

OSMI-CE-PLA-001



# COMPLAINT EVALUATION AND RESPONSE PLAN

**OSMI AUSTRALIA**

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|-----------------|------------------|
| Version:        | v1.0             |
| Released:       | 21 February 2019 |
| Document Owner: | Peter Marriott   |
| Review Date:    | Every 12 months  |

## DOCUMENT CONTROL

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|                      |                |             |

| Approved By Position | Incumbent      | Approval date |
|----------------------|----------------|---------------|
| Director             | Peter Marriott | 21/02/2019    |

| History |                   |                |            |
|---------|-------------------|----------------|------------|
| Version | Nature of change  | Author         | Date       |
| v0.1    | Original draft    | Taryn Lane     | 10/10/2018 |
| v1.0    | Final for release | Peter Marriott | 21/02/2019 |
|         |                   |                |            |
|         |                   |                |            |

| Related Documents     |  |
|-----------------------|--|
| Document Number / Ref | Title  |
| DWF-CE-PLA-001        | Community Engagement and Benefits Sharing Plan |

| Document Location |
|-------------------|
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## 1 Introduction

### 1.1 Purpose

The purpose of this plan is to ensure that all enquiries and Complaints from the community and external parties are correctly recorded, evaluated, investigated and mitigated as required and ensures that OSMI:

- Promptly acknowledges Complaints from members of the public and keeps the Complainant informed of any progress, findings and outcome(s);
- Deals with the Complaints constructively and in a transparent and co-operative manner;
- Keep accurate records of the investigation process and communications with both the person making the Complaint and any regulatory body that may require notification; and
- Maintains positive relationships and encourages constructive, two-way communication with the community and external parties.

### 1.2 Scope

This plan covers all projects under operational control by OSMI during the development, construction or operations phases.

### 1.3 Definitions

- *Engagement Officer (EO)* - is the appointed Community Engagement Officer for a project.
- *Complainant* – a person or entity lodging or making a Complaint.
- *Complaint* - Any expression of dissatisfaction with a real or perceived problem relating to OSMI or an element of a project under development, construction or operation. This may result when a member of the public believes that OSMI has: done something wrong, failed to do something it should have done, and/or acted outside legislative requirements or planning conditions/requirements.

A Complaint becomes recorded on a Complaint Form when it is received in writing or when a Complainant confirms that they would like to make an official Complaint which shall consist of a written statement and the completion of an OSMI investigation. A Complaint is never hearsay.

- *Enquiry* – An expression of an opinion or a request for information that does not require further follow up or resolution of concerns beyond the provision of the requested information.

### 1.4 Relevant standards and documents

- Australian Standard / New Zealand Standard “Guidelines for Complaint Management in Organizations” (AS/NZ 10002:2014)
- The Privacy Act 1998 (Cth)
- New Zealand Standard “Acoustics – The assessment and measurement of sound from wind turbine generators” (NZ 6808:2004)
- New Zealand Standard “Acoustics – Wind Farm Noise” (NZ 6808:2010)
- Environment Protection Act 1970 (Victoria)
- Environment Protection (Residential Noise) Regulations 1997 (Victoria) Noise Control Guidelines 1992 (EPA Publication TG 302/92, Victoria)

### 1.5 Responsibility and Accountability

The OSMI EO is responsible for:

- Managing the investigation process;
- Meeting with Complainants and/or receiving Complaints;
- Co-ordination and communication of any Complaints lodged by the public;
- Liaising with any relevant government bodies (ie DPCD, EPA, Shire Councils); and
- Maintenance of all documentation relating to Complaints received.

OSMI Executives are responsible for:

- Communicating any received Complaints to the directors;
- Following up any required actions or controls that may result following the Complaint investigation;
- Assisting the directors with any operational aspects as required;
- Communicating with and managing Suppliers or Contractors where it may be related to contractual issues;
- Providing or sourcing technical advice and support in relation to noise Complaints and compliance issues;
- Ensuring review and audits of this plan are undertaken.

The Legal Team is responsible for:

- Providing legal advice where required in relation to OSMI response to a Complaint or issue;
- Assist with the drafting of any agreements between community stakeholders and OSMI.

