



# **RYE PARK WIND FARM**

## *Complaints Management Plan*

November 2021



## Rye Park Wind Farm

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## APPENDIX A: KEY DEVELOPMENT CONSENT CONDITIONS

## 1.0 Introduction

The Rye Park Wind Farm (the Development) is located to the west of Rye Park, to the north-west of Yass and south-east of Boorowa, in New South Wales (NSW) (refer).

Rye Park Renewable Energy Pty Ltd (the Developer and the Applicant) is a wholly owned subsidiary of Tilt Renewables.

Tilt Renewables (including Rye Park Renewable Energy Pty Ltd) is committed to managing complaints in a transparent and professional manner. Complaints not handled correctly can incur significant cost through damage to reputation or fines by the regulatory authorities. Complaints also provide an opportunity to improve the way that Tilt Renewables conducts its business.

Tilt Renewables has a specific Complaints Handling Procedure which outlines how it will receive and handle operational complaints. All reporting, monitoring and evaluation associated with complaints management for the Rye Park Wind Farm must be in accordance with this procedure (available on the Developments website [www.ryeparkwf.com.au](http://www.ryeparkwf.com.au)).

This Complaints Management Plan has been prepared to specifically address the construction and operation phase of the Development, in accordance with *Australian / New Zealand Standard AS / NZS 10002:2014 – Guidelines for complaint management in organizations* (AS/NZS 10002:2014) and to address the requirements of Development Consent No. SSD 6693 (the Development Consent).

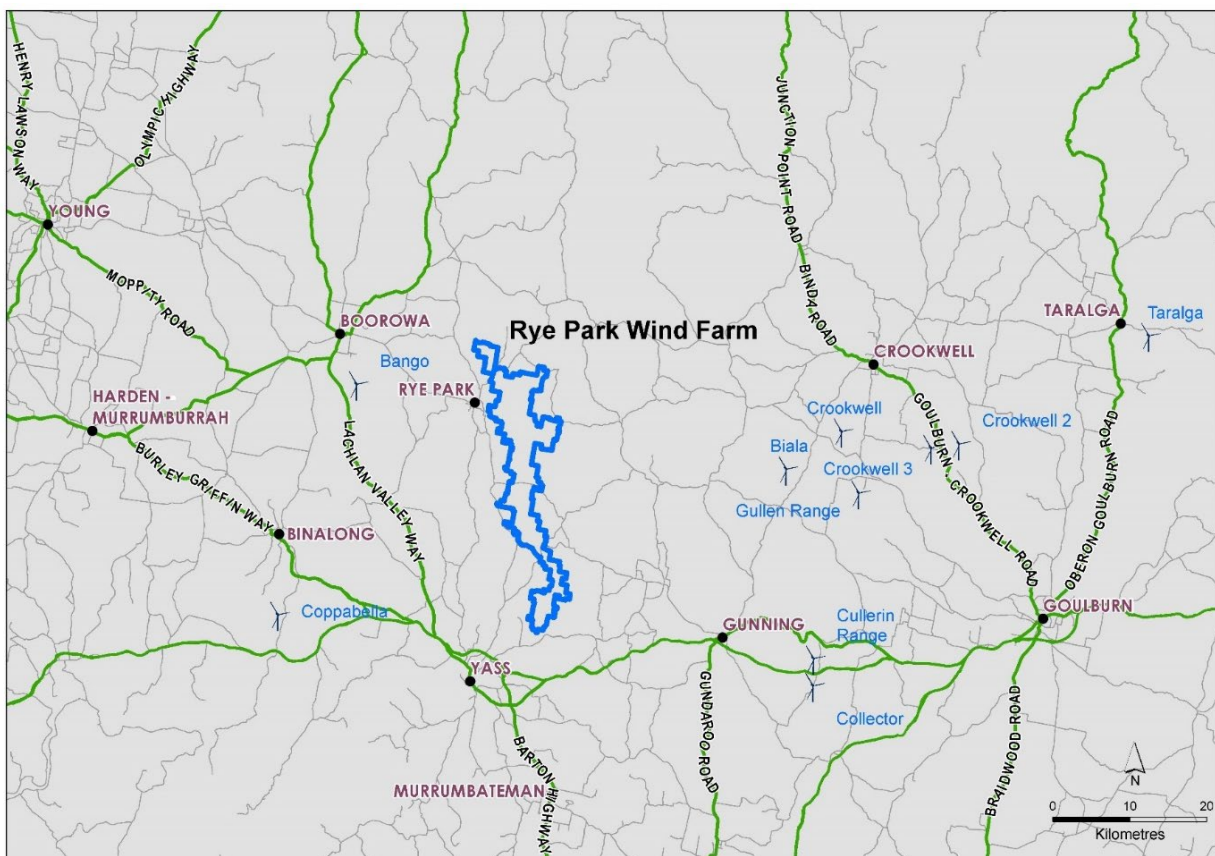


Figure 1: Site Location

## 1.1 The Development

The Development is located 11km north-east of Yass, close to the town of Rye Park. The Development area spans three LGA boundaries – Hilltops Council, Upper Lachlan Shire Council and Yass Valley Council.

