

VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL
PLANNING AND ENVIRONMENT LIST

VCAT REFERENCE NO. P775/2023
(Proceeding)

APPLICANTS

Owen Robert [REDACTED]

RESPONSIBLE AUTHORITIES

Minister for Planning and Moorabool Shire Council

RESPONDENT

Lal Lal Wind Farms Nom Co Pty Ltd
(Permit Holder)

SUBJECT LAND

Lal Lal Wind Farm - Elaine and Yendon sections
- as described in PL/SP/05/0461/C¹

PRACTICE DAY SUBMISSIONS

INTRODUCTION

1. These submissions are prepared for a Practice Day hearing listed for 26 July 2023, in relation to an application under section 114(1) of the *Planning and Environment Act 1987* (Vic) for an enforcement order (**Application for Enforcement Order**).
2. The Proceeding is brought by:
 - a) Owen [REDACTED]
 - b) [REDACTED] and
 - c) [REDACTED] (Roses) —(together, **Applicants**).

¹ This planning permit has been superseded. The current planning permit is Permit No.: PL-SP/05/0461-2, most recently amended on 12 April 2022

48. A framework for the recording of complaints investigation and remediation actions is established by the Planning Permit, along with annual reporting obligations:
27. Before the first wind turbine is commissioned, the permit holder must prepare a Noise Complaint Investigation and Response Plan to the satisfaction of the Minister for Planning. The approved plan must be published on the wind farm operator's website. The plan shall be designed in accordance with the Australian/New Zealand Standard AS/NZS I0002:2014 - Guidelines/or complaint management in organisations and include:
- a process of investigation to resolve a complaint.
 - a requirement that all complaints will be recorded in an incidents register.
 - how contact details will be communicated to the public.
 - telephone number and email contact for complaints and queries.
 - details of the appropriate council contact telephone number and email address (where available).
 - a table outlining complaint information for each complaint received, including:
 - the complainant's name.
 - any applicable property reference number if connected to a background testing location.
 - the complainant's address.
 - a receipt number for each complaint which is to be communicated to the complainant.
 - the time, prevailing conditions and description of the complainant's concerns including the potential incidence of special audible characteristics.
 - the processes of investigation to resolve the complaint.

A report including a reference map of complaint locations, and outlining complaints, investigation and remediation actions is to be provided on an annual basis to the satisfaction of the Minister for Planning.

The register and complaints response process shall continue for the duration of the operation of the wind energy facility and must be made available to the Minister for Planning on request.

The wind energy facility operator must implement and comply with the Approved Noise Complaint, Investigation and Response Plan for the duration of the operation of the wind energy facility.

The Lal Lal Wind Energy Facility was constructed between 2019 and 2021

49. The Lal Lal Wind Energy Facility was constructed in stages comprising Elaine and then Yendon. Main construction works were completed in early to mid-2021. Full commissioning and operation occurred subsequently.