The Landowner and Contractors are responsible for:

- Notifying the OSMI personnel on site of any Complaints received; and
- Adhering to any controls or actions put in place by OSMI to manage or mitigate the Complaint.

### 1.6 Training and awareness

All OSMI staff and contractors with potential to receive a Complaint shall be familiar with the requirements and processes of this plan, in particular:

- Identifying if extra assistance is required to accurately convey the Complaint;
- How to provide acknowledgment of a Complaint;
- The Complaint management process;
- Communicating resolutions and / or mitigation;
- Escalation paths; and
- Reporting requirements.

## 2 Enabling Complaints

### 2.1 Principles

This plan is based on the following principles:

- OSMI recognises everyone has a right to complain and Complainants should be treated with respect;
- OSMI will aim to ensure that no detriment to a Complainant results from a Complaint being lodged;
- OSMI will aim for visibility and transparency of how and where a Complaint can be made; and
- OSMI will aim to ensure accessibility of the Complaints process.

### 2.2 Accessibility

OSMI will aim to ensure the Complaints process is accessible to everyone and will provide support to people to make an enquiry or Complaint as required. Under no circumstances will OSMI charge a fee or levy for receiving and processing enquiries and Complaints.

OSMI will aim to ensure visibility and transparency of the Complaints process by providing information about how and where a Complaint may be made. Avenues for making a Complaint include:

- In person – by arrangement at the project office (location TBC) or the OSMI Melbourne office (Level 3, 150 Chestnut St, Cremorne VIC 3121)
- Telephone – TBC (project hotline)
- Email – [contactus@osmi.com.au](mailto:contactus@osmi.com.au)
- Post – OSMI Australia, Level 3, 150 Chestnut St, Cremorne VIC 3121
- Website – [www.osmi.com.au](http://www.osmi.com.au)

## 3 Managing Complaints and Enquiries

### 3.1 Principles

OSMI will aim to manage enquiries and Complaints in line with the following general principles:

- To acknowledge each Complaint and enquiry promptly and as soon as is reasonably practical;
- To manage each Complaint or enquiry in an objective, unbiased and equitable manner;
- To treat any personally identifiable information in line with relevant privacy laws and ethical obligations; and
- To ensure communication of policies, procedures and decisions with relevant Complainants and staff.

It is important to distinguish at the outset between an *enquiry* and *Complaint* as there are different paths to resolution and closure. It may be necessary to seek clarification from the Complainant / enquirer in order to determine the correct path to follow.

### 3.2 Confidentiality, privacy and fairness

OSMI will manage enquiries and Complaints in accordance with the following requirements:

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- Enquiry and Complaint information must be kept confidential and not released to third parties without OSMI Executive authorization;
- The identity of persons dealing with enquiries should be protected, with regard to releasing minimal information (such as first name) to the Complainant;
- Personal information relating to Complaints must be protected and not shared publicly including but not limited to:
  - Dates of birth;
  - Physical or mental health or disability;
  - Financials;
  - Phone numbers; or
  - Addresses (email and postal).
- In the event of multiple parties being involved then representatives from each are to be identified and a suitable communication and consolation mechanism implemented.

### **3.3 Code of Conduct**

All OSMI staff are to abide by the following code of conduct:

- Be polite and courteous at all times.
- Maintain discretion and confidentiality where required.
- Inform the Complainant if their behaviour borders on unacceptable behaviour and of the consequences of a breach by the Complainant (such as alternative arrangements to handle the Complaint, restricting service or terminating service altogether).

#### **3.3.1 Hostile Complainants and safety**

Some Complainants may become hostile due to the emotional nature of some issues. In such circumstances the following guide should be adopted:

- Where the Complainant is being hostile, the OSMI employee should continue to be polite and document the Complaint. If the behaviour is aggressive and/or threatening, or the OSMI representative is uncomfortable with continuing the conversation, the OSMI representative should excuse themselves from the conversation and offer to make a later time.
- If the behaviour continues or escalates, the OSMI representative should state that they are unable to continue the conversation unless the Complainant calms down. If the unwanted behaviour continues, the OSMI representative should politely excuse themselves from the conversation and state that they will contact the Complainant at a later time/date to discuss the issue when they have calmed down.
- Where a site visit is required and there is a potential that the Complainant maybe hostile it is essential that the EO is accompanied by another OSMI employee.

