Turbine Generators (the **NZ Standard**)*;
- *Environment Protection Regulations 2021 (Vic) (the **Regulations**)*; and
- *Privacy Act 1998 (Cth)*.

A copy of this NCERP is available on the MMWF website, located at <https://mtmercerwindfarm.com.au/>.

1.2 Definitions

Applicable Noise Limit means the wind turbine noise limit determined in accordance with the Regulations and the Planning Permit, as amended from time to time.

Complainant means the person or entity, or their authorised representative, who lodges a Noise Complaint in accordance with this NCERP.

Complaint means an expression of dissatisfaction made to or about MMWF related to its operation, staff, or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required. For clarity, a Complaint excludes Feedback, which will not trigger an investigation process.

Complaints Register means the electronic record of Noise Complaints, responses and rectifications maintained by MMWFPL.

Compliance Officer means the MMWFPL staff member(s) responsible for receiving the Noise Complaint, maintaining the Complaints Register, reviewing the NCERP and recommending changes to the Board of MMWFPL.

Feedback means opinions, comments and expressions of interest or concern to or about MMWF, its operation, staff or handling of a complaint. Feedback may be managed as a Noise Complaint at the discretion of MMWFPL.

Internal Noise Assessment means an internal assessment conducted by MMWFPL into the nature of the Noise Complaint.

Invalid Complaint has meaning given in section 3.8.

Noise Complaint means a Complaint concerning noise associated with the operation of the wind farm's wind turbines.

Noise Investigation means an investigation by a suitably qualified technical consultant into the nature of the Noise Complaint, compliance with applicable Noise Limits and any other issues identified by the consultant.

Noise Investigation Report means a report prepared by a suitably qualified technical consultant documenting the results of a Noise Investigation

Noise Management Plan means the noise management plan prepared for MMWF under the Regulations.

Planning Permit means Planning Permit PL-SP/05/0321-1 issued for MMWF, as amended from time to time.

Repeat Complaints means those Noise Complaints that have been received by MMWFPL on previous occasions, and so will be handled with the process set out in section 3.7 of this NCERP.

Unreasonable Conduct has meaning given in section 3.6.

Unreasonable Noise is defined by section 3(1) of the Environment Protection Act 2017 (Vic) and means noise that is

(a) unreasonable having regard to the following—

(i) its volume, intensity or duration;

(ii) its character;

(iii) the time, place and other circumstances in which it is emitted;

(iv) how often it is emitted;

(v) any prescribed factors; or

(b) is prescribed to be unreasonable noise.

1.3 Responsible Parties

The Board of MMWFPL has overall accountability for addressing Noise Complaints and ensuring that each Noise Complaint is dealt with in accordance with this NCERP. When required, the Directors of MMWFPL will be responsible for engaging specialised technical consultants and advisors.

2 In an Emergency

Some issues must be dealt with urgently. These generally relate to imminent safety issues, emergency situations and property damage.

For life threatening situations, call 000. Imminent safety issues and emergency situations should be reported to the relevant local authority (i.e. SES, Police, Ambulance or Fire authority).

3 Managing Noise Complaints

MMWFPL acknowledges that anyone has the right to lodge a Complaint (including a Noise Complaint), and MMWFPL endeavours to answer all Complaints promptly, respectfully and objectively. MMWFPL values Feedback and is committed to continuous improvement of this NCERP.

MMWFPL is committed to making the NCERP process accessible and user friendly, and can provide flexible methods for lodging Noise Complaints where required. This may include liaising with a support person or family member of a person who may require additional assistance to make a Noise Complaint.

3.1 Method of Noise Complaint to MMWFPL

Noise Complaints can be raised by a person, company, or community group by several means, via the following contact details:

Phone: 1800 853 668 (toll free number which allows messages to be left and requests the caller to detail the reason for the call and provide return contact details).

Email: mtmercer@foresightgroupau.com

Mail: Mt Mercer Windfarm Pty Ltd
c/o Foresight Group
Suite 1, Level 1, 150 Collins Street, Melbourne Victoria 3000

Any changes to the above details will be published on the MMWF website.