Development Consent (SSD 6693) (the Development Consent) was granted by the NSW Planning Assessment Commission (PAC, now known as the Independent Planning Commission) under the *Environmental Planning & Assessment Act 1979* (EP&A Act) on 22 May 2017, and modification (MOD 1) approved 15 April 2021, subject to conditions.

The Development has also been granted approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) (EPBC 2020/8837) on 1 June 2021, subject to conditions.

The main components of the Development are as follows:

- 66 wind turbines<sup>1</sup>, each with:
  - a capacity to generate up to approximately 6 MW
  - three blades mounted on a tubular steel tower, with a combined height of blade and tower limited to a maximum tip height of 200 metres
  - crane hardstand area, and related turbine lay down area.
- A new 33 kV wind farm collection substation in the northern section of the Development site.
- A new 330 kV wind farm connection substation located adjacent to the existing TransGrid 330 kV transmission line in the southern section of the Development site.
- A temporary construction compound at the northern section of the Development site.
- A temporary construction compound to facilitate the upgrades on the TransGrid owned existing 330kV Transmission Line at the southern section of the Development site.
- A new overhead powerline approximately 30 km in length, rated at up to 330 kV (nominal) capacity, running north-south along the length of the wind farm between the two substations. The powerline would be mounted on a single pole type structure and will either be single-circuit or double-circuit as required.
- Underground and overhead 33 kV electrical cabling linking the wind turbines to the on-site collection substations and connection substation.
- Operation and maintenance facility incorporating a control room and equipment storage at the northern section of the Development site.
- Temporary concrete batching plants and construction facilities.
- Access tracks required for each wind turbine and the related ancillary facilities above.
- Minor upgrades to local roads, as required for the delivery of the wind turbines.
- Three temporary meteorological masts and two permanent monitoring masts for wind speed verification, weather and general monitoring purposes. The permanent monitoring masts may be either static guyed or un-guyed structures and will be to a minimum height of the wind turbine hubs (119 m).

The general location of the Development is shown on Figure 1.

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<sup>1</sup> Note. Whilst 77 turbines are permitted to be constructed within the Development Consent, only 66 turbines will be built. The 11 remaining locations will not be constructed as part of the Development.

## 1.2 Objectives and Guiding Principles

This Complaints Management Plan has been developed in accordance with AS/NZS 10002:2014 and sets out how the Developer will respond to complaints received during the construction and operation of the wind farm. It also provides specific measures for a complaint(s) or mediation relating made for:

- Noise
- Shadow Flicker
- Radio Communications
- Land Acquisition
- Visual Mitigation
- Traffic

This plan will be implemented generally in accordance with AS/NZS 10002:2014, Tilt Renewables Complaints Handling Procedure, and will be informed by the principles in Table 1 below.

**Table 1: General Principles**

Principles	
Enabling complaints	<ul style="list-style-type: none"> <li>- People focus – everybody has a right to complain.</li> <li>- Ensuring no detriment to complainant – complainants will not be adversely affected.</li> <li>- Visibility and transparency – information about how and where a complaint may be made to or about the organisation is well-publicised.</li> <li>- Accessibility – complaint management system is accessible to everyone.</li> <li>- No charges – a complainant should not be charged a fee to complain.</li> </ul>
Managing complaints	<ul style="list-style-type: none"> <li>- Responsiveness – prompt acknowledgement of complaints.</li> <li>- Objectivity and fairness – treating complaints in an objective and unbiased manner.</li> <li>- Equity – treating of complaints in an equitable manner.</li> <li>- Privacy and disclosure – information about any individual should only be disclosed or used in compliance with all relevant privacy laws and ethical obligations.</li> <li>- Communication – provide explanations for policies, procedures and decisions in its communication with complainants and with staff.</li> </ul>
Managing the parties	<ul style="list-style-type: none"> <li>- Conduct of parties, that make clear the behaviour expected of both its staff and complainants.</li> <li>- Work health and safety – implement appropriate policies, procedures and practices to ensure the health and safety of its staff involved in complaint management, including identity protection.</li> <li>- Complaint involving multiple parties – provide options for coordinating communication with the complainant including coordinating with different areas within the organisation.</li> <li>- Empowerment of staff – ensure that staff are properly empowered to implement the complaint management system as relevant to their role.</li> </ul>
Accountability, learning and prevention	<ul style="list-style-type: none"> <li>- Accountability – be clear about the accountability for the operation of its complaint management system.</li> <li>- Continuous improvement – responding to and learning from complaints.</li> <li>- Prevention of ongoing disputes – develop and implement systems that minimise the possibility of complaints escalating into ongoing disputes.</li> </ul>

## 2.0 Methods for Reporting, Evaluation and Reporting

This section outlines the overarching methods for evaluation and response in the event that a complaint is received about the construction or operation of the Rye Park Wind Farm.

