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Planning and Environment Regulations 2005 Form 11 Section 97F

PLANNING PERMIT GRANTED BY THE MINISTER UNDER SECTION 97F

OF THE PLANNING AND ENVIRONMENT ACT 1987

**PLANNING PERMIT**

Permit No.: 20060222-32

**Planning Scheme:** Moyne Planning Scheme

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

**ADDRESS OF THE LAND:**

Land in Orford, Yambuk, St Helens and Port Fairy,  
generally bounded by the Hamilton - Port Fairy Road,  
Fingerboard Road and Shaw River, described as:

- Lot 1 PS 342920W Vol 10246 Fol 739
- Lot 3 PS 342920W Vol 10246 Fol 741
- Lot 1 TP 583778M Vol 05985 Fol 855
- Lot 2 TP 583778M Vol 05985 Fol 855
- Lot 1 TP 739708U Vol 5985 Fol 856
- Lot 4 PS 342920W Vol 10246 Fol 742
- Lot 1 PS 533111T Vol 10922 Fol 363
- Lot 2 PS 533111T Vol 10922 Fol 364
- Lot 1 TP 020873M Vol 10585 Fol 322
- Lot 2 TP 020873M Vol 10585 Fol 312
- Lot 3 TP 020873M Vol 10585 Fol 315
- Lot 4 TP 020873M Vol 10585 Fol 324
- Lot 38 PS 004537 Vol 10585 Fol 323
- Lot 57 PS 004537 Vol 10585 Fol 319
- Lot 1 TP 189288D Vol 9495 Fol 250
- Allot. 4 Sec. F Parish of Yambuk Vol 10842 Fol 693
- Allot. 15 Sec. E Parish of Yambuk Vol 10586 Fol 664
- Lot 1 TP 333255U Vol 8397 Fol 544
- Lot 2 TP 333255U Vol 8397 Fol 544
- Lot 3 TP 333255U Vol 8397 Fol 544
- Lot 1 TP 674712N Vol 08898 Fol 020
- Lot 2 TP 674712N Vol 08898 Fol 020
- Lot 3 TP 674712N Vol 08898 Fol 020
- Lot 4 TP 674712N Vol 08898 Fol 020
- Lot 5 TP 674712N Vol 08898 Fol 020
- Lot 6 TP 674712N Vol 08898 Fol 020
- Lot 7 TP 674712N Vol 08898 Fol 020
- Lot 1 PS 129285 Vol 9340 Fol 475
- Lot 2 PS 129285 Vol 9340 Fol 476
- Lot 1 PS 093264 Vol 08914 Fol 779
- Lot 2 PS 093264 Vol 08914 Fol 780
- Allot. 16 Sec. E Parish of Yambuk Lot 1 TP 404726M Vol 04599 Fol 711
- Lot 2 TP 404726M Vol 04599 Fol 711
- Lot 4 PS 093264 Vol 08914 Fol 782
- Lot 3 PS 093264 Vol 08914 Fol 781
- Lot 1 on LP 078617 Vol 05161 Fol 030
- Lot 1 on TP126647G Vol 09391 Fol 430 as part of

**ADVERTISED  
PLAN**

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- the Hamilton Port Fairy Road
- A small section of Riverside Road/Harris Road that is controlled Crown Land reserve
- Riverside Road and road reserve
- Youls Road (Crown land for Youls Road widening)

**THE PERMIT ALLOWS:**

Use and development of land for a Wind Energy Facility (including permanent anemometers), removal of native vegetation and create or alter access to a road in a Transport Zone 2.

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

The plans must show the location, layout and dimensions of all on-site buildings and works including all wind turbines, access tracks, underground cables, overhead cables, any temporary concrete batching plant, the on-site sub-station, the off-site substation and high voltage switchyard, landscaping, any designated car parking areas, any signage, those turbines fitted with obstacle lighting for aviation safety 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 amended plans submitted with the application to amend the permit (advertised in September and October 2021) and modified to include native vegetation removal, but modified to show:

- (a) any necessary adjustment to the layout to ensure that any indigenous or non-indigenous archaeological site identified by any on-site archaeological survey, and required to be protected (including those identified in Figure 9.1 of the Ryan Corner Wind Farm Environment Effects Statement and Application for Planning Permit (Gamesa Australia/TME Australia, October 2006), 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 safety lighting including any impact minimisation features as required by Condition 9;
  - (f) details of any signage.
2. The use and development as shown on the endorsed plans must not be altered or modified without the

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written consent of the Minister for Planning; except that the anemometers erected on site must feature aviation safety markings in accordance with condition 52 and except that the micro siting of wind turbines; (as defined in this condition) is permitted provided that:

