

Planning and Environment Regulations 2015 Form 11 Section 97F
PLANNING PERMIT GRANTED BY THE MINISTER UNDER SECTION 97F OF THE
PLANNING AND ENVIRONMENT ACT 1987

PLANNING PERMIT

Permit No: PL-SP/05/0461/C

Planning Scheme: Moorabool Planning Scheme

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

ADDRESS OF THE LAND:

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Land in Yendon, described as:

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

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Land in Elaine, described as:

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

THE PERMIT ALLOWS:

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Use and development of the land for a Wind Energy Facility comprising a maximum of 60 wind turbines and their associated infrastructure and other works including: the construction of access tracks; underground cabling; two permanent amenities buildings; two electrical substations; two permanent meteorological monitoring facilities and associated equipment; car parking and bicycle facilities, temporary construction facilities (including an ancillary concrete batching plant), business identification signs and alterations to access points to roads in a Road Zone.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

DEVELOPMENT PLANS TO BE ENDORSED

1. Before the development starts, development plans must be prepared to the satisfaction of the Minister for Planning. The plans must be drawn to scale with dimensions and three copies must be provided. The plans may be submitted for approval in stages or for a particular

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grouping of wind turbines within the subject land. When approved, the plans will be endorsed by the Minister for Planning and will then form part of this permit.

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

The plans must also include:

- a) A list of map coordinates for each wind turbine;
- b) The distance of each wind turbine from the nearest point on the boundary of the subject land;
- c) Details of the model and rated capacity of the wind turbines to be installed;
- d) Elevation drawings, showing dimensions, of the wind turbines and other permanent on-site buildings (e.g. substation facilities);
- e) Drawings, showing the key physical dimensions, of all on-site buildings and works including:
 - (i) Wind turbines;
 - (ii) Access tracks;
 - (iii) Internal collector network trenches;
 - (iv) Any temporary concrete batching plant(s);
 - (v) The substation (including designated car parking areas, signage and landscaping);
 - (vi) Any ancillary works (e.g. construction compounds and water tanks).
- f) A description of the materials and finishes of the wind turbines and other permanent on-site buildings;
- g) A description of the location, type and intensity of any aviation obstacle lighting to be installed;
- h) The locations of scattered native trees and the boundaries of any patches of native vegetation, in relation to all buildings and works, in all cases where such trees and patches are within 25 metres of the buildings or works;
- i) A report by a suitably qualified ecological specialist after the completion of a targeted spring survey or vegetation in the vicinity of access gates Y10, Y11, E1, E8, and E3 to demonstrate that adverse impact on vegetation listed under the *Flora and Fauna Guarantee Act 1988* and the *Environment Protection and Biodiversity Conservation Act 1999* are avoided;
- j) Turbine exclusion zones centred on the transmission vectors for fixed licences of point to point transmissions to which there is a possibility of electromagnetic interference with a width equal or greater than twice the sum of the blade length and 60% of the radius of the first Fresnel zone of any licensed link. The transmission vectors and the widths of the first Fresnel zones will be determined by a suitably qualified telecommunications expert;
- k) The deletion of wind turbines YSWT 04 and YSWT-37 from the Yendon Section and wind turbines ESWT-09 and ESWT-22 from the Elaine Section;

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- l) The re-positioning of wind turbine ESWT02 150 metres to the south of its approved location; and
- m) The final location of the electrical substation at the Elaine Section (generally in accordance with the amended application plans *Permit Amendment Layout + 1km Distance Contour – Elaine Version 2 date 20150917*).