3.2 Method of Complaint to Golden Plains Shire Council

The local municipality for the MMWF is the Golden Plains Shire Council. MMWFPL may receive enquiries or complaints from time to time which, following investigation, may not relate to MMWF and may be more appropriately directed to the Council or other regulators.

The Golden Plains Shire Council may be contacted using the details below:

Phone: 1300 363 036 After Hours Phone: (03) 5220 7111
National Relay Service: 133 677 (for hearing/speech impaired)

Email: enquiries@gplains.vic.gov.au

Mail: PO Box 111, Bannockburn, Victoria 3331 **In person** at the Bannockburn Customer Hub: 2 Pope Street, Bannockburn, Victoria 3331 or the Smythesdale Customer Hub: 19 Heales Street, Smythesdale, Victoria 3351. See Council website (<https://www.goldenplains.vic.gov.au>) for current office hours. Method of Complaint to the Australian Energy Infrastructure Commissioner

3.3 Method of Complaint to the Australian Energy Infrastructure Commissioner

The Australian Energy Infrastructure Commissioner (**Commissioner**) is an independent role created by the Australian Government, reporting to the Minister for Climate Change and Energy. A key role of the Commissioner is to receive complaints from concerned residents regarding proposed or operating wind farm facilities, large scale solar farms, energy storage facilities and new major transmission projects.

The Commissioner's role in complaint handling is a facilitation role only. The Commissioner will not formally recommend particular solutions to disputes, arbitrate complaints or provide formal advice. The Commissioner may, however, suggest possible solutions for consideration by the parties.

The Office of the Australian Energy Infrastructure Commissioner may be contacted using the details below:

Phone: 1800 656 395
Email: aeic@aeic.gov.au
Mail: PO Box 24434
 Melbourne VIC 3001

3.4 Confidentiality

Personal information collected during the Noise Complaint management process will be held in accordance with the *Australian Privacy Principles* set out in the *Privacy Act 1988* (Cth).

3.5 Logging Complaints

When a Noise Complaint is received, certain minimum information will be required before MMWFPL can commence its assessment of the Noise Complaint. This information is listed in the table at **Appendix A**, which MMWFPL uses to document the details of a Noise Complaint.

If the minimum information is not provided, MMWFPL will contact the Complainant to obtain the required information. If the relevant information is still not provided, MMWFPL may be unable to process the Noise Complaint (see Invalid Complaints process in section 3.8 below).

MMWFPL will maintain a Complaints Register. The Complaints Register will include a summary and details of any Complaints received, information received from the Complainant, copies of all correspondence and records of all discussions with the Complainant and copies of any information, reports or findings provided by MMWFPL. These records will be maintained for a minimum period of seven years.

MMWFPL will promptly provide status updates about the assessment of a Noise Complaint to a Complainant on request. Details from the Complaints Register will be included in the relevant annual statements from MMWFPL as required under the *Environment Protection Regulations 2021* (Vic), as amended from time to time, and the Complaints Register and complaints response process will be provided to the Environmental Protection Authority on request.

3.6 Unreasonable Conduct by Complainants

If a Complainant makes unreasonable demands or engages in behaviour in a manner that is wholly unreasonable (for example, by making threats of harm to MMWFPL staff or third parties or by using abusive language or unreasonable aggression), this conduct may be considered 'Unreasonable Conduct'. MMWFPL will keep a record of Unreasonable Conduct.

MMWFPL is committed to treating all Complainants with respect and cooperation, and expects that MMWFPL staff and contractors will receive the same treatment in return. While Unreasonable Conduct will not necessarily preclude valid Noise Complaints from being addressed by MMWFPL, this type of conduct may impede the information gathering, assessment and resolution process. MMWFPL may be unable to progress resolution of the Noise Complaint in accordance with this NCERP where Unreasonable Conduct is impeding that process.

3.7 Repeat Complaints

Occasionally, operational wind farm projects receive multiple complaints from the same Complainant, sometimes over a long period of time. Where multiple Noise Complaints have been received by MMWFPL from a Complainant and those Noise Complaints have previously been addressed in accordance with this

NCERP, MMWFPL may treat any new Noise Complaints received from that Complainant as Repeat Complaints.