- (a) the developer of the wind energy facility has written advice from appropriately qualified experts that the alteration or modification will not result in a material adverse change in landscape, flora and fauna, cultural heritage, visual amenity, shadow flicker, noise fire risk or aviation impacts compared to the endorsed plans;
- (b) the turbine base is not relocated so that it is within 1 km of a dwelling that existed on 1 December 2021 unless evidence has been provided to the satisfaction of the Minister for Planning that the owner of the dwelling has consented in writing to the location of the turbine;
- (c) the turbine base is not relocated so that it results in the removal of any additional remnant native vegetation, unless that removal has been authorised by a planning permit; and
- (d) no turbine base is located within:
  - (i) 100 metres from a Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road;
  - (ii) 40 metres from a Road Zone Category 2;
  - (iii) 20 metres from any other road;
  - (iv) 5 metres from the site boundary;
  - (v) 50 metres from a waterway, wetlands or designated flood plain; or
  - (vi) within an exclusion zone of any licensed communications link.

Any micro-siting of turbines in accordance with this condition will be regarded as being in accordance with the endorsed plans, and no consent under condition 2 will be required to reflect the micro-siting of turbines in compliance with this condition.

For the purpose of this condition, micro-siting of turbines means an alteration to the siting of a turbine by not more than 100 metres.

For the purposes of this condition, micro-siting of turbines includes any consequent changes to access tracks and electricity reticulation lines and the measurement of any distance between a dwelling and a turbine must be from the centre of the tower of the turbine (at ground level) to the closest point of the dwelling.

Copies of the written advice referred to in this condition must be provided to the Minister for Planning.

#### **SPECIFICATIONS**

- 3. Except with the written consent of the Minister for Planning, the wind energy facility must meet the following requirements to the satisfaction of the Minister for Planning:

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- (a) the wind energy facility must comprise no more than 52 wind turbines;
- (b) the overall maximum height of the wind turbines (to the tip of the rotor blade when vertical) must not exceed 180 metres above natural ground level;
- (c) wind turbines must be mounted on a tubular steel and/or concrete tower;
- (d) each wind turbine is to have not more than three rotor blades and the lowest point of a sweep of the rotor blade tip must not be less than 40 metres above ground level at the turbine base for all turbines;
- (e) the wind turbine towers, nacelles and rotor blades must be pale grey, off white, or other colour that blends with the landscape, and must be of a non-reflective finish;
- (f) the colours and finishes of all other buildings and ancillary equipment must be such as to minimise the impact of the development on landscape;
- (g) the transformer associated with each wind generator must be located beside each tower and pad mounted, or be enclosed within the tower structure;
- (h) access tracks within the site are sited and designed to minimise impacts on overland flows, soil erosion, the landscape value of the site, environmentally sensitive areas, cultural heritage places, native flora and fauna and, where appropriate, the farming activities on the land;
- (i) all new electricity cabling associated with the collector network within the wind energy facility must be placed under the ground;
- (j) subject to condition 2(d) all wind turbines must be set back at least 50 metres from boundaries to neighbouring properties and roads which are formed roads at the date of this permit.

#### LANDSCAPE/VISUAL AMENITY

- 4. (Deleted)
- 5. Before any turbine is commissioned, an off-site landscaping program must be submitted to and approved by the Minister for Planning. When endorsed the program will form part of this permit.

The off-site Landscaping Program must:

- (a) provide for off-site landscaping or other treatments to reduce the visual impact of the turbines from all dwellings that existed as at 1 December 2021 within four kilometres of the nearest turbine, and from dwellings 4, 5, 104 and 105 as identified in Figure 20.46 of the Ryan Corner Wind Farm Environment Effects Statement and Application for Planning Permit (Gamesa Australia/TME Australia, October 2006) and the Collins property at 800 Fingerboard Road, Yambuk.
- (b) include a methodology for determining:
  - (i) the type of landscaping treatments to be proposed.