In accordance with AS/NZS 10002:2014, the Developer will publish a copy of this plan on the Tilt Renewables website, including contact details. Upon request, hard copy contact details shall be communicated as appropriate to persons who do not have access to the internet.

Complaints can be made via Tilt Renewables general complaints contact details<sup>2</sup>:

- Email: [complaints@tiltrenewables.com](mailto:complaints@tiltrenewables.com)
- Phone: 1800 306 118

Alternatively, complaints can be made using the Rye Park Wind Farm contact details<sup>3</sup>:

- Email: [ryeparkwindfarm@tiltrenewables.com](mailto:ryeparkwindfarm@tiltrenewables.com)
- Phone: 1800 WE TILT (938 458)

At commencement of construction, signs will be erected at the main site entrances. Opportunities will also be pursued in placing signage in other public locations (e.g., at the Rye Park Hall), advising of the above complaints contact details.

Information about complaints handling will be periodically communicated in the Developments newsletter and construction updates.

### 2.1 Roles and Responsibilities

The key roles of the Developer (and external team members, as relevant) involved in the implementation of this Plan are set out in table below.

**Table 2: Roles**

Title	Organisation	Role
Responsible Authority	Regulator	Keep informed
Regulatory Authorities	Regulator	Keep informed
Community Consultative Committee (CCC)	DPIE, Councils, Community members	Keep informed
Community and Stakeholder Advisor	Tilt Renewables	May take a lead role in liaison with complainant
Land Development Manager	Tilt Renewables	May take a role in liaison with complainant
Site Health, Safety, Environment and Community (HSEC) Manager	Tilt Renewables	May take a lead role in liaison with complainant
Construction Site Manager	Tilt Renewables/ Contractor	May take a role in liaison with complainant
Development/Project Manager – Renewable Development (RD)	Tilt Renewables	May take a role in liaison with complainant May take a role in liaison with Responsible Authority, or any other relevant regulatory authorities
Operations and Maintenance Site Manager	Contractor	May take a role in liaison with complainant

<sup>2</sup> These details are available here: [www.tiltrenewables.com/contact/](http://www.tiltrenewables.com/contact/)

<sup>3</sup> These details are available here: [www.ryeparkwf.com.au](http://www.ryeparkwf.com.au)

Title	Organisation	Role
Production Supervisor – Generation	Tilt Renewables	May take a role in liaison with complainant May take a role in liaison with Responsible Authority, or any other relevant regulatory authorities
Asset Manager – Generation (AM)	Tilt Renewables	May take a role in liaison with complainant May take a role in liaison with Responsible Authority, or any other relevant regulatory authorities
Head of Commercial and Land	Tilt Renewables	Keep informed
Manager, Engineering	Tilt Renewables	Keep informed
Manager, Stakeholders and Environment	Tilt Renewables	Keep informed May take a role in liaison with Responsible Authority, or any other relevant regulatory authorities
Executive General Manager – Project Delivery	Tilt Renewables	Keep informed
Executive General Manager – Renewable Development	Tilt Renewables	Keep informed
Executive General Manager – Generation and Trading	Tilt Renewables	Keep informed
Project Steering Committee	Tilt Renewables	Keep informed
Senior Leadership Team	Tilt Renewables	Keep informed
CEO	Tilt Renewables	Keep informed

All complaints and their status will be reported to the appropriate Business Unit Management as part of regular internal reporting requirements. The Community and Stakeholder Advisor, reporting to the Manager Stakeholders and Environment, will be responsible for ensuring that all complaints are addressed appropriately, in accordance with this procedure and adequately closed out.

## 2.2 General Evaluation and Response Procedure

Where a complaint has been made, the complaint will be initially acted upon by a representative of the Tilt Renewables team (likely the person who has received the complaint or Community and Stakeholder Advisor). The complaint will be internally assessed and allocated to an appropriate staff member within the department related to the complaint.

### Complaints Recording

The procedure for reporting and responding to complaints is detailed below:

- All complaints received must be recorded in Tilt Renewables' Stakeholder Relationship Management system – Darzin (Complaints Handling Register). The Manager, Stakeholders and Environment will have responsibility for ensuring that the register is maintained and located in a central location accessible to all relevant personnel.
- The register should be maintained in a way that is easy to export and share as a report with relevant authorities and internal stakeholders.
- The contact details of the complainant should include:
  - o Name;



- Address;
- Telephone numbers (home, work and mobile); and
- Email Address
- Details of the complaint to be recorded should include:
  - Rye Park Wind Farm allocated dwelling/residence no. (if relevant);
  - nearest turbine (if relevant);
  - why the complaint is being made / details;
  - when the complaint was first made (time and date);
  - method of contact;
  - who received the complaint;
  - complaint handling owner;
  - any particular personnel the complaint is about (if relevant);
  - what action the complainant would like taken to see the matter put right;
  - date of response and immediate actions;
  - an allocated complaint reference number (to also be shared with the complainant); and
  - attach any copies of correspondence relating to the complaint.
- All complainants will be notified within 24 hours of receipt of a complaint if the complaint is not made verbally.
- All complainants shall receive acknowledgement in writing or via email of the complaint with a reference number and details of how the Developer proposes to handle the complaint; and
- All complaints are to be followed up within two business days to discuss/confirm next steps in handling the complaint, including provision of the contact details of the person that will be handling the complaint.
- Emergency complaints will be escalated in line with Tilt Renewables' Emergency Management Process.