OSMI places the safety of its staff, contractors and the community as the number one priority in its operations.

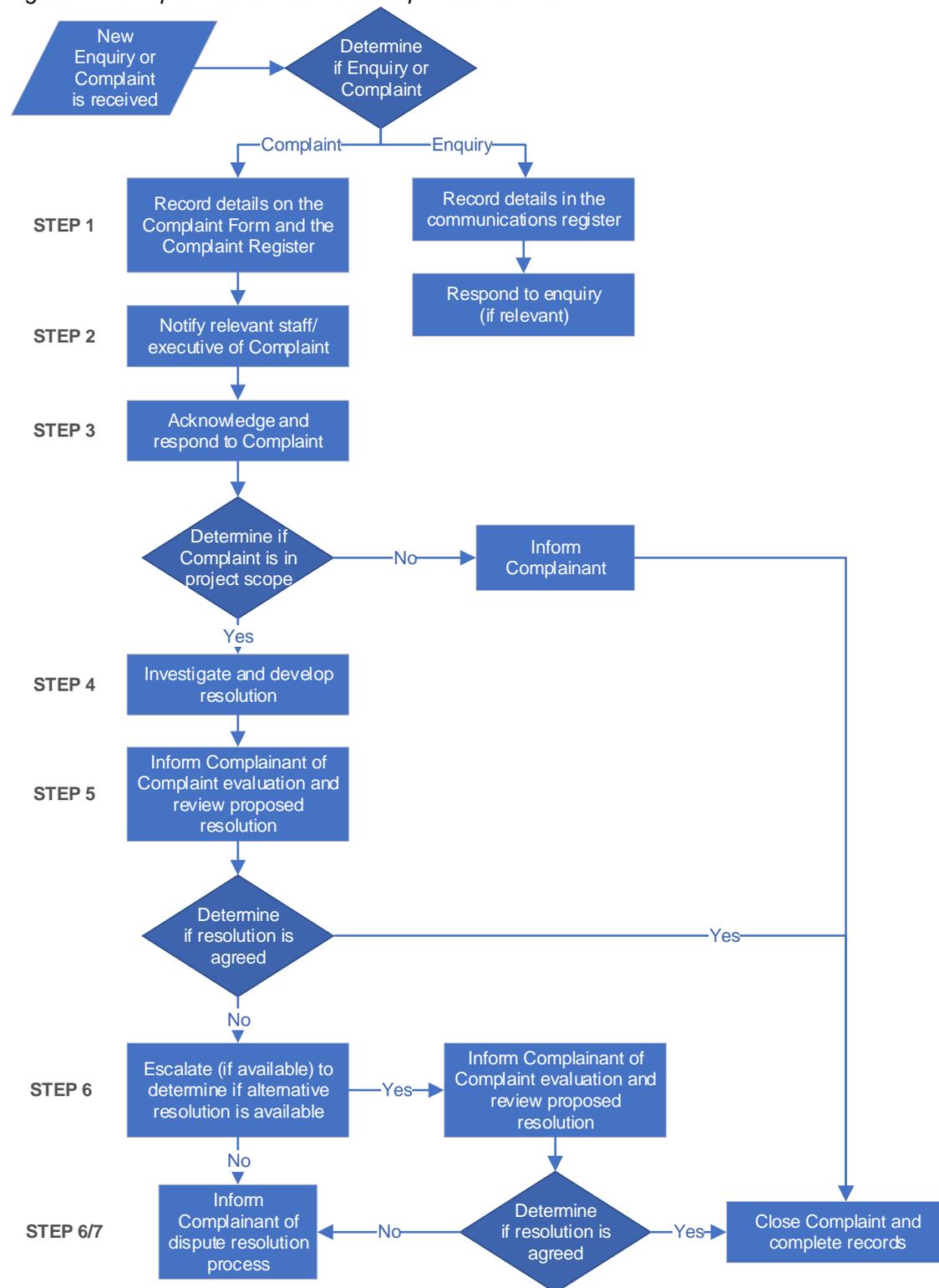
- It is not reasonable for staff or contractors to be exposed to aggressive or unreasonable behavior;
- If staff feel threatened, they are within their rights to remove themselves from the conversation and/or site;

- If the Complainant continues to be unreasonable, it is reasonable for the EO to only communicate in writing; and
- Threats / abuse / physical contact should be reported to the police.

