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**PLANNING  
PERMIT**

## **ADVERTISED PLAN**

**Permit No:** PL-SP/05/0321

**Planning Scheme:** Golden Plains Planning Scheme

**Responsible Authority for Administration and Enforcement of this Permit:** Minister for Planning

### **ADDRESS OF THE LAND**

Land in Mt Mercer, described as:  
Vol 3096 Fol 112, Lot 1, PS4570  
Vol 9302 Fol 22, Lot 1 and 2, TP194506R  
Vol 3119 Fol 655, Lot 8, PS4570  
Vol 3406 Fol 200, Lot 10, PS4570  
Vol 3113 Fol 573, Lot 9, PS4570  
Vol 8294 Fol 10, Lots 5, 6 & 7, PS4570  
Vol 3106 Fol 96, Lot 13, PS4570  
Vol 8363 Fol 812, Lot 11, PS4570  
Vol 6880 Fol 966, Lot 5, PS4552  
Vol 5897 Fol 241, Lot 6, PS4552  
Vol 8941 Fol 454, CA 1 Parish of Lawaluk  
Vol 8617 Fol 345, CA 1 Parish of Lawaluk  
Vol 8504 Fol 504, CA 2 Parish of Lawaluk  
Vol 8631 Fol 745, Lot 1, LP73679  
Vol 8631 Fol 746, Lot 2, LP73679

### **THE PERMIT ALLOWS:**

Use and development of land for a Wind Energy Facility

### **THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**

#### **DEVELOPMENT PLANS**

- 1 Before the development starts, development plans to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning. The plans may be submitted for approval in stages or for a particular grouping of wind turbines within the site. When approved, the plans will be endorsed by the Minister for Planning and will then form part of

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this permit. The plans must be drawn to scale with dimensions and three copies must be provided.

The plans must show the location, set backs to property boundaries, layout and dimensions of all on-site buildings and works including all wind turbines, access tracks, underground cables, any temporary concrete batching plant, the sub-station, landscaping, any designated car parking areas, any signage, and ancillary works, such as construction compounds and water tanks, as well as off-site road works.

The plans must be generally in accordance with the application plans as identified in Figure 4.1 of the *Mt Mercer Windfarm Project, Planning Permit Report, October 2005* with consolidated information shown in Figure 3 of the Panel Report on the Mt Mercer Wind Farm, but modified to show:

- a) any necessary adjustment to the layout:
    - (i) to ensure that clearing of native vegetation is avoided;
    - (ii) to ensure that ground disturbance associated with the construction of the wind energy facility is more than 100 metres from any permanent watercourse;
    - (iii) to ensure that rock piles and rocky outcrops, and any other areas of significant fauna habitat identified by a qualified ecologist engaged to inspect the micro-sited turbine locations are avoided; and
    - (iv) to ensure that any indigenous or non-indigenous archaeological site identified by the on-site archaeological survey, and required to be protected, is avoided.
  - b) Global Positioning System coordinates for each turbine;
  - c) details of the model and capacity of the wind turbines to be installed;
  - d) elevations, materials and finishes of the wind turbines and other buildings and works;
  - e) the location, size, type and intensity of any aviation lighting including any directional screening as required by Condition 9; and
  - f) details of any required safety signage for the wind energy facility.
- 2 The use and development as shown on the endorsed plans must not be altered or modified without the written consent of the Minister for Planning except that the

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micro siting of wind turbines, where the siting of a wind turbine is altered by no more than 100 metres, will be regarded as generally in accordance with the endorsed plans if the Minister for Planning is satisfied that the micro siting will not give rise to a material change to assessed landscape, vegetation, cultural heritage, visual amenity, shadow flicker, noise or aviation impacts when compared to those of the endorsed plans.