### **Complaints Investigation**

- A complaint will be internally assessed and allocated to an appropriate staff member within the department related to the complaint. The assigned person will review all relevant information and may contact the complainant to discuss the matter.
- Complaints will be treated confidentially and in accordance with Tilt Renewables' Privacy Policy. Personal details will only be provided to another organization or persons outside of the company if the complainant agrees.
- Other parties that are relevant to the complaint may be contacted to assess their willingness to cooperate to resolve the complaint. The third parties could be, but are not limited to, external contractors and consultants, neighboring residents, Councils or internal personnel.
- All complaints are to be investigated and responded to within 7 working days. If more time is needed, the complainant will be notified before the end of this period and provided an update of expected timeframes.
- The complainant will be provided with an update on the status of the complaint at regular intervals (at least every 10 working days) until it is resolved or closed.
- Business Unit Management may review the outcomes of investigations and internal assessments of complaints managed by front line staff.
- If the complainant is unhappy with the way a complaint is being dealt with or the proposed resolution,

the complaint will then be escalated in accordance with the Dispute Resolution process outlined in Section 2.3.

In addition to the above, the Manager Stakeholders and Environment is responsible for ensuring the appropriate regulatory authorities are notified of any complaints which relate to a potential non-compliance.

Complaints will be brought to closure for any of the below reasons:

- Confirmation received from the complainant that a satisfactory outcome has been achieved,
- Despite best efforts, a satisfactory resolution has not been achieved and it is considered that further time and effort in handling the complaint will not assist with reaching a resolution,
- The complainant advises that they no longer wish to pursue the complaint, or
- Despite best efforts, the complainant cannot be contacted to discuss the complaint.

## 2.3 Dispute Resolution

Whilst the aim of complaints management is to resolve complaints at the first level /frontline staff (e.g., appropriate staff member within the department related to the complaint), there may be instances where it may be determined that the complaint should be escalated. This plan sets out the internal escalation and external mediation process should escalation be required.

This process is in line with the three-level model of complaint management set out in AS/NZ 10002:2014.

### Internal Escalation Options

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 appropriate Business Unit Manager (RD/AM).
- 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 External Mediation process (outlined below).
- External escalation may allow for assessment and investigation of the complaint via the appropriate accountable industry or government body.

### External Mediation

In the event that agreement cannot be reached between the Developer and complainant, as to resolution of a specific complaint, it may be necessary to seek involvement of an independent impartial third party (i.e., external party, such as the Australian Energy Infrastructure Commissioner or the Planning Secretary) to facilitate mediation of the matter.

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. The Developer will aim to constructively participate in the required mediation process. If the dispute is not resolved through the internal resolution process, the following mediation system shall be triggered.

- The assigned person reviewing the complaint shall contact the with the RD/AM and provide full details of the complaint, including any preliminary investigations or correspondence with the complainant.
- The RD/AM (or appointed representative) shall contact the complainant to instigate the appropriate mediation process.
- Mediation will normally occur within 10 working days of both parties agreeing to the appointed mediator.

- The appointed mediator shall organize 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 RD/AM and the complainant will be advised of their rights to pursue to the matter further.

### **Mediation relating to Development Consent Requirements**

Mediation required specifically associated a dispute related with the following Development Consent requirements may be referred to the Planning Secretary for resolution:

- the *visual mitigation measures* to be implemented or the implementation of these measures in accordance with Schedule 3 Condition 3 of the Development Consent, and
- the rectification of any *disruption to radiocommunication services* (see section 5.0) to be implemented or the implementation of these mitigations in accordance with Schedule 3 Condition 33 of the Development Consent.

Furthermore, *land acquisition* requirements of Schedule 3 Condition 1 of the Development Consent and must follow the requirements set out in Schedule 4 Condition 2 of the Development Consent. An extract is provided in Appendix A.

## **2.4 Reporting**

A complaints register will be published on the Developments webpage, on a monthly basis, outlining the date, method and nature of the complaint, as well as summary of the investigation and remediation actions and status. No identifying details of the complainant will be included in the register.

## **2.5 Review**

A review will be performed of the Complaints Handling Register and procedure on a quarterly basis during construction, and 6 months following the commencement of operations, to ensure that the Development is meeting all requirements and objectives of this Plan. The procedure will be reviewed annually thereafter during the operation of the wind farm.