## 4 Complaints Evaluation and Response Procedure

A diagram outlining the process for handling enquiries and Complaints is provided in Figure 1.

Figure 1 – Complaint Evaluation and Response Process



#### 4.1 Recording of Complaints (STEP 1)

A Complaint can be reported to OSMI personnel by contact via the website, writing (email or letter) or verbally over the phone or in person. As an initial Complaint can be received by any OSMI employee or contractor, they should immediately refer the Complaint to the EO. The Complaint should be recorded on the formal Complaint Form.

In the instance where OSMI employees hear members of the community make general negative comments, OSMI employees should state that Complaints are taken seriously and that OSMI has a procedure to manage such issues. The member of the community should then be asked if they would like to make a formal Complaint which will involve them making a statement followed by an OSMI investigation. They should be referred immediately to the EO (or their delegate). They will follow up with the Complainant once notified of the Complaint

The representative should question the Complainant about the issue to gain a full understanding of the problem. Questions to be asked of the Complainant should include, but may not be limited to:

- Name, contact phone number and address?
- Applicable property reference number used for the project (if known)?
- Time of the concern?
- Prevailing weather or other conditions at the time of the concern?
- What is the nature of the Complaint? Please describe the concern as specifically as possible.
- Is there any specific action you would like from OSMI?
- Do you have any other comments?

If the concern relates to noise, additional questions should include:

- The loudness of the noise?
- What does it sound like?
- Is it only heard at different wind speeds, wind direction or weather conditions?
- Is it heard external to the dwelling only? Or can it be heard inside the dwelling?
- Have you had any previous conversations with OSMI regarding noise levels?

The Complaint Form may be completed over the phone or in person. Where the Complaint relates to a local amenity issue, it is preferable that the EO visits the residence to liaise with the Complainant to complete the form and to conduct an initial assessment of the noise levels or issue. It is preferred that the Complainant signs the form to confirm that all aspects of the Complaint have been recorded correctly.

The EO should demonstrate a constructive and empathetic attitude when meeting with or holding discussions with Complainants. It is recommended (where possible) that at least two OSMI representatives meet with Complainants. This ensures that one person is able to focus on listening and responding to the Complaint, leaving the other person free to take notes.

The OSMI representative should use this initial visit to gain facts from the Complainant, allowing them to do most of the talking by asking simple probing questions.

In the instance of a noise Complaint once construction/operation begins, the EO should state that noise is a technically complex issue and that detailed analysis by an Acoustics Engineer may be required to determine the exact noise level, in comparison with modelled and permitted noise levels.

In some instances, the preferred method to complete the form will be by the Complainant and a form can be sent to them or left with them following a meeting if they prefer.

The form should document comments supplied by the Complainant and information provided by the OSMI representative only.

Where Complaints are received by letter, they shall be documented by the EO.

Once the complaint information is captured, the EO (or their delegated team member) will register the Complaint within the Complaints Register. The purpose for registering the Complaint is to ensure effective tracking until closed and ensure that there is review and input by the EO. Records of meetings and correspondence with the Complainant should also be recorded in the Communications Register.

#### **4.2 Notification (STEP 2)**

The completed Complaint Form should be scanned and uploaded into the Complaints system. A new folder should be created for each new Complaint.

A report of Complaints should be presented to the Executives at monthly meetings or in monthly reports.

The relevant planning conditions and site-specific planning management plans should be referred to in order to determine whether a Government Department or Authority should be contacted in the instance that there is a non-compliance or Complaint. The CO (or their delegated team member) shall notify the Government in writing if required.

#### **4.3 Complaint Acknowledgement (STEP 3)**

The EO (or their delegated team member) should write to the Complainant acknowledging the Complaint without delay. (No longer than ten business days following receipt of the Complaint). A copy of the Complaint receipt number shall be included in the correspondence for reference for both parties.

