

Planning and Environment Regulations 2005 Form 11
Section 97F
PLANNING PERMIT GRANTED BY THE MINISTER UNDER
DIVISION 6 OF PART 4 OF THE PLANNING AND ENVIRONMENT ACT 1987

**PLANNING
PERMIT**

Permit No.:PL-SP/05/0461

Planning Scheme: Moorabool Planning Scheme

**Responsible Authority for Administration and
Enforcement of this Permit:** Moorabool Shire
Council

ADDRESS OF THE LAND:

Land in Yendon, described as:

Volume 3393 Folio 558 - Lots 1,2,3,4,5 and 6 on title plan 899344L (formerly known as part of Crown Allotment 15, part of Crown Allotment 16, part of Crown Allotment 17, part of Crown Allotment 43, Crown Allotments 44 and 47, Parish of Buninyong);
Volume 4801 Folio 184 – Crown Allotment 16A Parish of Buninyong;
Volume 10242 Folio 563 Crown Allotment 1 Section 9 Parish of Lal Lal;
Volume 10242 Folio 564 Crown Allotment 2 Section 9 Parish of Lal Lal;
Volume 10242 Folio 565 Crown Allotment 3 Section 9 Parish of Lal Lal;
Volume 10242 Folio 566 Crown Allotment 1 Section 6 Parish of Lal Lal;
Volume 10242 Folio 567 Crown Allotment 2 Section 6 Parish of Lal Lal;
Volume 10242 Folio 568 Section 3 Parish of Lal Lal;
Volume 10242 Folio 569 Portion 7 Parish of Lal Lal ;
Volume 10514 Folio 926 Lot 1 on title plan 017451J (formerly known as Section 5 Parish of Kerrit Bareet);
Volume 10514 Folio 927 Section 6 Parish of Kerrit Bareet;
Volume 10514 Folio 928 Section 41 Parish of Kerrit Bareet;
Volume 10514 Folio 929 Section 42 Parish of Kerrit Bareet;
Volume 10514 Folio 930 Section 43 Parish of Kerrit Bareet;
Volume 10514 Folio 931 Crown Allotment 1 Section 2 Parish of Lal Lal ;
Volume 10514 Folio 932 Crown Allotment 2 Section 2 Parish of Lal Lal ;
Volume 10514 Folio 933 Crown Allotment 3 Section 2 Parish of Lal Lal ;
Volume 10514 Folio 934 Crown Allotment 4 Section 2 Parish of Lal Lal ;
Volume 10514 Folio 935 Crown Allotment 1 Section 4 Parish of Lal Lal ;
Volume 10514 Folio 936 Crown Allotment 2 Section 4 Parish of Lal Lal ;
Volume 10514 Folio 937 Crown Allotment 3 Section 4 Parish of Lal Lal ;
Volume 10514 Folio 938 Crown Allotment 1 Section 5 Parish of Lal Lal ;
Volume 10514 Folio 939 Crown Allotment 2 Section 5 Parish of Lal Lal;
Volume 10537 Folio 552 Crown Allotment 8 Parish of Kerrit Bareet;
Volume 10537 Folio 553 Crown Allotment 7 Parish of Kerrit Bareet;
Volume 10537 Folio 554 Crown Allotment 8A Parish of Kerrit Bareet;
Volume 06772 Folio 368 Crown Allotments 48A, 48B, 49A, and 49B Parish of Kerrit Bareet;
Volume 09739 Folio 012 Crown Allotments 48A, 48B, 49A, and 49B Parish of Kerrit Bareet;
Crown Allotment 24B Section 6A Parish of Buninyong;
Crown Allotment 43A Section 6A Parish of Buninyong
Closed road between Powerline Lane and Yendon-Egerton Road (granted in lieu of land acquired from Mr Archibold Fiken for new road);
Crown land vested in Council for Harris Road, Spreadeagle Road, Duggans Lane, McIntoshs Road and Portland Flat Road.

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Land in Elaine, described as:

Volume 01705 Folio 980 Crown Allotments 45 and 45A Parish of Narmbool;
Volume 07646 Folio 037 Crown Allotments 46 and 48 Parish of Narmbool;
Volume 01030 Folio 934 Crown Allotment 47 Parish of Narmbool;
Volume 05217 Folio 381 Crown Allotments 15A and 16A Parish of Narmbool;
Volume 00998 Folio 594 Crown Allotment 1A Parish of Narmbool;
Volume 01342 Folio 274 Crown Allotment 1B Parish of Narmbool;
Volume 00424 Folio 612 Crown Allotment 41A Parish of Narmbool;
Volume 01522 Folio 355 Crown Allotment 41H Parish of Narmbool;
Volume 08530 Folio 949 Crown Allotment 11B Parish of Narmbool;
Volume 08955 Folio 515 Lot 1 Title Plan TP439919D;
Volume 08774 Folio 991 Crown Allotments 2A, 2B, 3A and 3B Parish of Narmbool;
Volume 04214 Folio 731 Crown Allotments 41, 42, 42A, 53, 41A1, and 41A2 Parish of Narmbool;
Volume 00191 Folio 169 Lot 1 on Title Plan 669519L (formerly known as part of Crown Allotment 4A Parish of Narmbool);
Volume 00191 Folio 168 Lot 1 on Title Plan 631629R (formerly known as part of Crown Allotment 4A Parish of Narmbool);
Volume 01710 Folio 926 Crown Allotment 4B Parish of Narmbool);
Volume 01710 Folio 877 Crown Allotment 4C Parish of Narmbool);
Volume 10905 Folio 576 Land in Plan of Consolidation 368001J;
Volume 09389 Folio 491 Crown Allotments 16 and 19 Parish of Narmbool ;
Volume 06636 Folio 129 Crown Allotment 78 and 19 Parish of Cargerie;
Volume 06001 Folio 029 Crown Allotments 13A, 14A and 14B Parish of Narmbool;
Volume 07443 Folio 503 Crown Allotment 15 Parish of Narmbool;
Crown Allotment 14C Parish of Narmbool;
Crown Allotment 14D Parish of Narmbool.
Crown Land vested in Council for Fords Lane, Murphys Road, Horsehill Road and Elaine-Blue Bridge Road