## 3.0 Noise Complaint Evaluation and Response Plan

This section sets out the methods for evaluation and response (in addition to the overarching methods outlined in Section 2.0) in the event that a noise complaint is received about the operation of the Rye Park Wind Farm. Specifically, it addressed the requirements of the following conditions of the Development Consent.

An extract of all Development Consent conditions relating to noise are contained in Appendix A.

A pre-construction noise assessment has been conducted using the proposed wind farm layout to ensure compliance with the Development Consent.

### 3.1 Evaluation and Response Procedure

As per Schedule 3 Condition 11 of the Development Consent, noise generated by the operation of the wind turbines will be measured in accordance with the relevant requirements of the Department's *Wind Energy: Noise Assessment Bulletin (2016)* (or its latest version). The noise generated by the operation of the wind turbines will be adjusted for tonality and low frequency noise in accordance with the Department's *Wind Energy: Noise Assessment Bulletin (2016)* (or its latest version).

The exception to this is where an agreement has been made with the relevant owner/s of residences to generate higher noise levels.

#### Complaints Recording

In addition to the overarching procedure for reporting and responding to complaints detailed in Section 2.0, details of noise complaints to be recorded include a description of.

- the noise causing the annoyance,
- how long and at what time(s) of day the noise has been impacting on the residents' acoustic amenity,
- the weather conditions in the area at the time of the complaint,
- location of the receptor at the time of the complaint,
- what action will be taken to investigate the cause of the complaint and rectify the cause, and
- what action will be taken to avoid future complaints of this nature.

#### Complaints Investigation

The investigation of the noise complaint will be performed in the following stages:

- The assigned Tilt Renewables representative will liaise with the complainant to investigate the source of the complaint. Initial contact will be made within 1 business day to confirm that the complaint has been received and is under investigation.
- The assigned Tilt Renewables representative will perform an initial investigation of the potential source of the noise and determine if there is a mechanical equipment fault. This investigation will be undertaken within three business days of the complaint being made. This investigation may be done by listening to the potential noise source or by analysing available data such as vibration measurements.
- If the source of the complaint is deemed to be an equipment fault, then a maintenance engineer will be called to rectify the noise source. The maintenance engineer must visit the site within one week of the complaint being made.
- If the assigned Tilt Renewables representative, is unable to identify the source from the description given by the complainant, a visit will then need to be made to the residence to identify, in consultation with the resident, whether the source of the noise is coming from the wind farm or another potential source.

- If in consultation with the resident it is agreed that the noise is coming from the wind farm, then:
  - o Tilt Renewables will engage an Independent Noise Consultant to review results from post-construction noise monitoring, if already available. The results from representative nearby measurement locations will be reviewed and extrapolated to the location of the noise complaint to assess the potential for noise levels from the wind farm to exceed the Noise Limit at that location. The results will be discussed with the resident.
  - o If the result of the step above cannot demonstrate that there is no non-compliance, the assigned Tilt Renewables representative will organise preliminary noise measurements to be performed by an external consultant. These measurements should ideally be made under comparable weather conditions to those that existed at the time of the complaint. The results will be discussed with the resident.

If the preliminary noise assessment indicates that the wind farm noise level may exceed the Noise Limit as specified in the Development Consent, then a full noise assessment will be performed by an acoustic consultant to determine the noise level generated by the wind turbines. This will be conducted in accordance with the methodology set out in the Noise Management Plan endorsed under Schedule 3 Condition 13 of the Development Consent.

### 3.2 Protocol for Confirmed Breaches

A response protocol will be instigated on confirmed breaches of Schedule 3 Conditions 11 of the Development Consent.

The response will include the preparation of an assessment report by a suitably qualified and experienced independent acoustic engineer. It will:

- identify the weather or operational conditions associated with the complaint,
- analyse the uncertainty and confidence levels in the monitoring, and the steps taken to reduce uncertainty,
- target assessment to identify the cause and remediation actions, and
- prepare a remediation plan outlining the investigation process, complainant communications, actions undertaken and timelines to resolve the potential non-compliance.

Notification of any non-compliances will be undertaken in accordance with Schedule 5 Condition 8 of the Development Consent (see Section 7.0)

## 4.0 Shadow Flicker Complaint Evaluation and Response Plan

This section sets out the methods for evaluation and response (in addition to the overarching methods outlined in Section 2.0) in the event that a blade shadow flicker complaint is received about the operation of the Rye Park Wind Farm. Specifically, it addresses the requirements of Schedule 3 Condition 6 of the Development Consent:

An extract of all Development Consent conditions relating to shadow flicker are contained in Appendix A.

Shadow flicker can occur when wind turbine blades block the sun for short periods of time (less than 1 second) as the blades rotate, causing a strobing effect. Shadow flicker has the potential to impact the amenity of residents in close vicinity to a wind farm. The likelihood of shadow flicker affecting people depends on factors such as the alignment of the wind turbine and the sun, and their distance from the wind turbine (EPHC, 2009).