### **SPECIFICATIONS**

- 3 The wind energy facility must meet the following requirements:
- a) no more than 2 wind turbines may be located on Mt Mercer and no more than 1 wind turbine may be located on Mt Lawaluk;
  - b) the wind energy facility must comprise no more than 64 wind turbines;
  - c) the maximum wind energy facility capacity must not exceed 150MW;
  - d) the overall maximum height of the wind turbines (to the tip of the rotor blade when vertical) must not exceed 140 metres above natural ground level except those on top of Mt Mercer which must not exceed 125 metres;
  - e) wind turbines must be mounted on a tubular steel and/or concrete tower with a height of no greater than 98.5 metres;
  - f) each wind turbine is to have not more than three rotor blades, with each blade having a length of no greater than 46 metres;
  - g) the wind turbine towers, nacelles and rotor blades must be pale grey or other colour that blends with the landscape to the satisfaction of the Minister for Planning, and must be of a non-reflective finish to the satisfaction of the Minister for Planning;
  - h) the colours and finishes of all other buildings and ancillary equipment must be such as to minimise the impact of the development on landscape to the satisfaction of the Minister for Planning;
  - i) the transformer associated with each wind generator must be located beside each tower and pad mounted, or be enclosed within the tower structure;
  - j) access tracks within the site are to be sited and designed to minimise impacts on overland flows, soil erosion and, where appropriate, the farming activities on the land, to the satisfaction of the Minister for Planning;

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- k) all new electricity cabling associated with the collector network within the wind energy facility must be placed under the ground; and
- l) all wind turbines must be set back at least 50 metres from boundaries to neighbouring properties and roads, and turbines east of the Shelford-Mt Mercer Road must be not less than 500 metres from any boundary to land owned by the Peter, Andrew or John Cameron household interests; ~~and~~
- ~~m) the wind energy facility must meet the relevant standards for potential noise impacts identified in the *Policy and Planning Guidelines for Development of Wind Energy Facilities in Victoria (May 2003)*. [Note: Deleted as reference to this policy document is outdated. The applicable noise standard is set out in Condition 16.]~~

## LANDSCAPE/VISUAL AMENITY

- 4 Before the development starts, an on-site landscape plan to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning. When approved, the plan will be endorsed and will then form part of this permit. The plan must include:
  - a) landscaping to screen the switchyard and associated buildings other than the turbines;
  - b) details of plant species proposed to be used in the landscaping, including height and spread at maturity;
  - c) a timetable for implementation of all landscaping works; and
  - d) a maintenance and monitoring program.
- 5 Before the development plans are approved:
  - a) a program of voluntary landscape mitigation works to the satisfaction of the Minister for Planning must be made available to the owners of dwellings and properties identified in Table 6.1 of the expert witness statement of Mr Allan Wyatt provided at the Panel Hearing for the Mt Mercer Wind Farm and others as may be required by the Minister for Planning; and
  - b) as part of that program, an off-site landscaping plan must be prepared in consultation with the landowners specified in Condition 5(a) to the satisfaction of the Minister for Planning for submission to and approval by the Minister for

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Planning. When approved the plan will be endorsed and will then form part of this permit.

The plan must provide details of planting or other treatments that will be used to reduce the visual impact of the wind turbines at the dwellings of the participating landowners.

The off-site landscape plan must include:

- (i) only locally indigenous species;
- (ii) details of the plant species to be used, including the height and spread of plants at maturity; and
- (iii) a timetable for implementation of the landscaping works.

- 6 The landscaping as shown on the endorsed on-site and off-site landscape plans required by Conditions 4 and 5 must be completed to the satisfaction of the Minister for Planning within 12 months of the completion of the development or any relevant stage of it, at the cost of the permit holder.
- 7 All access tracks associated with the wind farm must be constructed with local gravel and/or other surface material that will not unduly contrast with the landscape to the satisfaction of the Minister for Planning.

### LIGHTING

- 8 Except in the case of an emergency, no external lighting of infrastructure associated with the wind energy facility, other than low level security lighting or aviation lighting in accordance with Conditions 1 and 9 may be installed or operated without the further written consent of the Minister for Planning.
- 9 Unless with the written consent of the Minister for Planning, aviation lighting must meet the following requirements:
  - a) the lighting is restricted to a maximum of a pair of red medium intensity, intermittent, synchronised and baffled lights on any turbine;
  - b) the lights are to be baffled so as to restrict the vertical spread of light to not more than 3 degrees and light spread below the horizontal to not more than approximately 0.5 degrees; and

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- c) not more than 14 turbines may be lit.