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- (ii) a timetable for establishing and maintaining the landscaping for at least two years.
  - (c) include a process for making offers to affected landowners to:
    - (i) undertake landscaping on the landowner's land; or
    - (ii) make a cash contribution in lieu (which must be sufficient to cover the cost of the landowner establishing and maintaining the landscaping for a period of at least two years).
  - (d) include a process for recording:
    - (i) offers that have been made to landowners.
    - (ii) whether or not the offers are accepted.
    - (iii) when and how offers are actioned following acceptance.
6. The endorsed Off-site Landscaping Program must be implemented to the satisfaction of the Minister for Planning. The endorsed Off-site Landscaping Program must not be altered or modified without the written consent of the Minister for Planning.
7. An initial progress report regarding the implementation of the endorsed Off-site Landscaping Program must be provided to the Minister for Planning within one year of the date of the endorsement of the plans. A further report must be provided upon the completion of the endorsed Off-site Landscaping Program. All access tracks associated with the wind energy facility 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 and aviation lighting in accordance with Condition 9 below, may be installed or operated without the further written consent of the Minister for Planning.
9. Any obstacle lighting for aviation safety should be generally in accordance with the the *Aeronautical Impact Assessment Ryan Corner Wind Farm* prepared by Aviation Projects dated December 2015, unless otherwise agreed with the Minister for Planning and must be to the satisfaction of the Minister for Planning. In finalising any lighting plan:
- (a) The applicant must consult with CASA;
  - (b) Advice must be sought from a suitably qualified wildlife ecologist to ensure the lighting minimises any impact on bats or night flying birds, to the satisfaction of the Minister for Planning in consultation with DELWP Environment Portfolio;
  - (c) Where turbines are to be lit, individual lighting installations must be in accordance with the CASA Advisory Circular 139-18(0) and the CASA Manual of Standards, particularly

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Chapter 9; and

- (d) Subject to condition 9(b), the impact minimization features to be incorporated in any installation must include, but are not limited to:
- (i) Treatment of the rear of the blade to avoid reflection of aviation lights; and
  - (ii) Shielding of the lights on top and bottom such that the maximum intensity of light is limited to a beam of 3 degrees, with only 0.5 degrees of this beam width below the horizon.

The requirements of this condition may be altered or modified with the written consent of the Minister for Planning. The Minister for Planning may also direct the wind energy facility operator to alter operation of any obstacle lighting for aviation safety installed under this condition, including switching the lighting on or off.

#### **TRAFFIC MANAGEMENT**

10. Before the installation of wind turbines, the road construction works as shown on the plan(s) endorsed under Condition 11 must be completed by the permit holder and assessed by a suitable qualified road pavement engineer in consultation with Moyne Shire Council and VicRoads to the satisfaction of the Minister for Planning.
11. Before the development starts, a traffic management plan must be prepared in consultation with Moyne Shire Council and VicRoads 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 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) protocols for identification of any areas of indigenous roadside vegetation that may require removal or pruning, the pruning practices to be followed and the planning permit requirements for removal of native vegetation;
  - (e) the identification and timetabling of any required pre-construction works;
  - (f) the designation of principal and other vehicle access points to the wind energy facility from surrounding roads. The location and detailed design of the connection between the internal access tracks and the public roads must fully consider desirable standards to ensure safe site distances, turning movements, and potential through traffic conflicts;
  - (g) details of any large over dimension vehicles to be used (such as those used for the transport

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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;

- (h) 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;
- (i) 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;
- (j) 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 Princess Highway/Youls Road intersection. The plan must include details of any required road construction works;
- (k) a program of regular inspections to be carried out during the construction period to identify maintenance works necessary as a result of construction traffic;
- (l) a program to rehabilitate roads to the condition identified by the surveys required above by condition 11(a);
- (m) a protocol that bans the use of Riverside Road north of the newly constructed access track for trucks or heavy vehicles and provides that other vehicles avoid the vegetated areas by using the formed road surface and designated turning sites;
- (n) consideration of road sealing, the construction of gravel shoulders and associated drainage works at:
  - (i) Youls Road;
  - (ii) depending on anticipated traffic volumes and composition of vehicles movements, any other roads required for use in the construction of the wind energy facility.
- (o) Plans prepared under this condition must include cross-sections showing their formation, depth, drainage and surface levels, in consultation with the relevant road authority, to the satisfaction of the Minister for Planning.
- (p) the scope of the expertise, duties and role of the nominated qualified road pavement engineer engaged under Condition 10, including inspection frequency and reporting requirements;
- (q) the number and type of anticipated vehicle movements and the time of day when local roads will be used;
- (r) the designation of all vehicle access points to the wind energy facility site from surrounding roads. Vehicular access points must be designed and located to ensure safe line of sight distances and turning movements, and to avoid potential through-traffic conflicts;