A pre-construction shadow flicker assessment has been conducted using the proposed wind farm layout to ensure compliance with the Development Consent.

### 4.1 Evaluation and Response Procedure

#### Complaints Recording

In addition to the overarching procedure for reporting and responding to complaints detailed in Section 2.0, details of shadow flicker complaints to be recorded include a description of:

- the shadow flicker causing annoyance,
- how long and at what time(s) of day the shadow flicker has been impacting on the residents' amenity,
- weather conditions when shadow flicker causes annoyance,
- description of what action will be taken to investigate the cause of the complaint and rectify the cause, and
- description of what action will be taken to avoid future complaints of this nature.

#### Complaints Investigation

In the event that a complaint(s) are received from a resident with concerns that their dwelling is experiencing shadow flicker totaling more than 30 hours per annum, independent modelling, using as-constructed turbine positions will be carried out to assess compliance with Schedule 3 Condition 6 of the Development Consent. This need only be carried out once, regardless of the number, timing or source of the complaints (EPHC, 2010).

### 4.2 Protocol for Confirmed Breaches

A response protocol will be instigated on confirmed breaches of Schedule 3 Condition 6 of the Development Consent. This will include the use of mitigation measures (e.g. planting of vegetation or screening) in consultation with the landowner.

Notification of any non-compliances will be undertaken in accordance with Schedule 5 Condition 8 of the Development Consent (see Section 7.0)

## 5.0 Radiocommunications Complaint Evaluation and Response Plan

This section sets out the methods for evaluation and response (in addition to the overarching methods outlined in Section 2.0) in the event that radiocommunication disruption complaint is received in relation to the operation of the Rye Park Wind Farm. Specifically, it addresses the requirement of Schedule 3 Condition 33 of the Development Consent.

An extract of all Development Consent conditions relating to radio communications are contained in Appendix A.

### 5.1 Evaluation and Response Procedure

#### Complaints Recording

In addition to the overarching procedure for reporting and responding to complaints detailed in Section 2.0, details of radiocommunications disruption complaints to be recorded include a description of:

- how long and at what time(s) of day the complainant experienced the interference on their television and/or radio reception; and
- description of what action will be taken to investigate the cause of the complaint and rectify the cause.

#### Complaints Investigation

In the event that a complaint(s) are received from local user who is experiencing a detrimental effect on their radiocommunications services, a post-construction assessment will be undertaken by an independent television and radio monitoring specialist to determine if any increase in interference to reception is being experienced as a result of the wind farm.

### 5.2 Protocol for Confirmed Breaches

A response protocol will be instigated if radiocommunication interference is determined to be as a result of the wind farm. This will include implementing measures to mitigate the interference and return the affected reception to pre-construction quality within 1 month following the disruption of the service unless the relevant service provider or user or Planning Secretary agrees otherwise.

Notification of any non-compliances will be undertaken in accordance with Schedule 5 Condition 8 of the Development Consent (see Section 7.0).

## 6.0 Traffic Complaint Evaluation and Response Plan

This section sets out the methods for evaluation and response (in addition to the overarching methods outlined in Section 2.0) in the event that a traffic related complaint is received in relation to the construction or operation of the Rye Park Wind Farm.

Specifically, it addresses the requirements set out the Traffic Management Plan prepared and approved pursuant to Schedule 3 Condition 30 of the Development Consent.

An extract of all Development Consent conditions relating to radio communications are contained in Appendix A.

### 6.1 Evaluation and Response Procedure

#### Complaints Recording

In addition to the overarching procedure for reporting and responding to complaints detailed in Section 2.0, details of traffic related complaints to be recorded include a description of:

- What, where and at what time(s) of day the event occurred; and
- Details of the traffic movement(s) including (where known) vehicle type, direction of travel, what was being transported, vehicle registration and any other identifiable features (e.g., colour, branding).

### 6.2 Protocol for Confirmed Breaches

A response protocol will be instigated if it is determined there has been a breach to the Traffic Management Plan. In accordance with the requirements of the Traffic Management Plan the following management measures will be considered:

- additional traffic controls (e.g., signage, safety barriers, lighting),
- alternate access routes (where permitted / approved),
- variation to construction hours (where permitted / approved), and
- additional on-site traffic management (e.g., staffed traffic controllers).

Notification of any non-compliances will be undertaken in accordance with Schedule 5 Condition 8 of the Development Consent (see Section 7.0)



## 7.0 Non-Compliances with Statutory Requirements

### 7.1 Incident Notification

In accordance with Schedule 5, Condition 7 of the Development Consent and Conditions 30-31 of EPBC 2020/8873, the Development or delegate will immediately notify the Planning Secretary in writing via the Major Projects website after becoming aware of an incident. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 6 of the Development Consent.