If the Complaint is noise related, copies of the Noise Complaint Diary Form should be provided to the Complainant either as part of the formal acknowledgement or they can be given to the Complainant during the home visit to take the details of the formal Complaint.

#### **4.4 Evaluation & Investigation (STEP 4)**

All Complaints will be considered seriously and where appropriate, thoroughly investigated.

OSMI will endeavor to follow up all reasonable requests, however it is recognised that at times, a minority of Complainants may request actions that are unreasonable in their nature. Examples of unreasonable requests may be to conduct seismic testing where there are no grounds to do so or shadow flicker analysis, where an existing, accurate report already exists.

Immediate actions may include (but are not limited to) the following:

- Whom was notified?
- Whom was/is to be contacted regarding the completion of the investigation?
- Reports to be investigated and results from monitoring (noise Complaints).

- Recommendations to complete monitoring, maintaining a diary of times that the noise was observed and weather conditions.
- Arranging for the assessment/rectification of tv reception issues.

Determination of the evaluation method should be completed by the EO with support and consultation as required, provided by the Executives. The EO should identify an appropriate evaluation, investigations or assessments.

In the event that OSMI believes that the Complaint is reasonable, and/or the company is in breach of planning conditions, action shall be taken as soon as possible to rectify the problem and the Complainant kept updated on progress. If relevant to the issue, advice of rectification should be forwarded to the relevant government body.

During the evaluation process the planning permit conditions should be referenced. In particular, noise levels and other planning conditions vary between the sites and the applicable jurisdictions in which they are located.

The planning conditions may also stipulate which can be done in the event where there is difficulty demonstrating compliance, such as the ability to negotiate agreements between residences and OSMI when noise levels are noncompliant at residential houses. State and Commonwealth legal requirement review should be conducted.

#### **4.4.1 Noise related Complaints**

It is the objective of the evaluation to gather information about the issue, or if a noise Complaint, incidence and nature of events of concern, understand their relationship to the wind farm, local meteorological conditions and personal sensitivities.

If the issue is noise related it should be recognised that noise is a technically complex issue and that different people respond differently to sound exposure of different frequencies and levels. It should also be recognised that when evaluating the Complaint that both legal and planning compliance assessments will need to be undertaken in conjunction with the assessment of the Complainant's perception of the noise issue (ie what levels are personally acceptable and their understanding of compliance requirements).

The following questions and process should be considered:

- Check whether the house existed or was approved before asset planning approval date (for example existing residences may have different resolution requirements to those residences approved and those not yet applied for);
- Check of preconstruction noise level predictions;
- Check of post construction noise compliance data and reporting;
- Obtain additional information from the Complainant as required;
- Request the Complainant to keep a diary such as where and when the noise was observed, its frequency, weather conditions and wind speed and direction. The diary should preferably be kept for a minimum of two weeks. The Complainant should be advised that this is a planning condition requirement;
- Conduct noise logging at the residence and engage an acoustic expert to review data.

Where OSMI has determined that it is unable to demonstrate compliance with the relevant noise planning conditions applicable to that site, a planning provision may exist to form an agreement between the landholder if sound mitigation is not achievable. However, OSMI should actively seek to

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mitigate noise levels to an acceptable level before this agreement should be sought. Mitigation includes both the sound mitigation at the source and at the residential site.

OSMI's Legal Counsel should provide assistance with the development of any noise agreements. Where an agreement has been requested and rejected by the Complainant, OSMI should further consider an alternative plan to mitigate noise levels.

#### **4.5 Communication with the Complainant (STEP 5)**

The Complainant should be verbally kept aware of the progress of the evaluation and to be informed of the outcome. This should be completed by the EO.

At the completion of this process the EO (or their delegated team member) should write to the Complainant to confirm findings of the evaluation.

Records of correspondence shall be maintained in Complaint Register.

#### **4.6 Escalation or dispute resolution (STEP 6)**

Should satisfactory resolution or mitigation look unlikely to be reached with the Complainant, internal escalation options may be considered at any point. These include:

- Raise unresolved resolutions / mitigations with the OSMI executives.
- Determine if a reasonably practical alternative resolution or mitigation can be offered.
- Discuss alternative resolution or mitigation with Complainant.