## TRAFFIC MANAGEMENT

- 10 Before the development starts, a traffic management plan must be prepared in consultation with Golden Plains 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 be endorsed and will then form part of this permit. The plan must include:
- a) an existing conditions survey of public roads in the vicinity of the wind energy facility that may be used for access, including details of the suitability, design and construction standard of the roads;
  - b) the designation of appropriate construction and transport vehicle routes to the wind energy facility site;
  - c) the designation of operating hours and speed limits for trucks on routes accessing the site so as to avoid the time and routes of passage of school buses where relevant, and to provide for resident safety;
  - d) the identification and timetabling of any required pre-construction works;
  - e) the designation of principal and other vehicle access points to the wind energy facility from surrounding roads;
  - f) details of any large over dimension vehicles to be used (such as those used for the transport of the nacelles, blades and tower sections) and details of the transport route to be taken, the proposed escort arrangements and requirements for over dimensional permits from Vic Roads;
  - g) recommendations on the need for road and intersection upgrades to accommodate any additional traffic or site access requirements, whether temporary or on-going and the timing of when these upgrades are to be undertaken;
  - h) 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) engineering plans demonstrating how truck movements can be accommodated on sealed roadways and turned without encroaching onto the incorrect side of the road must be prepared for the Rokewood- Shelford Road/Gumley-Mount Mercer Road and Rokewood-Shelford Road/Shelford-Mount Mercer Road

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- intersections. The plan must include details of any required road construction works; and
- j) a program of regular inspections to be carried out during the construction period to identify maintenance works necessary as a result of construction traffic.

- 11 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 and the cost of any works including maintenance are to be at the expense of the permit holder.

Note: Any native vegetation removal required as a result of implementation of the traffic management plan may require separate planning permission.

### ENVIRONMENTAL MANAGEMENT PLAN

- 12 Before the development starts, an environmental management plan must be prepared to the satisfaction of the Minister for Planning, in consultation with the Department of Sustainability and Environment, Golden Plains Shire Council and other agencies as specified in this condition or as further directed by the Minister for Planning. The environmental management plan must be based on the approach outlined in Chapter 18 of the *Mt Mercer Windfarm Project, Planning Permit Report, October 2005*. The plan must be submitted to the Minister for Planning for approval. The environmental management plan may be prepared in sections or stages. When approved, the plan will be endorsed by the Minister for Planning and will then form part of this permit. The environmental management plan must include the following:
- a) A construction and work site management plan which must include:
- (i) procedures for access, noise control, dust emissions, spills and leaks from the handling of fuels and pollution management. Such procedures are to be undertaken in accordance with EPA Publication 480 *Environmental Guidelines for Major Construction Sites* and EPA Publication 275 *Construction Techniques for Sediment Pollution Control*.
  - (ii) the identification of all potential contaminants stored on site;

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- (iii) the identification of all construction and operational processes that could potentially lead to water contamination;
  - (iv) the identification of appropriate storage, construction and operational methods to control any identified contamination risks;
  - (v) the identification of waste re-use, recycling and disposal procedures;
  - (vi) appropriate sanitary facilities for construction and maintenance staff in accordance with the EPA Publication 891 *Septic Tanks Code of Practice*; and
  - (vii) procedures for the removal of works, buildings and staging area on completion of construction of the project.
- b) A **sediment, erosion and water quality management plan**. This plan must be prepared in consultation with the Corangamite Catchment Management Authority and other authorities as may be directed by the Minister for Planning. The plan must include:
- (i) 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;
  - (ii) arrangements for the storage of fuel and chemicals in securely bunded areas during and after construction away from waterways and vegetation;
  - (iii) criteria for the siting of any temporary concrete batching plant associated with the development of the wind energy facility and the procedure for its removal and reinstatement of the site once its use finishes. The establishment and operation of any such temporary concrete batching plant must be designed and operated in accordance with the Environment Protection Authority Publication 628 *Environmental Guidelines for the Concrete Batching Industry*;