THE PERMIT ALLOWS:

Use and development of the land for a Wind Energy Facility comprising a maximum of 64 wind turbines and their associated infrastructure and other works including: the construction of access tracks; underground cabling; two permanent amenities buildings; two electrical substations; two permanent meteorological monitoring facilities and associated equipment; car parking and bicycle facilities, temporary construction facilities (including an ancillary concrete batching plant), business identification signs and alterations to access points to roads in a Road Zone.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

DEVELOPMENT PLANS TO BE ENDORSED

1. Before the development starts, development plans must be prepared to the satisfaction of the Minister for Planning. The plans must be drawn to scale with dimensions and three copies must be provided. The plans may be submitted for approval in stages or for a particular grouping of wind turbines within the subject land. When approved, the plans will be endorsed by the Minister for Planning and will then form part of this permit.

The plans must show the location and layout of the wind turbines and all on-site buildings and works generally in accordance with the application plans *Section Layout – Topographic (Yendon Section) LL SM[Y] 03 Version 3 dated 20081014* and *Section Layout – Topographic (Elaine Section) LL SM[R] 0032 Version 4 dated 20081014*.

The plans must also include:

- a) A list of map coordinates for each wind turbine
- b) The distance of each wind turbine from the nearest point on the boundary of the subject land
- c) Details of the model and rated capacity of the wind turbines to be installed
- d) Elevation drawings, showing dimensions, of the wind turbines and other permanent on-site buildings (e.g. substation facilities)
- e) Drawings, showing the key physical dimensions, of all on-site buildings and works including:
 - (i) Wind turbines
 - (ii) Access tracks
 - (iii) Internal collector network trenches
 - (iv) Any temporary concrete batching plant(s)
 - (v) The substation (including designated car parking areas, signage and landscaping), and
 - (vi) Any ancillary works (e.g. construction compounds and water tanks).

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- f) A description of the materials and finishes of the wind turbines and other permanent on-site buildings
- g) A description of the location, type and intensity of any aviation obstacle lighting to be installed
- h) The locations of scattered native trees and the boundaries of any patches of native vegetation, in relation to all buildings and works, in all cases where such trees and patches are within 25 metres of the buildings or works
- i) A report by a suitably qualified ecological specialist after the completion of a targeted spring survey of vegetation in the vicinity of access gates Y10, Y11, E1, E8, and E3 to demonstrate that adverse impact on vegetation listed under the *Flora and Fauna Guarantee Act 1988* and the *Environment Protection and Biodiversity Conservation Act 1999* are avoided, and
- j) Turbine exclusion zones centred on the transmission vectors for fixed licences of point to point transmissions to which there is a possibility of electromagnetic interference with a width equal or greater than twice the sum of the blade length and 60% of the radius of the first Fresnel zone of any licensed link. The transmission vectors and the widths of the first Fresnel zones will be determined by a suitably qualified telecommunications expert.

SPECIFICATIONS

2. The wind energy facility must meet the following requirements:
 - a) The wind energy facility must comprise no more than 64 wind turbines with no more than:
 - i. 40 wind turbines on the land at Yendon, and
 - ii. 24 wind turbines on the land at Elaine.
 - b) The overall maximum height of the wind turbines (to the zenith of the sweep of the rotor blade tip) must not exceed 130 metres above foundation level
 - c) The wind turbines must be mounted on a tubular steel and/or concrete towers such that the hub of the rotors does not exceed 85 metres above foundation level

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- d) The diameter of the rotor of the wind turbines must not exceed 95 metres
- e) The rotor of the wind turbines must have only three rotor blades
- f) The wind turbine towers, nacelles and rotor blades must be of a non-reflective finish and colour that blends with the landscape to the satisfaction of the Minister for Planning
- g) The colours and finishes of all other buildings and ancillary equipment on-site must be non-reflective to minimise the impact of the development on the landscape to the satisfaction of the Minister for Planning
- h) Access tracks within the subject land must, to the satisfaction of the Minister for Planning:
 - i. have a surface material that will not unduly contrast with the landscape, and
 - ii. be designed to minimise impact on the farming activities on the land, and
 - iii. have an effective trafficable width of not less than 4 metres.
- i) The transformer associated with each wind turbine must be enclosed within the tower
- j) All new electricity cabling associated with the internal collector network within the wind energy facility must be placed under the ground except with the further written consent of the Minister for Planning
- k) All wind turbines must be set back at least 50 metres from the boundary of the subject land and public roads
- l) All wind turbines must be located such that the distance between turbines and transmission vectors for fixed licences of point to point transmissions is equal to or greater than the sum of the blade length and 60% of the radius of the first Fresnel zone of any licensed link. Except in the case of an emergency, no external lighting of infrastructure associated with the wind energy facility, other than low level security lighting and/or aviation obstacle lighting (as required by condition 2(o)) may be installed or operated without the further written consent of the Minister for Planning