If no satisfactory resolution can be reached, the Complainant should be advised of the Dispute Resolution process.

In situations where the Complainant is not satisfied with OSMI's investigation findings and resolution of a specific complaint, they should be directed to the National Wind Farm Commissioner in the first instance. Other avenues are the EPA, the relevant council, other relevant government department (for example in Victoria this will be the Department of Planning and Community Development) and/or their solicitor.

The details of the process and facilitator will depend on the scope of the complaint, issues involved and appropriateness of the facilitator for the matter to be resolved. OSMI will aim to constructively participate in any required mediation process. If the dispute is not resolved within a 30-day timeframe allowed for internal dispute resolution, the following mediation system shall be triggered:

- The EO shall contact the complainant and instigate the appropriate mediation process.
  - Mediation should normally occur within 10 working days of both parties agreeing to the appointed mediator.
  - The appointed mediator shall organise the time and place for the mediation to occur.
  - The applicant and respondent may be required to provide the mediator with a brief statement setting out their position with regard to the issues that need to be resolved in addition to other information requirements.
  - At the conclusion of the mediation session the complainant and respondent, with the mediator to prepare a written summary of any resolution for agreement by all affected parties.
  - If mediation is not successful, the mediator will report this to the OSMI executive and the complainant will be advised of their rights to pursue the matter further.
-

#### 4.7 Closeout (STEP 7)

Once the Complaint has been resolved, mitigated or deemed unreasonable, the Complaint can be closed out.

If the Complainant has not escalated their Complaint to the National Wind Farm Commissioner, the EPA, relevant government agency or their solicitor it is recommended that the Complaint can be closed out after 3 months. Where the Complaint has been escalated, it can be closed out once an agreement and/or ruling has been reached.

In exceptional circumstances, OSMI may close a Complaint that is believed to be unreasonable. This action should be seen as a last resort and only used where all reasonable steps have been taken and no further action is possible. The case should be reviewed by National Wind Farm Commissioner and the Board before the Complaint is closed and the Complainant advised in writing.

### 5 Monitoring, Reporting and Review

#### 5.1 Monitoring and reporting

The following reporting will be undertaken:

- Details of complaints received will be included in compliance reports and made available to the Responsible Authority and relevant parties on request.
- Monthly reports from the EO will be circulated internally. These will identify issues and strategies / actions to manage the issues.

Monthly reports from the EO will be used to generate consolidated summary reports on a bi-annual basis showing complaint locations, and summarizing complaints received, the investigation and remediation actions undertaken, and the outcome of these actions.

These reports will be made available to the Minister for Planning or local council on request (or otherwise as required by a planning authorisation).

For the purpose of summary reporting, complaints data should be aggregated and grouped according to complaint type and location, with any names, addresses, or personal information removed.

#### 5.2 Review and continuous improvement

The Complaint evaluation and response process shall be subject to bi-annual reviews or audits to ensure conformity to this plan and to continually improve effectiveness and efficiency.

The results from review shall be reported to the OSMI Executives and relevant stakeholders bi-annually.

Separate internal or external independent audits shall be conducted at least annually.

Review of individual complaints may be subject to two internal levels of review - EO or other front-line staff and OSMI executive review - and, if relevant, independent mediation for resolution of disputes.

### 6 Attachments

Attachment A – Complaint Form template

Attachment B – Complaint Register template

**Attachment A – Complaint Form Template**

*\*Office use only*

| Complaint ID | Recorded By | Recorded Time & Date |
|--------------|-------------|----------------------|
|              |             | / /                  |

**Complainant Details**

|                         |     |     |
|-------------------------|-----|-----|
| Name                    |     |     |
| Address                 |     |     |
| Telephone number        | (H) | (M) |
| Property Ref (if known) |     |     |

**Complaint Description**

|  |     |
|--|-----|
| Nature of issue                                  | /   |
| Time of issue occurring                          | / / |
| Prevailing weather conditions at time of concern |     |
| Specific action requested                        |     |
| Other comments                                   |     |

**Attachment B – Complaint Register Template**