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- (iv) the installation of geo-textile silt fences (with sedimentation basins where appropriate) on all drainage lines from the site which are likely to receive run-off from disturbed areas;
  - (v) procedures to suppress dust from construction-related activities. Note: appropriate measures may include water spraying of roads and stockpiles, stabilising surfaces, temporary screening and/or wind fences, modifying construction activities during periods of heightened winds and revegetating exposed areas as soon as practicable.
  - (vi) procedures to ensure that steep batters are treated in accordance with Environmental Protection Authority Publication 275 *Construction Techniques for Sediment Pollution Control*;
  - (vii) procedures for waste water discharge management;
  - (viii) a process for overland flow management to prevent the concentration and diversion of waters onto steep or erosion prone slopes;
  - (ix) pollution management measures for stored and stockpiled materials including waste materials, litter and any other potential source of water pollution;
  - (x) incorporation of pollution control measures outlined in EPA Publication 480 *Environmental Guidelines for Major Construction Sites*;
  - (xi) siting of concrete batching plant and any on-site wastewater and disposal and disposal treatment fields at least 100 metres from any watercourse;
  - (xii) appropriate capacity and an agreed program for annual inspection and regular maintenance of any on-site wastewater management system constructed to service staff, contractors or visitors; and
  - (xiii) immediate remediation of localised erosion with a specified response time.
- c) A hydrocarbon and hazardous substances plan. The plan must include:
- (i) procedures for any on-site storage of fuels, lubricants or waste oil to be in bunded areas; and
  - (ii) contingency measures to ensure that any chemical or oil spills are contained on-site and cleaned up in accordance with Environment Protection Authority requirements.

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- d) A **wildfire prevention and emergency response plan** prepared in consultation with and to the satisfaction of the Country Fire Authority, the Department of Sustainability and Environment, and Golden Plains Shire's Municipal Emergency Management Committee. This plan must include:
- (i) the facilitation by the operator, before or within 3 months after the commencement of the operation of the wind energy facility, of a familiarisation visit to the site and explanation of emergency services procedures for the Country Fire Authority, Rural Ambulance Victoria, Golden Plains Shire's Municipal Emergency Management Committee and Victoria Police;
  - (ii) subsequent familiarisation sessions for new personnel of those organisations on a regular basis and/or as required; and
  - (iii) training of authority personnel in relation to suppression of wind energy facility fires.
- e) A **cultural heritage and archaeology management plan** to address Aboriginal and European cultural heritage. The plan must be prepared in consultation with the identified local Aboriginal community. This plan must include:
- (i) procedures to ensure that before any buildings or works commence in association with the development, the identified Aboriginal artefacts and the non-Aboriginal heritage locations identified in the Cultural Heritage Assessment undertaken by ERM in Chapter 8 of the *Mt Mercer Windfarm Project, Planning Permit Report, October 2005*, must be protected from any buildings and works in accordance with the recommendations contained in the Cultural Heritage Assessment, to the satisfaction of the Minister for Planning;
  - (ii) a survey conducted by a qualified archaeologist and representative from the identified local Aboriginal community that locates, records and assesses Aboriginal sites and European places and objects on those parts of the site which have the potential to be affected by the wind energy facility. This must include land that may be disturbed by associated works such as turbine footings, access tracks, buildings, services and/or possible erosion arising from such works;