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- m) All spare parts and other equipment and materials associated with the use of the wind energy facility must be located in screened, locked storage areas that are inaccessible to the public to the satisfaction of the Minister for Planning
- n) All turbines must be located outside the turbine exclusion zones shown on the endorsed development plan(s)
- o) Aviation obstacle lighting may be installed but only if they meet the following requirements, except with the further written consent of the Minister for Planning:
 - i. They are restricted to a pair of red medium intensity, intermittent obstacle lights on any wind turbine
 - ii. The lights are to be baffled so as to restrict the vertical spread of light to not more than three degrees (approximately) with not more than one degree (approximately) below the horizontal
 - iii. All lights within each section or stage of the wind energy facility must illuminate in unison, and
 - iv. The activation and de-activation of the lights is to be triggered by a luminance sensor with a trigger luminance of 50 candela per square metre (or as otherwise required by the Civil Aviation Safety Authority or law).

STAGING

- 3. The use and development authorised by this permit may be completed in stages as shown on the endorsed development plan(s) to the satisfaction of the Minister for Planning. Any corresponding obligation arising under this permit (including the preparation and approval of plans) may be similarly completed in stages or parts.

LAYOUT NOT ALTERED

- 4. The use and development as shown on the endorsed development plan(s) or other plans to the satisfaction of the responsible authority must not be altered or modified without the written consent of the Minister for Planning save that the micro-siting of turbines and the related tracks and reticulation lines will be regarded as generally in accordance with the

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endorsed development plan(s) if the responsible authority is satisfied that it will not give rise to any material adverse change in landscape, vegetation, cultural, visual, shadow or noise impacts compared to the endorsed development plan(s) and:

- i. A turbine within 1 kilometre of any non-host dwelling is not moved closer to that dwelling, and
- ii. The turbine location is altered by no more than 100 metres, and
- iii. No turbine is located within 50 metres of a title boundary or a road or within a turbine exclusion zone.

PRELIMINARY INVESTIGATIVE WORKS

5. For the purposes of this permit, the carrying out of preliminary investigative works, including geotechnical investigations, for the purposes of gathering data or making other assessments necessary or desirable in order to prepare the development plan or other plans specified in this permit, is not considered to be commencement of the development.

UPDATE OF AERONAUTICAL CHARTS

6. Not less than thirty days before the construction of any of the wind turbines starts, copies of the endorsed development plan(s) must be provided to the Royal Australian Air Force's Aeronautical Information Service to enable details of the wind energy facility to be shown on aeronautical charts of the area.

ENVIRONMENTAL MANAGEMENT PLAN

7. Before the development starts, an environmental management plan must be prepared to the satisfaction of the Minister for Planning by the wind energy facility operator in consultation with the relevant authorities including at least EPA, DSE, DPI, Corangamite CMA, Central Highlands Water, Barwon Water, Moorabool Shire Council, and the relevant waste management authority.

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The environmental management plan should be based on the approach outlined in Chapter Nine of the exhibited planning application report dated March 2008.

The environmental management plan may be prepared in sections or stages.

The environmental management plan must include a copy of the development layout plans as endorsed by the Minister for Planning.

When approved, the environmental management plan will be endorsed by the Minister for Planning and will then form part of this permit.

The environmental management plan must consider and generally be in accordance with:

- EPA Publication 480: *Environmental Guidelines for Major Construction Sites*
- EPA Publication 275: *Construction Techniques for Sediment Pollution Control*
- EPA Publication 891.1: *Code of Practice, Onsite Wastewater Management*
- EPA Publication 628: *Environmental Guidelines for the Concrete Batching Industry*
- EPA Publication 347: *Bunding Guidelines*
- Australian Standard Customer Satisfaction – *Guidelines for complaints handling in organizations* (ISO 1002:2006), and
- Australian Standards Handbook HB 229 2006 *The Why and How of Complaints Handling*.

The environmental management plan should, where appropriate, address and include:

- a) Hazardous Materials
 - i. The identification of all hazardous materials used and or stored on-site in connection with the development and use
 - ii. Procedures for the proper handling and storage of hazardous materials on-site
 - iii. Design criteria for any hazardous materials storage facilities on-site, and

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- iv. Contingency measures to ensure that any spills or leaks of hazardous materials are contained on-site and cleaned up in accordance with Environment Protection Authority requirements.

b) Water Contamination, Sediment and Erosion Control

- i. The identification of all construction and operational processes that could potentially lead to water contamination
- ii. The identification of appropriate storage, construction and operational methods to control any identified contamination risks
- iii. Procedures for the management of contaminated waste water
- iv. Procedures for the discharge of collected runoff
- v. Procedures to ensure that silt from batters, cut-off drains, table drains and road works is retained on the site during and after the construction stage of the project. To this end:
 - All land disturbances must be confined to a minimum practical working area and to the vicinity of the identified works areas
 - Soil to be removed must be stockpiled and separate soil horizons must be retained in separate stockpiles and not mixed, and
 - Stockpiles must be located away from drainage lines
- vi. The installation of geotextile silt fences (with sedimentation basins where appropriate) on all drainage lines from the site which are likely to receive runoff from disturbed areas
- vii. Procedures to ensure that steep batters are treated appropriately for sediment pollution control
- viii. A process for overland flow management to prevent the concentration and diversion of waters onto steep or erosion prone slopes, and
- ix. A requirement for immediate remediation of localised erosion (specifying a response time).