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- (s) the designation of appropriate construction and transport vehicle routes to and from the wind energy facility site;
  - (t) provision of designated areas for loading zones;
  - (u) measures to be undertaken to record traffic volumes on the nominated road network during the construction of the wind energy facility.
  - (v) proposed measures to ensure workers enter and exit the wind energy facility site from the designated site entrance points.
  - (w) proposed measures to ensure construction vehicles are easily identifiable;
  - (x) proposed measures to manage traffic impacts associated with the ongoing operation of the wind energy facility on the traffic volumes and flows on surrounding roads; and
  - (y) a program to rehabilitate existing public roads (road rehabilitation responsibilities can be assigned to the relevant road authority by way of contract or levy) within agreed timeframes to the condition identified in the surveys carried out under Condition 11(a) or to the condition to which the roads have been upgraded, whichever is relevant.
12. Moyne Shire Council may require the payment of a security deposit or bond for a maintenance period of 12 months in respect of works covered by the Traffic Management Plan, with such security deposit or bond to be released at the end of that period.
13. The applicant must submit an updated Traffic Management Plan to the Moyne Shire council and VicRoads, to the satisfaction of the Minister for Planning, within 28 days of:
- (a) A significant increase in vehicle numbers, determined by a suitably qualified road pavement engineer, above the anticipated vehicle movements identified in the endorsed Traffic Management Plan; or
  - (b) Any change to an endorsed vehicle routed identified in the endorsed Traffic Management Plan.
14. Before the endorsement of the Traffic Management Plan, the permit holder must submit to Moyne Shire Council and VicRoads for approval, an independent qualified road pavement engineer who will undertake the duties identified in the Traffic Management Plan. Once approved, the permit holder must engage, at its cost, the approved qualified road pavement engineer to fulfil the requirements of the qualified road pavement engineer as defined in the Traffic Management Plan.
- Once approved, the permit holder must engage, at its cost, the approved qualified road pavement engineer to fulfil the requirements of the qualified road pavement engineer as defined in the 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 and the cost of any works including maintenance are to be at the expense of the permit holder to the satisfaction of the relevant road authority.



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#### CONDITIONS REQUIRED BY VICROADS

16. Before the commencement of construction of wind turbine footings, crane hardstand, internal access roads and substation, the intersection of the Princes Highway West and Youls Road intersection must be upgraded to a "Type B" treatment. All works associated with the design and construction of the intersection must be designed to standards specified in AUSTRROADS publication "Guide to Traffic Engineering Practice, Intersection at Grade, Part 5".

#### ENVIRONMENTAL MANAGEMENT PLAN

17. Before the development starts, an environmental management plan must be prepared to the satisfaction of the Minister for Planning, in consultation with DELWP Environment Portfolio, Moyne Shire Council, Country Fire Authority, 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 23 of the Ryan Corner Wind Farm Environment Effects Statement and Application for Planning Permit (Gamesa Australia/TME Australia, October 2006). 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;
  - (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;
  - (vii) procedures for construction vehicles and equipment to use designated tracks and works areas to avoid impacts on native vegetation;
  - (viii) procedures to cover trenches and holes at night time and to fill trenches as soon as practical after excavation, to protect native fauna; and
  - (ix) procedures for the removal of works, buildings and staging area on completion

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of construction of the project.

- (b) A **sediment, erosion and water quality management plan**. This plan must be prepared in consultation with the Glenelg-Hopkins Catchment Management Authority and other authorities as may be directed by the Minister for Planning. The plan must include:
- (i) procedure 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;
  - (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;

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- (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 blasting plan**

This plan is only required if blasting is proposed to be undertaken at the site as part of the construction of the wind energy facility. The plan must include the following:

- (i) Name and qualification of the person responsible for blasting;
- (ii) A description of the location of where the explosives will be used, and the location of every licensed bore on any property with an adjoining boundary within 1 km of the location of the blasting;
- (iii) A requirement for the identification and assessment of any potentially sensitive site within 1 km of the location of the blasting, including the procedure for pre-blast and post-blast qualitative measurement or monitoring at such site;
- (iv) The procedure for site clearance and post blast reoccupation;
- (v) The procedure for the storage and handling of explosives;
- (vi) A requirement that blasting only occur after at least 24 hours prior notification in writing of the intention to undertake blasting has been given to all adjoining neighbours of the proposal with a property boundary within 1 km of the location of the proposed blasting; and
- (vii) A requirement that blasting only be undertaken between the hours of 8am and 4pm.

(d) **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.

(e) **A bushfire prevention and emergency response plan** prepared in consultation with the Country Fire Authority and Moyne Shire to the satisfaction of the Minister for Planning. This plan must include:

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- (i) criteria for the provision of static water supply tanks solely for firefighting purposes, including minimum capacities, appropriate connections and signage,
  - (ii) criteria for access to static water supply tanks for fire fighting vehicles;
  - (iii) procedure s for vegetation management, fuel control and the provision of firefighting equipment during declared fire danger periods;
  - (iv) minimum standards for access roads and tracks to allow access for fire fighting vehicles;
  - (v) 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, Moyne Shire Council's Municipal Emergency Management Committee and Victoria Police;
  - (vi) subsequent familiarisation sessions for new personnel of those organisations on a regular basis and/or as required ; and
  - (vii) if requested, training of authority personnel in relation to suppression of wind energy facility fires.
- (f) An **archaeological management plan**. This plan must include:
- (i) procedures to ensure that before any buildings or works commence in association with the development , the identified non-Aboriginal heritage locations identified in the Archaeological/Cultural Heritage Assessment undertaken by ERM, August 2006 in Supplementary Reports, Volume 2 of the Ryan Corner Wind Farm Environment Effects Statement and Application for Planning Permit (Gamesa Australia/TME Australia, October 2006), are protected from any buildings and works in accordance with the recommendations contained in the Cultural Heritage Assessment; and
  - (ii) protocols for the activities of construction contractors on site, which have been identified to have potential effects on sites of cultural significance.
- (g) A **pest animal management plan** to be prepared in consultation with the Department of Economic Development, Jobs, Transport and Resources. 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** to be prepared in consultation with the Department of Economic Development, Jobs, Transport and Resources and DELWP Planning including:

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- (i) procedures to prevent the spread of weeds and pathogens from earthmoving equipment and associated machinery including the cleaning of all plant and equipment before transporting 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 Conditions 17(a)-(j) above.

18. The Environmental Management Plan must be reviewed and if necessary amended, in relation to matters pertaining to the continued operation of the wind energy facility, in consultation with the Moyne Shire Council and where relevant DELWP Environment Portfolio 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.

19. The use and development must be carried out in accordance with the endorsed Environmental Management Plan.

#### **BATS AND AVIFAUNA**

20. Prior to the project being deemed to be officially under operation ('Asset Ready for Full load operation') by AEMO commissioning of the first turbine a Bat and Avifauna Management Plan (BAM Plan) to the satisfaction of the Minister for Planning must be prepared in consultation with DELWP Environment Portfolio, 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 BAM Plan must include:

- (a) a statement of the objectives and overall strategy for detecting, managing and mitigating any significant bird and bat mortality arising from the wind energy facility operations;
- (b) a monitoring program of at least 2 years duration, either commencing upon ~~the commissioning of the last turbine of the first stage of the approved development~~ the project being deemed to be officially under operation ('Asset Ready for Full load operation') by AEMO and use (if any) or alternatively, such other time of commencement as is to the satisfaction of the Minister for Planning. The monitoring program must include surveys

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during breeding and migratory seasons to ascertain:

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- (i) the presence, behaviour and movements of any Brolga, especially breeding pairs in the vicinity of the wind energy facility;
  - (ii) the presence, behaviour and movements of any Southern Bent- wing Bat in the vicinity of the wind energy facility;
  - (iii) the species, number, age and sex (if possible) and date of any bird or bat mortality arising from the wind energy facility operations;
  - (iv) procedures for the reporting of any detected threatened bird or threatened bat mortalities arising from the operation of the wind energy facility to DELWP Environment Portfolio and the responsible authority within 7 days of becoming aware of any mortality;
  - (v) seasonal and yearly variation in the number of bird and bat mortalities arising from the operation of the wind energy facility;
  - (vi) whether bird and bat mortalities were at lit or unlit turbines;
  - (vii) the efficacy of searches for carcasses of birds and bats and 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;
  - (viii) procedures for the regular removal of carcasses likely to attract raptors to areas near turbines; and
  - (ix) requirements for periodic reporting, within agreed timeframes, of the findings of the monitoring to DEWLP Environment Portfolio, the responsible authority and the local community;
- (c) recommendations in relation to a mortality rate for specified species which would trigger the requirement for responsive mitigation or offset measures to be undertaken by the proponent to the satisfaction of the Minister for Planning; and
- (d) a strategy developed in consultation with DELWP Environment Portfolio and to the satisfaction of the Minister for Planning to mitigate or offset any impacts in relation to threatened or significantly affected native bird or bat species detected during monitoring. Measures to offset the impact may include management or improvement of habitat or breeding sites away from the wind energy facility in the region to improve breeding productivity, or other offsets to the satisfaction of the Minister for Planning .

21. Following the completion of the two-year monitoring program referred to in condition 20, a report must be prepared by the operator of the wind energy facility setting out the findings of the program and in particular assessing any cumulative impact of the wind energy facility on the defined bird and bat species, to the satisfaction of the Minister for Planning. The report should be generally in accordance with Windfarm collision risk for birds: Cumulative risks for threatened and migratory species, Department of Environment and Heritage (2006) and any general framework for cumulative impact studies if issued by the Minister for Planning at the end of the two-year monitoring program.

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If, after consideration of this report, the Minister for Planning directs that further investigation of potential or actual impacts on birds and bats is to be undertaken, the extent and details of the further investigation must be prepared in consultation DELWP Environment Portfolio and to the satisfaction of the Minister for Planning, and the investigation must be carried out to the satisfaction of the Minister for Planning.