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- (iii) arrangements for a qualified archaeologist and member of the identified local Aboriginal community to be on-site during initial excavation works to identify any archaeological artefacts, and initiate measures for interim protection and reporting of any such objects or sites;
  - (iv) protocols for the activities of construction contractors on sites which have been identified to have potential effects on sites of cultural significance;
  - (v) protocols for ongoing consultation with the relevant Aboriginal communities throughout the project, especially those relating to the detailed surface and sub-surface archaeological investigations, including maintaining confidentiality (where considered appropriate) concerning the locations of Aboriginal archaeological sites;
  - (vi) procedures for seeking and obtaining written consent of any identified local Aboriginal community, as nominated for the purposes of Part 11A of the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Commonwealth), prior to disturbing any identified archaeological site, place or object; and
  - (vii) protocols for protecting and reporting the discovery of any human remains in accordance with the requirements of the Victoria Police, the Victorian State Coroners Office and Aboriginal Affairs Victoria.
- f) A **geological and geomorphological plan** to be prepared in consultation with the Department of Sustainability and Environment and Golden Plains Shire Council that specifies construction and management measures designed to minimise the impact of the turbines and associated infrastructure on the geological significance of Mt Mercer and Mt Lawaluk. These measures should be generally in accord with the recommendations made in the URS Australia Pty Ltd letter to Freehills dated 20 October 2006 and signed by Mr Stephen Newman.
- g) A **pest animal management plan** to be prepared in consultation with the Department of Sustainability and Environment and the Department of Primary Industries.

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This plan must include:

- (i) procedures for the control of pest animals, particularly by negating opportunities for the sheltering of pests; and
  - (ii) follow-up pest animal control for all areas disturbed by the wind energy facility construction works for a period of two years following the completion of the wind energy facility.
- h) A pest plant management plan including:
- (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; and
  - (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.
- i) A **training program** for construction workers and permanent employees or contractors at the wind energy facility site including a site induction program relating to the range of issues addressed by the Environmental Management Plan.
- j) A **program for reporting** including a register of environmental incidents, non-conformances, complaints and corrective actions.
- k) A **timetable for implementation** of all programs and works identified in a plan referred to in paragraphs (a) to (l) above.
- 13 The environmental management plan must be reviewed and if necessary amended to the satisfaction of the Minister for Planning every 5 years to reflect operational experience and changes in environmental management standards and techniques and must be submitted to the Minister for Planning for re-endorsement.
- 14 The use and development must be carried out in accordance with the endorsed environmental management plan.

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### BATS AND AVIFAUNA

15 Before the development starts, a Bat and Avifauna Management Plan (BAM Plan) to the satisfaction of the Minister for Planning must be prepared in consultation with the Department of Sustainability and Environment, and must be submitted to and approved by the Minister for Planning. When approved the plan will be endorsed and will then form part of the permit. The use must thereafter accord with the endorsed plan. The BAM Plan must include:

- a) an overall strategy for managing and mitigating any significant bird and bat strike arising from the wind energy facility operations. The strategy:
  - (i) must include required reporting of any bird and bat strikes to the Department of Sustainability and Environment within 7 days
  - (ii) may include procedures for the regular removal of carcasses likely to attract raptors to areas near turbines;
  - (iii) must include a monitoring program of at least two years duration including surveys during the breeding and migratory seasons to ascertain:
    - the species and numbers of any bird and bat strikes;
    - the number and species of birds and bats struck at lit versus unlit turbines;
    - if further detailed investigation of any potential impacts on birds or bats are warranted, such further detailed investigations are to be undertaken in consultation with the Department of Sustainability and Environment to the satisfaction of the Minister for Planning;
- b) requirements for periodic reporting, within agreed timeframes, of the findings of the monitoring to Department of Sustainability and Environment and the local community; and
- c) a strategy to offset any impacts detected during monitoring. Measures to offset the impact may include management or improvement of habitat or breeding sites away from the wind farm in the region to improve breeding productivity,

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or other offsets as may be approved by the Department of Sustainability and Environment.