c) Waste Control

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- i. The identification of waste reuse, recycling and disposal procedures, and
- ii. Pollution management measures for stored and stockpiled materials including waste materials, litter and any other potential source of water pollution.

d) Sanitation and Wastewater

Appropriate sanitary facilities and management of the wastewater at the temporary construction compound and permanent facilities for construction works, maintenance staff, operations personnel and visitors is required.

e) Construction Practices

- i. Procedures, where practical, to construct wind turbine bases, access tracks and power cabling during warmer months to minimise impacts on ephemeral wetlands, local fauna and sediment mobilisation
- ii. Procedures to protect, as far as practicable, native fauna and domestic stock from being injured by or entrapped in excavations or trenches and to fill trenches as soon as practical after excavation, and
- iii. Procedures for the removal of works, buildings and staging areas on completion of construction of the development.

f) Concrete Batching Plants

- i. Criteria for the design of the temporary concrete batching plants
- ii. Management procedures to prevent pollution of the local waterways, particularly from wash water and waste concrete materials, and
- iii. Procedures for the operation and removal of any temporary concrete batching plants and for the reinstatement of the site once its use finishes.

g) Dust

Procedures to suppress dust from construction related activities.

h) Native Flora and Fauna Protection

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- i. Surveys by an appropriately qualified ecological specialist at an appropriate time of the year before development starts to confirm that construction footprint does not have an adverse impact on native vegetation
- ii. Before any works start in the vicinity of access points gates Y10, Y11, E1, E8 and E3:
 - A survey, conducted in the Spring, of vegetation in those locations must be undertaken by a suitably qualified ecological specialist
 - A report by a suitably qualified ecological specialist must be submitted to the Minister and the Department of Sustainability and Environment that sets out the findings of the spring survey and, if vegetation listed under the Flora and Fauna Guarantee Act 1988 of the Environment Protection and Biodiversity Conservation Act 1999 is identified, measures to avoid or minimise adverse impacts on that vegetation must be set out
- iii. Require fauna habitat to be considered if there are any changes to the location of wind energy facility infrastructure
- iv. Measures to ensure the wind energy facility infrastructure does not have an adverse impact on potential habitat for the Growling Grass Frog
- v. A pest animal and carrion management plan to be prepared in consultation with the Department of Sustainability and Environment and the Department of Primary Industries.

This plan must include:

- procedures for the ongoing management of pest animal populations (e.g. rabbits) and carrion (including livestock, native animals and pest animals), to lessen the availability of potential prey for raptors within the wind energy facility site, and
- a program of early identification and eradication of pest animal populations and carrion.

i) Pest Management

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A pest management plan developed in consultation with the owners of the relevant land that includes:

- i. procedures to prevent the spread of weeds and pathogens from earth moving equipment and associated machinery including the cleaning of all plant and equipment before transport to the site and the use of road making material comprising clean fill that is free of weeds
- ii. sowing of disturbed areas with perennial grasses or returned to cropping
- iii. a protocol to ensure follow up weed control is undertaken on all areas disturbed through construction of the wind energy facility for a minimum period of 2 years following completion of the works, and
- iv. procedures for the ongoing management of pest animal populations including a programme of early identification and eradication.

j) Training

A training program for construction workers, permanent employees and contractors at the wind energy facility site including a site induction program relating to the range of issues addressed by the environmental management plan.

k) Complaints Management

A complaints management plan designed in accordance with *Australian Standard Customer satisfaction – Guidelines for complaints handling in organizations* (ISO 1002:2006) having regard to the guidance provided in *The why and how of complaints handling* HB 229-2006.

The complaints management plan will include procedures for:

- i. Readily accessible information on how complaints can be made free of cost to complainants
- ii. Immediate acknowledgement of complaints and regular and comprehensive feedback to complainants on actions proposed, their implementation and success or otherwise
- iii. Closure of complaints by agreement with complainants

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- iv. Establishment and maintenance of a complaint register for the recording of receipt and acknowledgement of complaints, actions taken, success or otherwise of actions and complaint closure and for the register to be available to the public during normal working hours
- v. Reporting of the contents of the complaint register to the responsible authority as required, and
- vi. Regular, at least annual, auditing of the implementation of the complaints management plan with audit results being reported to the responsible authority.

l) Incident Management

- i. A procedure for the establishment and maintenance of an incident register for the recording of:
 - Environmental incidents
 - Non-conformances, and
 - Corrective actions.
- ii. The register must be available for inspection by the public during normal working hours and its contents should be reported to the responsible authority as required.

REVIEW OF THE ENVIRONMENTAL MANAGEMENT PLAN

8. The environmental management plan must be reviewed at least once every 5 years, and if necessary amended, in consultation with the Minister for Planning, to reflect operational experience and changes in environmental management standards and techniques. Any amendment of the environmental management plan must be submitted to the Minister for Planning for re-endorsement.

COMPLIANCE WITH ENVIRONMENTAL MANAGEMENT PLAN

9. The use and development must be carried out in accordance with the endorsed environmental management plan described in condition 7 above to the satisfaction of the Minister for Planning.