#### **NATIVE VEGETATION REMOVAL**

22. No more than 3.836 hectares of native vegetation is permitted to be approved under this permit.
23. Before any native vegetation is removed under this permit, a Native Vegetation Plan to the satisfaction of DELWP Environment Portfolio and the Minister for Planning must be submitted to and approved by the Minister for Planning. When approved the Native Vegetation Plan will be endorsed and then form part of the permit. All works constructed or carried out must be in accordance with the endorsed plan. The Native Vegetation Plan must include:
- (a) a final Biodiversity Assessment Report or similar which identifies all losses being approved by this permit and the associated offset requirements, in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines (DEPI 2013)*.
  - (b) Plans drawn to scale with dimensions that identify:
    - (i) native vegetation to be removed.
    - (ii) any current mapped wetlands as defined in the *Permitted clearing of native vegetation – Biodiversity assessment handbook (DELWP 2015)*, that are present on the site.
    - (iii) any native vegetation to be retained that is within the permissible micro siting envelope or ancillary infrastructure.
    - (iv) the location of any detected threatened flora and fauna species
  - (c) measures to be used during construction to protect native vegetation to be retained, and to protect the function and hydrology of wetlands where native vegetation removal will occur.
  - (d) measures to induct and educate all construction personnel in relation to the permit conditions and statutory requirements for the protection and removal of native vegetation.
24. Except with the written consent of the Minister for Planning, within any area of native vegetation to be retained the following are prohibited:
- (a) vehicular or pedestrian access
  - (b) trenching or soil excavation
  - (c) storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products
  - (d) entry and exit pits for underground services
  - (e) any other actions or activities that may result in adverse impacts to retained native

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vegetation.

25. To offset the removal of 3,836 hectares of native vegetation the permit holder must secure a native vegetation offset, in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines* (DEPI 2013) and *Native vegetation gain scoring manual* (DEPI 2013) as specified below:
- (a) A general offset of 0.953 general habitat units:
    - (i) located within the Glenelg Hopkins Catchment Management Authority boundary or Moynes municipal area
    - (ii) with a minimum strategic biodiversity value of at least 0.348,
26. Before any native vegetation is removed, evidence that the required offset for the project or stage has been secured must be provided to the satisfaction of the Minister for Planning. The offset evidence can be:
- (a) a security agreement signed by both parties, to the required standard for the offset site or sites, including a 10 year offset management plan; and/or
  - (b) an allocated credit extract from the Native Vegetation Credit Register.
- A copy of the offset evidence will be endorsed by the Minister for Planning and form part of this permit.
27. Within 30 days of endorsement of the offset evidence by the Minister for Planning, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning, Barwon South West regional office via [BSW.planning@delwp.vic.gov.au](mailto:BSW.planning@delwp.vic.gov.au). At the conclusion of the project, offset requirements can be reconciled with agreement by the Minister for Planning and the Department of Environment, Land, Water and Planning.
28. In the event that a security agreement is entered into as per condition 26, the applicant must provide the annual offset site condition report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.
29. To prevent the spread of weeds and pathogens, all vehicles and machinery must be made free of soil, seed and plant material before being taken to the works site and again before being taken from the works site, during and on completion of the project.
30. Any pruning to the canopy or major structural branches of any tree to be retained must be undertaken in accordance with Australian Standard 4373-2007 – Pruning of Amenity Trees.

#### NOISE STANDARD

31. Except as provided below in this condition, the operation of the wind energy facility must comply with New Zealand Standard 6808:2010 Acoustics – Wind farm noise in relation to any dwelling

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existing on land in the vicinity of the wind energy facility as at 1 December 2021, 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 metres of a dwelling at any relevant nominated wind speed, must not exceed the background level (LA90) by more than 5 dB or a level of 40 dB LA90, whichever is the greater. If access cannot be gained to undertake testing within 10 metres of a property, consent from the Minister for Planning may be sought to test at another location.
- (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) Where special audible characteristics, including tonality, impulsive sound or excessive amplitude modulation occur, the measured noise level with the identified special audible characteristics will be modified by applying a penalty of up to +6 dB LA90 in accordance with Section 5.4 of the Standard.

The limits specified under this condition do not apply if an agreement has been entered into with the relevant landowner waiving the limits. Evidence of the agreement must be provided to the satisfaction of the Minister for Planning upon request, and be in a form that applies to the land for the life of the wind energy facility.