## NOISE STANDARD

16 Except as provided below in this condition, the operation of the wind energy facility must comply with New Zealand Standard ['Acoustics – The Assessment and Measurement of Sound from Wind Turbine Generators'](#) (NZS 6808:1998) (the 'New Zealand Standard') ~~6808:1998 *The Assessment and Measurement of Sound from Wind Turbine Generators*~~ in relation to any [non-stakeholder](#) dwelling existing ~~on land in the vicinity of the wind energy facility~~ as at the date of the Panel hearing in relation to this application, ~~to the satisfaction of the Minister of Planning~~. In determining compliance ~~with the standard~~, the following requirements apply:-

- a) The sound level from the wind energy facility, when measured outdoors within ~~10-20~~ metres of a [non-stakeholder](#) dwelling at any relevant nominated wind speed, must not exceed the background level (L95) by more than 5dBA or a level of 40dBA L95, whichever is the greater. [Note: the outdoor sound level measuring distance of 10 metres is proposed to be amended to a distance of measuring of 20 metres to reflect modern assessment standards.]
- b) Compliance at night must be separately assessed with regard to night time data. For these purposes the night is defined as 10.00pm to 7.00am.
- c) Compliance will be assessed in accordance with the methodology specified in the Noise Management Plan prepared for the wind energy facility under the Environment Protection Regulations 2021 (Vic) as amended from time to time. The Environment Protection Authority is responsible for compliance and enforcement of wind turbine noise under the Regulations. [Note: This condition provides a clear link between project-specific noise compliance requirements to be preserved in the permit, and the wind farm's Noise Management Plan prepared under the Environment Protection Regulations, which will document compliance assessment methodologies and the approach to management of wind turbine noise.]

For the purpose of this condition, a 'stakeholder dwelling' means a dwelling on land listed in the Address of the Land in this permit, or where the landowner has a written agreement relating to a dwelling on their land which addresses noise from the permitted turbines. A 'non-stakeholder dwelling' means any dwelling that is not a stakeholder dwelling. Among other things, the agreement may specify that the

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landowner accepts predicted noise levels or otherwise agrees to implement appropriate acoustic attenuation measures to ensure a reasonable level of acoustic amenity in relation to the indoor habitable areas of their dwelling(s), and acknowledges that the operation of the wind energy facility may still generate noise in outdoor areas at the dwelling(s) which may from time to time exceed the New Zealand Standard.

[Note: This change clarifies the difference between 'stakeholder' and host dwellings and non-participant dwellings under the noise regime.]

[Note: The existing permit only allows for noise agreements to be in the form of a Section 173 Agreement. This change removes that limitation, and will not impact any existing Section 173 Agreement in place with the permit holder pursuant to Condition 16.]

~~This condition does not apply if an agreement has been reached with a landowner through which the landowner accepts predicted noise levels or otherwise agrees to implement appropriate acoustic attenuation measures to ensure a reasonable level of acoustic amenity in relation to the indoor habitable areas of their dwelling(s), and acknowledges that the operation of the wind energy facility may still generate noise in outdoor areas at the dwelling(s) which may from time to time exceed the standard.~~

~~In such circumstances, the permit holder must, as soon as practicable, enter into an agreement with the Minister for Planning as responsible authority and the registered proprietor of the affected land pursuant to Section 173 of the Planning and Environment Act 1987 (Section 173 Agreement) to provide that, except with the written consent of the Minister for Planning, any dwelling on the land should not be occupied by persons other than:~~

- ~~(i) those with an interest in ownership and management of land on which the wind energy facility is located and their families, or~~
- ~~(ii) persons who otherwise receive a financial benefit as a result of the location of the wind energy facility on the land;~~

~~and application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the Act.~~

### NOISE COMPLIANCE ASSESSMENT

~~17 An independent post construction noise monitoring program must be commissioned by the proponent within 2 months from the commissioning of the~~

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~~first turbine and continue for 12 months after the commissioning of the last turbine, to the satisfaction of the Minister for Planning. The independent expert must have experience in acoustic measurement and analysis of wind turbine noise. The program must be carried out in accordance with New Zealand Standard 6808:1998 as varied by Condition 16 above. The permit holder must pay the reasonable costs of the monitoring program.~~

*[Note: This condition is proposed to be deleted as the requirements of the condition have now been fulfilled. Ongoing noise compliance assessments will be dealt with under the Environment Protection Regulations and the Noise Management Plan prepared for the wind farm.]*