COMPLAINTS MADE TO THE RESPONSIBLE AUTHORITY

10. If a complaint is received by the responsible authority in regard to the wind energy facility the responsible authority will:

- a) After consideration of the views of the complainant and the wind energy facility operator, determine if a dispute exists with a dispute being defined as a matter remaining unresolved after application of the complaints management plan
- b) If a dispute is not identified, advise the complainant and the wind energy facility operator that the provisions of the complaint management plan should be utilised, and
- c) If it is determined that a dispute exists, determine if there is a breach of the permit and if such a breach exists take action to enforce compliance with the permit. In determining whether a breach exists the responsible authority may require the wind energy facility operator to:
 - i. Commission a suitably qualified expert to provide an opinion as to whether a breach exists, and/or
 - ii. Conduct compliance testing.

ON-SITE LANDSCAPING PLAN

11. Within six months of the endorsement of the development plan referred to in Condition 1 and before the development starts, an on-site landscaping plan must be prepared and approved by the Minister for Planning. When approved, the on-site landscaping plan will be endorsed and will then form part of this permit.

The on-site landscaping plan must:

- a) Include plans drawn to scale showing the extent and layout of any landscape plantings to be used to visually screen or otherwise beautify any on-site buildings or works other than the wind turbines
- b) Provide details of plant species proposed to be used in the landscape plantings, including height and spread at maturity
- c) Provide a timetable for implementation of all landscape plantings, and
- d) Provide for maintenance and monitoring program.

OFF-SITE LANDSCAPING PLAN

12. Within six months of the endorsement of the development plans under Condition 1 of this permit, offers to carry out landscape works to mitigate the visual impact of turbines must be made available to the following parties:

- a) The owners of all dwellings within 3 km of a turbine where a turbine is visible
- b) The Shire of Moorabool as Committee of Management for Lal Lal Reserve
- c) The Sovereign Hill Museums Association in relation to the property known as Narmbool, and
- d) St Sava Orthodox Monastery.

The offers must be available up until 12 months after the commissioning of the last wind turbine of the development or relevant stage.

13. If an offer of landscape mitigation works is accepted, an off-site landscaping plan must be prepared for the particular dwelling, by a suitably qualified person, in consultation with the owner of the property to the satisfaction of the Minister for Planning. When approved, the plan will be endorsed and will then form part of this permit.

The plan must provide details of planting and other treatments that will be used including:

- a) Details of the landscaping necessary to mitigate visual impacts of the wind energy facility, including plant species to be used and the expected height and spread of plants at maturity
- b) The maintenance of landscaping for a period of two years, and
- c) A timetable for implementation of the landscaping works.

The landscaping as shown on the endorsed off-site landscape plans must be completed within 12 months of the endorsement of the particular plan unless otherwise agreed by the landowner.

The wind energy facility operator or developer must pay the full cost for design, implementation and maintenance of the off-site landscaping plans but any of these tasks may be undertaken or arranged by the landowner.

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The cost must first be agreed between the wind energy facility operator and the relevant landowner.

TRAFFIC MANAGEMENT PLAN

- 14.** Before the development starts a traffic management plan must be prepared, in consultation with Moorabool Shire Council and VicRoads, to the satisfaction of the Minister for Planning for submission to and approval by the Minister for Planning. When approved, the plan will form part of this permit.

The traffic management plan must:

- a) Consider the use of Woolshed Road rather than Fords Lane as an access to the eastern part of the Elaine site
- b) Identify all public roads and access points that will be used in the construction and operation of the wind energy facility
- c) Provide for an existing conditions survey of public roads that will be used in the construction and operation of the wind energy facility including details of the suitability, design, construction standards and condition of the roads to enable, for sealed roads, the calculation of Total ESA (Equivalent Standard Axles) loading for comparison with the appropriate Austroads pavement design guide
- d) Establish the appropriate existing equivalent renewal pavement design and associated costs in conjunction with Moorabool Shire Council and VicRoads and establish the calculated damage (if any) directly attributable to the wind energy facility and the amount (if any) to be reimbursed to Moorabool Shire Council
- e) Include the designation of routes, operating hours and speed limits for oversize vehicles and other heavy vehicles on routes accessing the site so as to avoid interference with the passage of school buses, and to provide for resident safety and the safe management of stock
- f) Provide details of any large over dimensional vehicles to be used (such as those used for the transport of the nacelles, blades and tower sections) and details of the routes to be taken, the proposed escort arrangements and requirements for over dimensional permits from VicRoads

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- g) Specify the need for road and intersection upgrades to accommodate any additional traffic or site access requirements, whether temporary or ongoing, and the timing of when these upgrades are to be undertaken
- h) Include measures to be used to manage traffic impacts associated with the ongoing operation of the wind energy facility on the traffic volumes and flows on surrounding roads
- i) Identify any areas of roadside native vegetation which need removal or pruning and the pruning practices to be followed
- j) Include identification and timing of any pre-construction works
- k) Include a program of regular inspections, to be carried out during the construction period, to identify the need for maintenance works necessary as a result of construction traffic
- l) Include agreed criteria that will trigger repair and maintenance works, and
- m) Include a program to rehabilitate roads to the pre-existing condition identified by the above surveys.

COMPLIANCE WITH TRAFFIC MANAGEMENT PLAN

15. The traffic management and road upgrade and maintenance works associated with the wind energy facility must be carried out in accordance with the traffic management plan to the satisfaction of the Minister for Planning and the cost of any works including maintenance are to be at the expense of the wind energy facility operator.

EMERGENCY RESPONSE PLAN

16. Before the development starts an emergency response plan must be prepared and approved by the Minister for Planning. When approved the emergency response plan will be endorsed and will then form part of this permit.