Additionally, within 7 days of the date of the incident, the Development will provide the Secretary and any relevant agencies with a detailed report on the incident, and such further reports as may be requested. This report will include the time and date of the incident, details of the incident, measures implemented to prevent re-occurrence and identification of any non-compliance.

### 7.2 Non-Compliance Notification

In accordance with Schedule 5 Condition 8 of the Development Consent and Conditions 30-31 of EPBC 2020/8873, the Development or delegate will notify the Planning Secretary in writing via the Major Projects website within seven days of becoming aware of a non-compliance. The notification is to:

- identify the development and the application number,
- set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

(NB A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance [Schedule 5, Condition 10]).

### 7.3 Pollution Incident Response

An Emergency Plan has been prepared in accordance with Schedule 3 Condition 34 of the Development Consent, which outlines risks and controls associated with onsite emergencies, including but not limited to flammable and hazardous material spills, and bushfires. A copy of the Emergency Plan is available on the website ([www.ryeparkwf.com.au](http://www.ryeparkwf.com.au)).

An Emergency Management Plan will also be prepared by the EPC Contractor prior to construction commencing, in accordance with the requirements of the *Protection of the Environment Operations Act 1997* (POEO Act) and the *Protection of the Environment Operations (General) Regulation 2009* (POEO (G) Regulation).

The Emergency Plan provides details of the management and notification procedures to be implemented should a pollution incident occur. For the purpose of this plan, a pollution incident is defined as a set of circumstances that causes or threatens to cause material harm to the environment.

The Emergency Plan will be routinely tested at least once every 12 months so that the information included in the plan is accurate and up to date, and that it is capable of being implemented in a workable and effective manner.

### 7.4 Notification of Environmental Harm

Under Part 5.7 of the POEO Act there is an obligation to notify relevant authorities of a pollution incident that causes or threatens to cause material harm to the environment.

Harm to the environment is defined as material if:



- it involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial; or
- it results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (or such other amount as is prescribed by the regulations). Loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment.

The Development will notify all relevant authorities of incidents causing or threatening material harm to the environment immediately after the person becomes aware of the incident in accordance with the requirements of Part 5.7 of the POEO Act and the Emergency Plan.

Notifications of environmental harm will be made in the first instance by telephoning the EPA's Environment Line on 131 555. The Development will also provide written details of the incident to the EPA within 7 days of the date on which the incident occurred when requested.

#### **Written Report**

Where an EPA officer or other government representative suspects on reasonable grounds that the action of the wind farm may be causing or is likely to be causing harm to the environment, the authorised officer may request a written report of the event. The Developer Project Manager will be responsible for ensuring the reporting requirements as requested by the EPA are met.

### **7.5 Emergency and Incident Response**

In the case of an emergency, potential pollution/environmental incident or non-compliance, the complaint will be responded to within 24 hours. Further information relating to emergency response is included in the Developments Emergency Plan and all emergencies will be managed in accordance with the Principal Contractors emergency management procedures and any relevant Environmental Protection License requirements.

Emergency complaints will be escalated in line with the Incident Notification and Reporting (See Section 7.1).