#### **NOISE COMPLIANCE ASSESSMENT**

- 32. An independent post-construction noise monitoring program must be commissioned by the proponent within 2 months from the commissioning of the 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 6808:2010 as varied by Condition 31 above. The operator under this permit must pay the reasonable costs of the monitoring program.
- 33. 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 14 months after the commissioning of any turbine. The results must be written in plain English and formatted for reading by laypeople.
- 34. All noise compliance reports must be accompanied by a report from an environmental auditor appointed under the Environment Protection Act 2017 with their opinion on the methodology and results contained in the noise compliance testing plan. If a suitable auditor cannot be engaged, the proponent may seek the written consent of the Minister for Planning to obtain an independent peer review of the noise report instead.

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## COMPLAINTS

### Complaint Investigation and Response Plan

35. Before development starts, a Complaint Investigation and Response Plan must be submitted to the Minister for Planning for endorsement. Once endorsed, the plan will form part of this permit.
36. The Complaint Investigation and Response Plan must:
- (a) respond to all aspects of the construction and operation of the wind energy facility;
  - (b) be prepared in accordance with Australian/New Zealand Standard AS/NZS 10002:2014 – Guidelines for complaint management in organisations;
  - (c) include a process to investigate and resolve complaints (different processes may be required for different types of complaints).
37. The endorsed Complaint Investigation and Response Plan must be implemented to the satisfaction of the Minister for Planning and be publicly available online. The endorsed Complaint Investigation and Response Plan must not be altered or modified without the written consent of the Minister for Planning.

### Publishing information about complaints handling

38. Before the development starts the following information must be made publicly available and readily accessible from the wind energy facility project website to the satisfaction of the Minister for Planning:
- (a) a copy of the endorsed Complaints Investigation and Response Plan;
  - (b) a toll free telephone number and email contact for complaints and queries to the operator of the wind energy facility.

### Complaints Register

39. Before the development starts, a Complaints Register must be established which records:
- (a) the complainant's name and address (if provided), including (for noise complaints) any applicable property reference number contained in the report titled *Ryan Corner Wind Farm NZS 6808:2010 Noise Assessment* (Marshall Day Acoustics, 21 April 2017);
  - (b) a receipt number for each complaint, which must be communicated to the complainant;
  - (c) the time and date of the incident, and the prevailing weather and operational conditions at the time of the incident;
  - (d) a description of the complainant's concerns, including (for a noise complaint) the potential occurrence of special audible characteristics;
  - (e) the process for investigating the complaint, and the outcome of the investigation, including:
    - (i) the actions taken to resolve the complaint;

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(ii) for noise complaints, the findings and recommendations of an investigation report undertaken in accordance with the endorsed Noise Management Plan.

40. All complaints received must be recorded in the Complaints Register.

41. The complete copy of the Complaints Register must be provided, along with a reference map of complaint locations, to the Minister for Planning on each anniversary of the date of this permit and at other times on request.

#### **BLADE SHADOW FLICKER**

42. Shadow flicker from the wind energy facility must not exceed 30 hours per annum at any dwelling existing at 21 December 2021.

43. This condition does not apply if the operator of the wind energy facility has entered into an agreement with a landowner under which the landowner acknowledges and accepts that shadow flicker may exceed 30 hours per annum at the landowner's dwelling. Evidence of the agreement must be provided to the satisfaction of the Minister for Planning upon request, and must be in a form that applies to the land for the life of the wind energy facility.

#### **TELEVISION AND RADIO RECEPTION AND INTERFERENCE**

44. 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 5 kms from all wind turbines. The location of such monitoring is to be determined by an independent television and radio monitoring specialist appointed by the operator under this permit.

45. 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.

46. 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 reasonable and feasible 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**

47. 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 CHARTS**

48. Before development starts, confirmation of the surveyed location and height of turbines must be

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provided to Airservices Australia, to enable details of the facility to be shown on aeronautical charts of the area.

49. If there are any subsequent changes to turbine location or height during construction, Airservices Australia must be advised, to enable details of any changes to the facility to be shown on aeronautical charts of the area.

#### **DECOMMISSIONING**

50. 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 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;
  - (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**

51. 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.

#### **MARKING OF ANEMOMETERS**

52. All anemometers/meteorological masts permitted by this permit must be conspicuously marked in the interests of aviation safety in accordance with Guideline D of the *National Airports Safeguarding Framework* (NASF) (Commonwealth Department of Infrastructure, Transport, Regional Development and Communications, July 2012).

#### **SPATIAL INFORMATION AND EMERGENCY RESPONDERS**

53. Before development starts, the permit holder must provide spatial information data to Land Use Victoria via email [Vicmap.help@delwp.vic.gov.au](mailto:Vicmap.help@delwp.vic.gov.au) to be used to direct emergency services to and within the site. This information must be in the ESRI Shapefile or Geodatabase .gdb format, GDA94

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or GDA2020 datum and include:

- (a) The location and boundaries of the wind farm extents polygon(s)
- (b) Tower location and name/number
- (c) All access entry points onto private property
- (d) All Internal roads that lead to the individual towers
- (e) The locations of site compound, substations, maintenance facilities, and anemometers.