The emergency response plan must be generally in accordance with "*Emergency Management Guidelines for Wind Farms*" (Country Fire Authority April 2007).

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The emergency response plan must be prepared in consultation with:

- Country Fire Authority
- Victoria Police
- Rural Ambulance Victoria
- State Emergency Service, and
- Any other relevant members of the Moorabool Shire's Municipal Emergency Response Management Committee.

The emergency response plan should generally conform to "*AS 3745-2002 Emergency control organization and procedures for buildings, structures and workplaces*", or any subsequent replacement or amendment.

The emergency response plan must include:

- a) Criteria for the provision of static water supply tanks, solely for fire fighting purposes, including minimum capacities, appropriate connections and signage
- b) Procedures for vegetation management, fuel control and the provision of fire fighting equipment during declared fire danger periods
- c) Minimum standards for access roads and tracks, to allow access for fire fighting vehicles, including access to static water supply tanks
- d) The facilitation by the wind energy facility operator, before or within 3 months after the commencement of operation, of a familiarisation visit to the site and explanation of emergency services procedures for the relevant members of the Country Fire Authority, Rural Ambulance Victoria, Victoria Police, State Emergency Service and Moorabool Shire's Emergency Response Management Committee
- e) Subsequent familiarisation sessions for new personnel of those organisations as required, and
- f) If requested, training of Country Fire Authority personnel in relation to suppression of wind energy facility fires.

BAT AND BIRD MANAGEMENT PLAN

17. Before the development starts a bat and bird management plan (BBMP) to the satisfaction of the Minister for Planning must be prepared in consultation with the Department of Sustainability and Environment. When approved, the plan will be endorsed and form part of the permit.

The BBMP must include:

- a) A statement of the objectives and overall strategy for managing and mitigating any significant bird and bat strike arising from the wind energy facility operations
- b) A monitoring program of at least two years duration from the commissioning of the last turbine including surveys during the breeding and migratory seasons to ascertain:
 - (i) The presence, behaviour and movements of any Wedge-tailed Eagles, Brown Falcons or Swamp Harriers, especially breeding pairs in the vicinity of the wind energy facility
 - (ii) The species, number, age, sex (if possible) and date of bird and bat strikes
 - (iii) Procedures for the reporting of any bird or bat strikes to the Department of Sustainability and Environment. Any bird strikes affecting the priority species named in condition 19(b)(i) must be reported to the DSE within 7 days of becoming aware of any strike
 - (iv) Seasonal and yearly variation in the number of bird and bat strikes
 - (v) The efficacy of searches for carcasses of birds and bats, and where practical, information on the rate of removal of carcasses by scavengers, so that correction factors can be determined to enable calculations of the total number of mortalities.
- c) Procedures for the regular removal of carrion (including livestock, native animals and pest animals) likely to attract raptors to areas near wind turbines
- d) Requirements for periodic reporting, within agreed timeframes of the findings of the monitoring to the Department of Sustainability and Environment

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- e) Recommendations in relation to a mortality rate for specified species which would trigger the requirement for responsive mitigation measures to be undertaken by the proponent to the satisfaction of the Minister for Planning, and
 - f) Details of any responsive mitigation measures which may be implemented if the trigger mortality rate for a specified species is exceeded.
18. Following the completion of the monitoring program in accordance with the BBMP, a bat and avifauna monitoring report must be prepared by the applicant setting out the findings of the monitoring program to the satisfaction of the Minister for Planning.

**STRATEGY FOR MONITORING AND MITIGATION MEASURES FOR
IMPACTS ON ECOLOGICALLY SIGNIFICANT BATS AND BIRDS**

19. In the event that impacts detected during the BBMP's monitoring program are considered by the Minister for Planning to be ecologically significant, a monitoring and mitigation measures strategy must be prepared in consultation with the Department of Sustainability and Environment to the satisfaction of the Minister for Planning. When approved the monitoring and mitigation measures strategy will be endorsed and will then form part of this permit.

The monitoring and mitigation measures strategy must include, for each species for which ecologically significant impacts have been detected:

- a) Further monitoring of the 'targeted' species, and
- b) Mitigation measures for 'targeted' species.

all to be implemented to the satisfaction of the Minister for Planning.

TELEVISION AND RADIO RECEPTION AND INTERFERENCE

20. Before the development starts a television and radio reception plan must be prepared to the satisfaction of the Minister for Planning. When approved, the plan will be endorsed and form part of the permit.

The television and radio reception plan must include:

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- a) A definition of the area to be covered by the television and radio reception plan (the defined area) based on the recommendations of a suitably qualified expert
- b) A pre-construction survey to determine television and radio reception strength at locations within the defined area, completed prior to the commissioning of any turbine. The location of such monitoring is to be determined by an independent television and radio monitoring specialist appointed by the wind energy facility operator
- c) A procedure for post-construction survey at any dwelling in the defined area that existed at the date of the pre-construction survey in response to any complaint received regarding the wind energy facility having an adverse effect on television or radio reception
- d) A procedure for the implementation of mitigation measures at any dwelling in the defined area that existed at the date of the pre-construction survey if the post-construction survey establishes any increase in interference to reception as a result of the wind energy facility operations. The mitigation measures shall return the affected reception to pre-construction quality and be undertaken at the cost of the wind energy facility operator, all to the satisfaction of the Minister for Planning

BLADE SHADOW FLICKER

- 21.** Shadow flicker from the wind energy facility must not exceed 30 hours per annum at any dwelling existing as at the date of this permit to the satisfaction of the Minister for Planning.