## Appendix A: Key Development Consent Conditions

Condition No.	Condition Requirements
<b>Schedule 3 Condition 6</b> Shadow Flicker	<p>The Applicant must ensure that shadow flicker from operational wind turbines does not exceed 30 hours per year at any non-associated residence.</p>
<b>Schedule 3 Condition 11</b> Noise (Operational Noise Criteria – Wind Turbines)	<p>The Applicant must ensure that the noise generated by the operation of wind turbines does not exceed the higher of 35 dB(A) or the existing background noise level (LA90 (10-minute)) plus 5 dB(A) for each integer wind speed, measured at hub height, from cut-in to rated turbine generator power, at any non-associated residence.</p> <p>Noise generated by the operation of the wind turbines is to be measured in accordance with the relevant requirements of the Department's <i>Wind Energy: Noise Assessment Bulletin</i> (2016) (or its latest version). The noise generated by the operation of the wind turbines must also be adjusted for tonality and low frequency noise in accordance with the Department's <i>Wind Energy: Noise Assessment Bulletin</i> (2016) (or its latest version).</p> <p>However, these criteria do not apply if the Applicant has an agreement with the relevant owner/s of these residences to generate higher noise levels, and the Applicant has advised the Department in writing of the terms of this agreement.</p>
<b>Schedule 3 Condition 12</b> Noise (Operational Noise Criteria – Ancillary Infrastructure)	<p>The Applicant must ensure that the noise generated by the operation of ancillary infrastructure does not exceed 35 dB(A) LAeq(15 minute) at any non-associated residence.</p> <p>Noise generated by the development is to be measured in accordance with the relevant requirements of the <i>Noise Policy for Industry</i> (2017) (or its equivalent).</p>
<b>Schedule 3 Condition 13</b> Noise Management Plan	<p>Prior to commissioning of the turbines, the Proponent must prepare a Noise Management Plan to manage noise emissions from the operation of the development, to the satisfaction of the Planning Secretary. The Plan must include:</p> <ul style="list-style-type: none"> <li>(a) compliance monitoring within 3 months of operations, or the commencement of operation of a cluster of turbines if the development is to be staged, unless the Planning Secretary agrees otherwise, in accordance with the Department's <i>Wind Energy: Noise Assessment Bulletin</i> (2016) (or its latest version) to determine whether the development is complying with the relevant conditions of this consent;</li> <li>(b) description of the parameters and meteorological conditions which trigger the use of noise management mode and sector management;</li> <li>(c) an auditable process that compliance can be independently confirmed for the use of noise management mode and sector management;</li> <li>(d) procedures and corrective actions to be undertaken if non-compliance is detected;</li> <li>(e) provision of a copy of the compliance monitoring results to the Secretary and the EPA.</li> </ul>
<b>Schedule 3 Condition 14</b> Noise Management Plan	<p>Following the Planning Secretary's approval, the Applicant must implement the measures described in the Noise Management Plan.</p>
<b>Schedule 3 Condition 33</b> Radio-communications	<p>If the development results in the disruption to any radiocommunications services (including point-to-point microwave links) in the area, then the Applicant must make good any disruption to these services as soon as possible following the disruption, but no later than 1 month following the disruption of the service unless the relevant service provider or user or Planning Secretary agrees otherwise.</p> <p>If there is a dispute about the mitigation measures to be implemented or the implementation of these mitigation measures, then either party may refer the matter to the Planning Secretary for resolution.</p>
<b>Schedule 4 Condition 2</b>	<p>Within 3 months of receiving a written request from an owner with acquisition rights, the Applicant must make a binding written offer to the owner based on:</p> <ul style="list-style-type: none"> <li>(a) the current market value of the owner's interest in the land at the date of this written</li> </ul>

Condition No.	Condition Requirements
Land Acquisition	<p>request, as if the land was unaffected by the development, having regard to the:</p> <ul style="list-style-type: none"> <li>• existing and permissible use of the land, in accordance with the applicable environmental planning instruments at the date of the written request; and</li> <li>• presence of improvements on the land and/or any approved building or structure which has been physically commenced at the date of the owner's written request, and is due to be completed subsequent to that date, but excluding any improvements or reasonable costs that have resulted from the implementation of the visual impact mitigation measures in condition 2 of schedule 3;</li> </ul> <p>(b) the reasonable costs associated with:</p> <ul style="list-style-type: none"> <li>• relocating within the Hilltops, Upper Lachlan or Yass Valley local government areas, or to any other local government area determined by the Planning Secretary; and</li> <li>• obtaining legal advice and expert advice for determining the acquisition price of the land, and the terms upon which it is to be acquired;</li> </ul> <p>(c) reasonable compensation for any disturbance caused by the land acquisition process.</p> <p>However, if after 1 month of the owner receiving the binding written offer above, the Applicant and owner cannot agree on the acquisition price of the land and/or the terms upon which the land is to be acquired, then either party may refer the matter to the Planning Secretary for resolution.</p> <p>Upon receiving such a request, the Planning Secretary must request the President of the NSW Division of the Australian Property Institute to appoint a qualified independent valuer to:</p> <ul style="list-style-type: none"> <li>• consider submissions from both parties;</li> <li>• determine a fair and reasonable acquisition price for the land and/or the terms upon which the land is to be acquired, having regard to the matters referred to in 2(a) to (c) above;</li> <li>• prepare a detailed report setting out the reasons for any determination; and</li> <li>• provide a copy of the report to both parties.</li> </ul> <p>Within 14 days of receiving the independent valuer's report, the Applicant must make a binding written offer to the owner to purchase the land at a price not less than the independent valuer's determination.</p> <p>However, either party disputes the independent valuer's determination, then within 14 days of receiving the independent valuer's report, they may refer the matter to the Planning Secretary for review. Any request for a review must be accompanied by a detailed report setting out the reasons why the party disputes the independent valuer's determination. Following consultation with the independent valuer and both parties, the Planning Secretary will determine a fair and reasonable acquisition price for the land, having regard to:</p> <ul style="list-style-type: none"> <li>• the matters referred to in 2(a) to (c) above,</li> <li>• the independent valuer's report,</li> <li>• the detailed report of the party that disputes the independent valuer's determination,</li> <li>• whether an adjustment to the market value of the land since the independent valuation was completed is warranted; and</li> <li>• any other relevant submissions.</li> </ul> <p>Within 14 days of this determination, the Applicant must make a binding written offer to the owner to purchase the land at a price not less than the Planning Secretary's determination.</p> <p>If the owner refuses to accept the Applicant's binding written offer under this condition within 3 months of the offer being made, unless the Planning Secretary determines otherwise, then the Applicant's obligations to acquire the land shall cease.</p>