For Repeat Complaints, MMWFPL will conduct an Internal Noise Assessment of new Noise Complaints in accordance with Stage 2 of the Noise Complaint Response set out below at section 3.8(b), which may include a site inspection to identify unusual site conditions or maintenance issues. These steps will be undertaken in accordance with MMWF's Noise Management Plan.

If unusual site conditions or maintenance issues are identified, a Noise Investigation may be undertaken and will be dealt with in accordance with Stages 3 and 4 as described below.

If no substantive new site conditions or maintenance issues have been identified and the Repeat Complaint relates to a property or properties which have previously been thoroughly investigated (in MMWFPL's opinion, acting reasonably) and compliance with the Planning Permit has been demonstrated, the Repeat Complaint will be closed. The Noise Complaint will be marked as "closed" in the Complaints Register and the Complainant will be issued with a brief response confirming the outcome of the investigation.

3.8 Noise Complaint Response

When a Noise Complaint relating to the operation or maintenance of the wind farm is received, MMWFPL will follow five main stages of Noise Complaint Response:

Stage 1 – Receipt of Noise Complaint and Preliminary Screening

Stage 2 – Evaluation and Response

Stage 3 – Implementation of Corrective Measures

Stage 4 – Close out of the Noise Complaint

Stage 5 – Analyse and Review

3.8.1 Stage 1(a) – Receipt of Noise Complaint

When MMWFPL receives a Noise Complaint via telephone, email or letter, it will check that the minimum information has been provided. In the case of a Noise Complaint made by telephone, the caller will be asked to provide the minimum information by the Compliance Officer.

If a Noise Complaint is received by telephone during out of office hours, MMWFPL will attempt to call back the following day to obtain details of the Noise Complaint, unless the caller leaves sufficient details to allow MMWFPL to process the Noise Complaint.

MMWFPL may contact the Complainant to request additional information if required.

MMWFPL will register the Noise Complaint in the Complaints Register in accordance with section 3.5.

MMWFPL will advise the Complainant of the complaint reference number assigned to their matter. Multiple Noise Complaints received from the same Complainant will be grouped under one reference number.

Within three (3) business days of receiving the Noise Complaint, MMWFPL will send written acknowledgement of receipt of the Noise Complaint to the Complainant, either by email or letter.

3.8.2 Stage 1(b) – Preliminary Screening

All Noise Complaints received by MMWFPL will undergo preliminary screening.

MMWFPL will review the Noise Complaint to determine whether it is valid for further assessment.

If MMWFPL determines that a Noise Complaint is valid, assessment of the Noise Complaint will progress to Stage 2.

Complaints

Preliminary screening may result in a Noise Complaint being re-categorised as a Complaint to be

investigated and managed under the Complaint Evaluation and Response Plan, which governs complaints other than arising from wind turbine noise. This may occur if the turbines were not operating during the stated time but the Complaint is suspected to relate to other MMWF activities or operations.

Repeat Complaints

If the Noise Complaint is characterised as a Repeat Complaint, it will be managed in accordance with section 3.7 above.

Invalid Complaints

Complaints that do not appear to relate to the operation of MMWF may be considered 'invalid'. A Noise Complaint may be considered to be an Invalid Complaint where, for example, a Noise Complaint is made but the turbines were not operating during the stated time, or where the Noise Complaint concerns an issue that is not within the scope of the MMWF project such as noise emanating from third-party activities and it can be reasonably concluded that it is not a Complaint requiring investigation under the Complaint Evaluation and Response Plan.

MMWFPL may also be unable to assess a Noise Complaint if the Complainant has failed to provide adequate information. Information required for MMWFPL to assess a Noise Complaint is set out in **Appendix A**.

If a Noise Complaint is determined to be invalid, MMWFPL will contact the Complainant in writing, within ten (10) business days after receipt of the Noise Complaint, to advise that the Noise Complaint has been assessed to be invalid. MMWFPL will also advise of the grounds on which the Noise Complaint has not been accepted. The Noise Complaint will then be marked as "closed" on the Complaints Register.