Any dwelling on subject land may be exempt from this condition. This exemption will be given effect through an agreement with the landowner that will apply to any occupant of the dwelling and must be registered on title.

NOISE LIMITS

- 22.** Construction of the wind energy facility must comply with noise criteria specified in the *Interim Guidelines for Control of Noise from Industry in Country Victoria*, N3/89 at any dwelling existing on land in the vicinity of

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the proposed wind energy facility as at the date of the issue of this permit to the satisfaction of the Minister for Planning.

23. Except as provided below in this condition, the operation of the wind energy facility must comply with the noise criteria specified in NZS6808:1998 *'Acoustics - The Assessment and Measurement of Sound from Wind Turbine Generators'* at any dwelling existing on land in the vicinity of the proposed wind energy facility as at the date of the issue of this permit, to the satisfaction of the Minister for Planning.

In determining compliance the following requirements apply:

- a) The sound level from the wind energy facility within 20 metres of any dwelling must not exceed a level of 40dBA (L₉₅) or where the relationship between background noise levels and wind speed has been determined by the method specified in Condition 24 of this permit, the background noise level by more than 5dBA, or a level of 40dBA L₉₅, whichever is the greater
- b) Compliance must be assessed separately for all-time and night time. For the purpose of this requirement, night time is defined as 10.00pm to 7.00am, and
- c) If the noise has a special audible characteristic and measured sound level must have a penalty of 5dBA applied.

Any dwelling on the subject land may be exempt from this condition. This exemption will be given effect through an agreement with the landowner that must apply to any occupant of the dwelling and must be registered on title. Such dwellings will be known as host dwellings.

NOISE COMPLIANCE TESTING

24. Before the development starts a noise compliance testing plan must be prepared by a suitably qualified acoustics expert to the satisfaction of the Minister for Planning.

When approved, the noise compliance testing plan will be endorsed by the Minister for Planning and will then form part of this permit.

The use must be carried out in accordance with the noise compliance testing plan to the satisfaction of the Minister for Planning.

The noise compliance testing plan must include:

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- a) A determination of the noise limits to be applied during construction using the methodology prescribed in the *Interim Guidelines for the Control of Noise from Industry in Country Victoria, N3/89*
- b) A program of compliance testing to be implemented during the construction of the wind energy facility that:
 - (i) Is designed by a suitably qualified acoustic expert, and
 - (ii) Utilises the methodology prescribed in *State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No. N-1*, to demonstrate compliance with the limits determined in (a) above.
- c) A prediction, by a suitably qualified acoustic expert, of the area within which the noise level from the wind energy facility during full operation will be 35dB(A) or greater
- d) Identification of all dwellings, excluding host dwellings, within the area predicted in (c) above and a statement as to whether consent from the owner of each of the identified dwellings for compliance testing has been obtained or refused
- e) A method or methods of testing compliance with the noise limits prescribed in Condition 23 of this permit for each dwellings identified in (d) above for which consent for the conduct of compliance testing has been obtained.

The compliance testing method must be either:

- (i) The method described in *NZS6808:1998 'Acoustics – the Assessment and Measurement of Sound from Wind Turbine Generators'* with the following criteria being met:
 - The regression curves required must be derived from a data set:
 - Of at least 500 noise level/wind speed data pairs
 - Including wind speed measurements made at turbine hub height
 - Including at least 10 data pairs or 1% of the total number of data pairs whichever is the greater at wind speeds greater than 8 m/s

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- Including at least 10 data pairs or 1% of the total number of data pairs whichever is the greater at wind speeds less than 4 m/s, and
 - With the percentage of data pairs that are the results of measurements made with the wind in the direction from the wind energy facility to the dwelling being equal or greater than values determined in (f) below, and
 - The coefficient of determination for the regression curves will be 0.5 or greater, or
- (ii) A method, designed by a suitably qualified acoustics expert, in which measurements of operating and background noise levels are measured with:
- Background noise levels being measured with all turbines that, when operating, influence the noise level at the dwelling, shut down, and
 - The wind in the direction from the wind energy facility to the dwelling for at least 50% of the measurement period.
- f) For each dwelling at which compliance testing is to be performed, determination of the maximum monthly proportions of the wind direction distribution that is from the wind energy facility to the dwelling, plus or minus 22.5 degrees
- g) A schedule for compliance testing under which compliance testing at all identified dwelling for which consent for such testing has been obtained is performed in the 14 months following the commissioning of the last turbine in a section of the wind energy facility or a stage of the wind energy facility, if the development is in stages, and repeated between 10 and 14 months after the first compliance test
- h) A procedure for the assessment, by a suitably qualified acoustics expert, of the characteristics of the noise from the wind energy facility to determine if that noise has any special audible characteristics that require the addition of 5 dB(A) to the measured operating noise levels as slowed in Condition 23 of this permit
- i) A procedure under which all results of compliance testing conducted in any month are reported to the Minister for Planning by the 15th day

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of the following month and to the owners and occupiers of particular dwellings as soon as results relating to that particular dwelling are available, and

- j) A procedure under which the implementation of the noise compliance testing plan is directed and supervised by a suitable qualified acoustic expert to the satisfaction of the Minister for Planning.