~~18 The results of the post construction noise monitoring program, data and details of compliance and non compliance with the New Zealand Standard must be forwarded to the Minister for Planning within 45 days of the end of the monitoring period. The results must be written in plain English and formatted for reading by laypeople.~~

*[Note: This condition is proposed to be deleted as its requirements have been completed. Wind turbine noise will be managed under the Regulations going forward.]*

## COMPLAINT EVALUATION AND RESPONSE

~~17~~ *[Note: This is a new regime for management of complaints that is consistent with modern planning permits and is limited to wind farm matters other than wind turbine noise. Noise complaints will be dealt with in a separate complaints procedure in the Noise Management Plan.]* The permit holder must prepare a Complaint Evaluation and Response Plan to the satisfaction of the responsible authority. When approved, the plan will be endorsed by the responsible authority and will then form part of this permit. The complaint evaluation and response plan will be designed to respond to all aspects of the wind farm, except noise associated with the operation of the wind turbines, including (but not limited to): noise and other impacts from construction and maintenance works, traffic, shadow flicker.

~~18~~ The endorsed complaints evaluation and response plan must be publicly available on the wind farm operator's website.

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19 The plan shall include:

- a) a process of investigation to resolve a complaint;
- b) a requirement that all complaints will be recorded in an incident register;
- c) how contact details will be communicated to the public;
- d) a toll-free telephone number and email contact for complaints and queries;
- e) details of the appropriate council contact telephone number and email address (where available); and
- f) a table outlining complaint information for each complaint received, including:
  - (i) the complainant's name;
  - (ii) any applicable property reference number if connected to a noise background testing location;
  - (iii) the complainant's address;
  - (iv) a receipt number for each complaint which is to be communicated to the complainant; and
  - (v) the processes of investigation to resolve the complaint.

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

21 The owner of the wind energy facility must implement and comply with the approved Complaint Evaluation and Response Plan for the duration of the operation of the wind energy facility.

~~19 Before the use begins, the proponent must prepare a detailed noise complaint evaluation and response plan in consultation with the Department of Sustainability and Environment, the Environment Protection Authority and the Golden Plains Shire Council. The plan must be submitted to, and approved by, the Minister for Planning. This plan must include the following elements:~~

- ~~a) a toll free noise complaint telephone service;~~
- ~~b) the erection of a small sign on site advising of the complaints telephone number;~~

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- ~~e) minimum recording requirements for noise complaints (that is: date, time, noise description and weather conditions at the receptor);~~
- ~~d) a process for determination of whether the noise complaint is a breach of Condition 16 or not;~~
- ~~e) a response protocol for confirmed breaches including, but not limited to:
  - ~~(i) determination of the meteorological circumstances at the time of the breach and the operational status of the turbine(s) at that time;~~
  - ~~(ii) noise optimisation of the relevant wind turbine(s) under the same meteorological circumstances as occurred at the time of the breach;~~
  - ~~(iii) in the event of a further breach the selective shut down of the relevant wind turbine(s) or turbines in the same meteorological circumstances; and~~
  - ~~(iv) where under the same meteorological conditions subsequent confirmed noise breaches occur, the decommissioning of the relevant turbine(s).~~~~
- ~~f) a register of complaints, responses and rectifications which may be inspected by the Minister for Planning; and~~
  - ~~g) provision for review of the complaint and evaluation process, including review of the process 12 months after commencement of the operation of the wind energy facility.~~

### PRELIMINARY INVESTIGATIVE WORKS

~~20~~22 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.

### BLADE SHADOW FLICKER

~~21~~23 Shadow flicker from the wind energy facility must not exceed 30 hours per annum at any dwelling existing at the time of the Panel hearing in relation to this application.

~~22~~ Before the use starts, details of a complaint evaluation and response process must be submitted to and approved by the Minister for Planning to assess any

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~~alleged breach of Condition 21.~~ [Note: Condition 22 is proposed to be deleted in light of the proposed changes to the complaint condition above.]