3.8.3 Stage 2 – Evaluation and Response

MMWFPL will conduct an initial assessment of the Noise Complaint based on the information provided to assess the Noise Complaint and determine the next steps: Early Resolution, Internal Noise Assessment or, if required, a Noise Investigation.

Where practicable, MMWFPL will attempt to resolve all Noise Complaints within ten (10) business days of receiving the Noise Complaint. When this is not possible, for example when a Noise Investigation or corrective actions are warranted, the Compliance Officer will notify the Complainant that further time is required. MMWFPL will maintain communication with the Complainant during the evaluation process.

Early Resolution

Where possible, Noise Complaints will be resolved by the relevant front-line staff. Early Resolution applies where a Noise Complaint is able to be resolved at short notice (e.g. by repairing a wind turbine fault, by providing further information to the Complainant etc.). If the Noise Complaint cannot be resolved during the initial contact (e.g. telephone call), written correspondence will be sent to the Complainant as soon as practicable, to detail MMWFPL's response.

Internal Noise Assessment

Where Early Resolution is not possible for a Noise Complaint, an Internal Noise Assessment will be undertaken as soon as practicable to determine whether the Noise Complaint is likely to relate to the operation of the wind farm's wind turbines. Consideration will be given to:

- the nature of the Noise Complaint, including the description of the noise provided by the Complainant, and weather conditions and operational data available at the time and date of the noise to which the Noise Complaint relates;
- whether the noise to which the Noise Complaint relates is an isolated occurrence;
- whether MMWFPL is able to resolve the issue without further investigation; and

- if not, whether the noise may relate to a maintenance issue, or change in the nature of operations of the wind farm's wind turbines close to the location of the Noise Complaint.

Where MMWFPL receives multiple Noise Complaints from a single Complainant, MMWFPL may assess those Noise Complaints in one Internal Noise Assessment.

Any corrective measures required will be undertaken in accordance with Stage 3.

Noise Investigation

In the event that MMWFPL determines that further investigation of a Noise Complaint is required, it will initiate a Noise Investigation.

A Noise Investigation carried out under this NCERP will be conducted in accordance with MMWF's Noise Management Plan and will involve noise testing to assess compliance with operational noise requirements.

A Noise Investigation Report will be prepared following a Noise Investigation.

Reporting the outcome of an Internal Noise Assessment or Noise Investigation

MMWFPL will keep the Complainant informed of the status of the Internal Noise Assessment or Noise Investigation.

Upon completion of the Internal Noise Assessment or the Noise Investigation, MMWFPL will, as soon as practicable, advise the Complainant in writing of the outcome of the assessment/investigation and any corrective measures which may be required. In the case of a Noise Investigation, a copy of the Noise Investigation Report will be shared with the Complainant.

If no corrective measures are required, the Noise Complaint will be closed out in accordance with Stage 4.

If the Internal Noise Assessment or the Noise Investigation Report concludes with a reasonable level of certainty that the noise levels at the Complainant's property (or alternative monitoring point) are likely to comply with the Applicable Noise Limit, or that the wind turbines are not otherwise causing Unreasonable Noise according to the definition of section 3(1)(a) of the *Environment Protection Act 2017* (Vic), the Complainant will be notified and MMWFPL may elect to take no further action and close out the Noise Complaint in accordance with Stage 4.

3.8.4 Stage 3 - Implementation of Corrective Measures

In the event that corrective measures are required following an Internal Noise Assessment or a Noise Investigation, MMWFPL will, within twenty (20) business days after notifying the Complainant of the outcome of the assessment/investigation, provide a schedule for the implementation of any corrective measures to the Complainant.

If a Noise Investigation under Stage 2 establishes that the wind farm is not compliant with the relevant noise standard, a noise remediation plan shall be prepared in accordance with the NMP.

MMWFPL will ensure that the identified corrective measures, or the noise remediation plan, where applicable, are implemented, and once completed, will notify the Complainant in accordance with Stage 4.