54. If there are any subsequent changes to turbine location, internal roads or access points during construction, or after completion of construction, updated data must be provided to Land Use Victoria via email [Vicmap.help@delwp.vic.gov.au](mailto:Vicmap.help@delwp.vic.gov.au) within 30 days of the change, to enable details of any changes to the wind energy facility to be known to emergency services dispatchers.

#### **PRELIMINARY INVESTIGATIVE WORKS**

55. 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.

#### **EXPIRY**

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

- (a) the development is not started within 3 years of the date of this permit:
- (b) 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 12 months afterwards.

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Date Issued: 21 August 2008	Signature of Michael Juttner, Manager, Development Approvals and Design, as Delegate for the Minister for Planning:  
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THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of amendment	Brief description of amendment
15 November 2011	Pursuant to Section 69 of the Planning and Environment Act 1987 this permit was extended so that development must start no later than 15 March 2012.
31 October 2013	Pursuant to Section 69 of the Planning and Environment Act 1987 this permit was extended so that the permit will expire if the development is not completed by February 2016.
09 April 2015	Pursuant to Section 69 of the Planning and Environment Act 1987 this permit was extended so that the permit will expire if works are not completed by 29 August 2019.
21 December 2017 20060222-A	Pursuant to Section 97J of the Planning and Environment Act 1987 this permit was amended to increase the height of turbines, reduce the number of turbines, and to modify conditions under the permit. Pursuant to Section 69 of the Planning and Environment Act 1987 this permit was extended so that the permit will expire if works are not completed by 29 August 2020.
9 March 2022 20060222-2	Pursuant to Section 97J of the Planning and Environment Act 1987 this permit was amended to: <ul style="list-style-type: none"> <li>Reconfigure the facility layout to remove four 160m high turbines and relocate 14 of the remaining 52 turbines, amend the turbine model and add two permanent anemometers</li> <li>Amend the preamble of the Planning Permit to include permission to create or alter access to a road in a Transport Zone 2 and the use and development of permanent anemometers.</li> <li>Amend the address of the land to reflect changes in formal land descriptions since the approval of the Planning Permit.</li> <li>Amend Condition 1 to refer to the most recent set of advertised development plans</li> <li>Amend Conditions 3(a) and (d) to reflect the removal of four Type A (160 m high) turbines.</li> <li>Amend Condition 3(i) to specify that all new electricity cabling associated with the collector network within the wind energy facility is to be underground.</li> <li>Remove Condition 4 to no longer require landscaping for the on-site substation</li> <li>Amend Condition 11 (d) relating to the Traffic Management Plan (TMP) to require protocols for the identification of roadside native vegetation.</li> <li>Amend the permitted amount of native vegetation for removal included within Condition 22 from 3.637 ha to 3.836 ha.</li> <li>Amend native vegetation removal permit conditions to contemporary standardised conditions.</li> </ul>

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	<ul style="list-style-type: none"> <li>• Amend conditions 2, 5, 31 and 42 to refer to 1 December 2021 as the date dwellings must have existed to benefit from the noise and shadow flicker protections afforded by the permit.</li> <li>• Amend condition 34 reference to the <i>Environment Protection Act 2017</i>.</li> <li>• Add conditions requiring aviation safety marking of anemometers, and the provision of spatial information to emergency responders.</li> <li>• Renumber decommissioning and permit expiry conditions.</li> </ul>
<p><u>9 March 2022</u> <u>20060222-3</u></p>	<p><u>Pursuant to Section 97J of the Planning and Environment Act 1987 this permit was amended to:</u></p> <ul style="list-style-type: none"> <li>• <u>amend Condition 20 to enable the efficient and timely testing of Project infrastructure in accordance with AEMO requirements and National Electricity Law (NEL) and the Rules</u></li> </ul>

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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 responsible authority specified in the planning scheme is the responsible authority for the administration and enforcement of the Planning and Environment Act 1987 and the relevant planning scheme in respect of this permit (whether or not the permit is amended) except that the Minister remains the responsible authority in respect of—
  - any matters which the permit specifies to be done by, approved by or done to the satisfaction of the Minister; and
  - any extension of time under section 69 in relation to the permit; and
  - the correction of the permit under section 71(1); and
  - the amendment of the permit under section 97J

### WHAT ABOUT REVIEWS?

In accordance with section 97M of the Planning and Environment Act 1987, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit.

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