NOISE COMPLIANCE ENFORCEMENT

25. If an exceedance of the noise limits prescribed in Condition 23 of this permit is detected the wind energy facility operator must:

- a) Within 5 days of the detection of the exceedance, take sufficient actions to reduce the wind energy facility noise level at the subject dwelling as predicted using the prediction methodology contained in *NS6808:1998 'Acoustics – the Assessment and Measurement of Sound from Wind Turbine Generators'* by an amount equal to or greater than the amount of exceedance
- b) Within 7 days of the detection of the exceedance, provide the responsible authority and the owner/occupier of the dwelling with:
 - (i) The results of the compliance testing measurements including the magnitude of the detected exceedance
 - (ii) Details of the actions taken to reduce the wind energy facility noise emissions, and
 - (iii) Evidence that the actions taken will produce a decrease in the wind energy facility noise level at the dwelling by an amount equal to the magnitude of the exceedance based on a prediction using the methodology of *NZS6808:1998 'Acoustics – the Assessment and Measurement of Sound from Wind Turbine Generators'*.
- c) Continue to operate the wind energy facility with the implemented actions until approval for a different mode of operation is given by the responsible authority under the provision of (d) below
- d) Within 60 days of the detection of an exceedance provide the responsible authority and owner/occupier of the dwelling with either:

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- (i) The result of compliance testing using the procedures prescribed in Condition 24 of this permit that demonstrate compliance, or
- (ii) A program for the development and evaluation of an alternative mode of wind energy facility operation that can be reasonably be expected to result in continuing compliance with noise levels as allowed in Condition 23 of this permit.

The program will:

- Be developed and implemented under the supervision of a suitably qualified acoustics expert
- Include detailed descriptions of proposed actions
- Include predictions of wind energy facility noise levels at the dwelling at each stage of the program
- Not include any actions or combination of actions that are predicted to result in non-compliance
- Include compliance testing using the procedures prescribed in Condition 24 of this permit both as the final step in the program and with that compliance testing being repeated after between 10 and 14 months, and
- Include a program schedule that specifies the timing of each stage of the program

to the satisfaction of the responsible authority.

Within 10 days of receipt of the program the responsible authority will either:

- a) Approve the implementation of the program, or
- b) Advise the wind energy facility operator of modifications to the program that are required before approval will be granted.

If the responsible authority requires the program to be modified, the wind energy facility operator may either submit a modified program or immediately withdraw the program and conduct compliance testing using the procedures prescribed in Condition 24 of this permit.

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Following implementation of the program, the wind energy facility operator may provide the responsible authority and the owner/occupier with a detailed description of an alternative mode of operation of the wind energy facility together with evidence that under that mode of operation compliance can be expected, to the satisfaction of the responsible authority. Given such information and evidence the responsible authority may approve the operation of the wind energy facility in the alternative mode and such approval will not be unreasonably withheld.

DECOMISSIONING

26. The wind energy facility operator must, no later than one month after all wind turbines have permanently ceased to generate electricity, notify the Minister for Planning in writing of the cessation of the use. Within a further six months of this date, the wind energy facility operator, or in the absence of the operator, the owner of the land on which the relevant turbines(s) is/are located, must prepare a decommissioning plan to the satisfaction of the Minister for Planning. When approved, the decommissioning plan will become part of this permit.
27. The decommissioning plan must provide for the following:
- a) The removal of all above ground operational equipment
 - b) The removal and clean up of any residual spills or contamination
 - c) The rehabilitation of all storage, construction, access tracks and other areas affected by the project closure or decommissioning, if not otherwise useful to the on-going management of the subject land
 - d) A decommissioning traffic management plan
 - e) A post decommissioning revegetation management plan

The decommissioning plan must be implemented to the satisfaction of the Minister for Planning within 24 months of approval of the plan or within such other timeframe as may be specified by the Minister.

BUSINESS IDENTIFICATION SIGNS

28. The total advertisement area to each business identification sign must not exceed 3 square metres.

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EXPIRY

29. This permit will expire if one of the following circumstances applies:

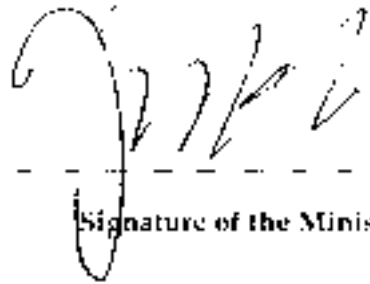
- (i) the development is not started within 4 years of the date of this permit;
- (ii) the development is not completed within 8 years of the date of this permit.

The Minister for Planning, as responsible authority, may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

Notes:

For the purpose of this permit, a host means the land holder of a property with a contract in respect of the installation of associated wind turbines on that person's property.

Date Issued: 30 APR 2009



Signature of the Minister

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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Minister has granted and issued a permit under Division 6 of Part 4 of the **Planning and Environment Act 1987**.

WHEN DOES A PERMIT BEGIN?

A permit operates—

- from the date specified in the permit; or
- if no date is specified, from the date on which it was issued.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
 - the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.
6. In accordance with section 97H of the **Planning and Environment Act 1987**, the Minister is the responsible authority in respect to any extension of time under section 69 in relation to this permit.

WHAT ABOUT APPEALS?

The permit has been granted and issued by the Minister under Division 6 of Part 4 of the **Planning and Environment Act 1987**. Section 97M provides that Divisions 2 and 3 of that Part and section 149A do not apply in relation to an application referred to the Minister under this Division, a permit issued under this Division or an amendment of a permit issued under this Division. The effect of this is that the Minister's decision is final.