3.8.5 Stage 4 - Close Out of the Noise Complaint

General

MMWFPL will provide written confirmation to the Complainant when a Noise Complaint is closed, and mark the Noise Complaint as "Closed" on the Complaints Register.

MMWFPL Record

At the close out of a Noise Complaint, MMWFPL will keep a record of the steps taken to address the

Noise Complaint, the outcome of the Noise Complaint and any undertakings or follow-up action that may be required.

Corrective Measures

MMWFPL will confirm in writing to the Complainant once implementation of any corrective measures is complete. MMWFPL will then record in the Complaints Register that the Noise Complaint is "closed".

Unreasonable conduct

Evidence of any unreasonable Complainant conduct will be also kept on record.

3.8.6 Stage 5 – Analyse and Review

Noise Complaints will be analysed to identify systemic, recurring and single incident problems and trends. If it is identified that there are significant recurring Noise Complaints received from different Complainants, MMWFPL will consider available solutions or measures to reduce or eliminate future recurrence of the identified issue, and implement those measures where reasonably practicable.

3.9 Other resolution processes

If a Complainant is dissatisfied with the outcome of the response received or MMWFPL's management of the Noise Complaint, the Complainant may escalate the Noise Complaint to the Board of BHFPL for further consideration, or to an external body. The Complainant can also contact the Commissioner (section 3.3).

In some circumstances, a matter which has been the subject of this complaint resolution process may progress to formal dispute resolution or adjudication. In those circumstances, the complaint resolution process under this NCERP will be terminated to enable the matter in dispute to be determined in accordance with the formal process.

4 Document History and Status

4.1 Revision History and Document Control

The NCERP is a controlled document maintained by the Board of MMWFPL.

The Compliance Officer will review the NCERP and recommend changes to the Board of MMWFPL as required. Any changes to the NCERP must be reviewed and approved by the Board of MMWFPL and submitted to the Minister for Planning for review, approval and endorsement prior to implementation.

4.2 Distribution of copies

Distribution of the NCERP has been made to the following parties. Printed copies are uncontrolled documents.

Copy	Party
1	Mt Mercer Wind Farm Site Manager
2	Mt Mercer Windfarm Pty Ltd
3	Department of Transport and Planning
4	Golden Plains Shire Council
5	Australian Energy Infrastructure Commissioner

This Plan will be made available to all MMWFPL employees. All employees handling Complaints will be provided with training to appropriately receive, record and resolve Complaints, including Noise Complaints.

Appendix A – MMWF Noise Complaint Evaluation and Response Plan: Noise Complaint information to be recorded

The purpose of this table is to ensure MMWFPL captures and records relevant details of the Noise Complaint and Complainant. Where boxes are marked with an asterisk (*), this denotes the minimum information that is required by MMWFPL in order to allow the Noise Complaint to be assessed. If the minimum information is not provided, MMWFPL may not be able to accept the Noise Complaint for assessment.

Information Required	Details
1. Date and time Complaint lodged*	
2. Name of Complainant*	
3. Address*	
4. Contact details: Home or mobile phone number* Email address	
5. Complaint Reference Number (to be communicated to the Complainant)	
6. Location of Noise Complaint* Including (where applicable and available): the location of the Complainant when noise incident occurred (i.e. address, location inside or outside of the house etc); approximate distance to MMWF at the stated time; perceived direction from which the noise came; origin of the perceived noise if able to be determined (i.e. specific turbine); and any applicable property reference number if connected to a noise testing location	
7. Date and Time of Noise Complaint incidence*	
8. Duration of Noise Complaint incidence*	
9. Description of the Complainant's concerns Including (where relevant and available) description of the perceived noise, rate of occurrence, and any potential special audible characteristics.	
10. Prevailing Weather Conditions (if relevant) Wind, temperature, rain, etc.	
11. Outcome sought by Complainant	
12. Any support requirements needed by the enquirer or Complainant	
13. The process of investigation to resolve the Noise Complaint	<i>See Appendix B.</i>
14. Any other relevant information	

Appendix B - MMWF Noise Complaints Investigation and assessment Process