## TELEVISION AND RADIO RECEPTION AND INTERFERENCE

~~23~~24 A pre-construction survey must be carried out to the satisfaction of the Minister for Planning to determine television and radio reception strength at selected locations up to 3kms from all wind turbines. The location of such monitoring is to be determined by an independent television and radio monitoring specialist appointed by the permit holder.

~~24~~25 If, following commencement of the operation of the wind energy facility, a complaint is received regarding the wind energy facility having an adverse effect on television or radio reception at the any dwelling in the area which existed at the date of the pre-construction survey, a post-construction survey must be carried out at the dwelling.

~~25~~26 If the post-construction survey establishes any increase in interference to reception as a result of the wind energy facility operations, the wind energy facility operator must undertake measures to mitigate the interference and return the affected reception to pre-construction quality at the cost of the wind energy facility operator and to the satisfaction of the Minister for Planning.

## SECURITY

~~26~~27 All site and wind turbine access points and electrical equipment must be locked and made inaccessible to the general public to the satisfaction of the Minister for Planning. Public safety warning signs must be located on all towers and all spare parts and other equipment and materials associated with 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.

## AVIATION SAFETY CLEARANCES

~~27~~28 Prior to the approval of the development plan(s), the applicant must provide written evidence to the Minister for Planning that satisfies the Minister that:

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- a) the applicant has sought the views of the Civil Aviation Safety Authority Australia (CASA) on the siting and design of all structures on the site including the night lighting, and, to the extent that a view has been expressed by that authority, they are satisfied in relation to these matters; and
- b) the wind energy facility structures and any night lighting are sited and designed in accordance with any applicable CASA code or regulation.

2829 Copies of the approved development plans must be provided to CASA, the Department of Defence and to any organisation responsible for providing air ambulance services in the area, to enable details of the wind energy facility to be shown on aeronautical charts of the area.

#### **NOTICE TO LANDOWNERS**

2930 Within one month of the issue of this permit, the permit holder must provide written advice and appropriate plans to the owners of the properties identified in expert witness statement of Ms Debra Butcher provided at the Panel Hearing for the Mt Mercer Wind as not requiring a permit for a dwelling, concerning the locations for dwellings on the land where amenity standards similar to the standards for existing dwellings can be achieved after the wind farm is developed, to the satisfaction of the Minister for Planning.

#### **DECOMMISSIONING**

3031 The wind energy facility operator must, without delay, notify the Minister for Planning in writing as soon as all of the wind turbines have permanently ceased to generate electricity. Within 12 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 turbine(s) is/are located, must undertake the following to the satisfaction of the Minister for Planning within such timeframe as may be specified by the Minister:

- a) remove all above ground non-operational equipment;
- b) remove and clean up any residual spills;

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- c) clean up and restore all storage, construction and other areas associated with the use, development and decommissioning of the wind energy facility, if not otherwise useful to the on-going management of the land;
- d) restore all access tracks and other areas affected by the project closure or decommissioning, if not otherwise useful to the on-going management of the land;
- e) submit a decommissioning traffic management plan to the Minister for Planning and, when approved by the Minister for Planning, implement that plan; and
- f) submit a post-decommissioning revegetation management plan to the Minister for Planning and, when approved by the Minister for Planning, implement that plan.

### STAGING

~~31~~32 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, and any corresponding obligation arising under this permit (including the preparation and approval of plans) may be similarly completed in stages or parts.

### EXPIRY

~~32~~33 This permit will expire if one of the following circumstances applies:

- (i) the development is not started within 3 years of the date of this permit;
- (ii) the development is not completed within 6 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.

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Date Issued: 10 NOV 2008

Date of Correction:

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Signature for the Responsible Authority

THIS PERMIT HAS BEEN CORRECTED AS FOLLOWS:

<b>Date of Correction:</b>	<b>Brief Description of Correction</b>
	<b>Correction of references to properties</b> Vol 5987 Fol 241, Lot 6, PS4552 and Vol 8617 Fol 345, CA 3 Parish of Lawaluk.

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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
- 3 the use is discontinued for a period of two years. 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.