SPECIFICATIONS

2. The wind energy facility must meet the following requirements:

- a) The wind energy facility must comprise no more than 60 wind turbines with no more than:
 - (i) 38 wind turbines on the land at Yendon; and
 - (ii) 22 wind turbines on the land at Elaine.
- b) The overall maximum height of the wind turbines (to the zenith of the sweep of the rotor blade tip) must not exceed 161 metres above foundation level and must not be altered or modified without the written consent of the Minister for Planning.
- c) The wind turbines must be mounted on tubular steel and/or concrete towers.
- d) The lowest point of the sweep of the rotor blade tip must not be less than 20 metres above ground level at the turbine base and must not be altered or modified without the written consent of the Minister for Planning.
- e) The rotor of the wind turbines must have only three rotor blades.
- f) The wind turbine towers, nacelles and rotor blades must be of a non-reflective finish and colour that blends with the landscape to the satisfaction of the Minister for Planning.
- g) The colours and finishes of all other buildings and ancillary equipment on-site must be non-reflective to minimise the impact of the development on the landscape to the satisfaction of the Minister for Planning.
- h) Access tracks within the subject land must, to the satisfaction of the Minister for Planning:
 - (i) have a surface material that will not unduly contrast with the landscape, and
 - (ii) be designed to minimise impact on the farming activities on the land, and
 - (iii) have an effective trafficable width of not less than 4 metres.
- i) The transformer associated with each wind turbine must be enclosed within the tower or located on the ground beside the tower and be of a non-reflective finish and colour that blends with the landscape, to the satisfaction of the Minister for Planning.
- j) All new electricity cabling associated with the internal collector network within the wind energy facility must be placed under the ground except with the further written consent of the Minister for Planning.
- k) All wind turbines must be set back at least 50 metres from the boundary of the subject land and public roads. This does not apply to the road denoted as 'GovT Road' shown on certificate of titles VOLUME 10537 FOLIO 554 and VOLUME 10514 FOLIO 928.
- l) All wind turbines must be located such that the distance between turbines and transmission vectors for fixed licences of point to point transmissions is equal to or

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- greater than the sum of the blade length and 60% of the radius of the first Fresnel zone of any licensed link.
- m) Except in the case of an emergency, no external lighting of infrastructure associated with the wind energy facility, other than low level security lighting and/or an aviation detection lighting system (as required by condition 2(p)) may be installed or operated without the further written consent of the Minister for Planning.
- n) All spare parts and other equipment and materials associated with the use of the wind energy facility must be located in screened, locked storage areas that are inaccessible to the public to the satisfaction of the Minister for Planning.
- o) All turbines must be located outside the turbine exclusion zones shown on the endorsed development plan(s).
- p) Aviation detection lighting system must be installed in accordance with current Civil Aviation Safety Authority specifications or law, such that it is activated only:
- (i) if at night, when an aircraft is in the immediate vicinity of the wind energy facility;
 - (ii) during low visibility daytime conditions such as the existence of smoke and fog.

STAGING

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

LAYOUT NOT ALTERED

4. The use and development as shown on the endorsed development plan(s) or other plans to the satisfaction of the responsible authority must not be altered or modified without the written consent of the Minister for Planning save that the micro-siting of turbines and the related tracks and reticulation lines will be regarded as generally in accordance with the endorsed development plan(s) if the Minister for Planning is satisfied that it will not give rise to any material adverse change in landscape, vegetation, cultural, visual, shadow or noise impacts compared to the endorsed development plan(s) and:
- (i) A turbine within 1 kilometre of any non-host dwelling is not moved closer to that dwelling;
 - (ii) The turbine location is altered by no more than 100 metres; and
 - (iii) No turbine is located within 50 metres of a non-host title boundary or a road or within a turbine exclusion zone. This does not apply to the road denoted as 'GovT Road' shown on certificate of titles VOLUME 10537 FOLIO 554 and VOLUME 10514 FOLIO 928.

PRELIMINARY INVESTIGATIVE WORKS

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

UPDATE OF AERONAUTICAL CHARTS

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

ENVIRONMENTAL MANAGEMENT PLAN

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

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

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

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

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

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

- EPA Publication 480: *Environmental Guidelines for Major Construction Sites*
- EPA Publication 275: *Construction Techniques for Sediment Pollution Control*
- EPA Publication 891.1: *Code of Practice, Onsite Wastewater Management*
- EPA Publication 628: *Environmental Guidelines for the Concrete Batching Industry*
- EPA Publication 347: *Bunding Guidelines*
- Australian/New Zealand Standard AS/NZS 10002:2014 – Guidelines for complaint management in organisations, and
- Australian Standards Handbook HB 229 2006 *The Why and How of Complaints Handling*.

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

a) **Hazardous materials**

- (i) The identification of all hazardous materials used and or stored on-site in connection with the development and use;
- (ii) Procedures for the proper handling and storage of hazardous materials on-site;
- (iii) Design criteria for any hazardous materials storage facilities on-site; and
- (iv) Contingency measures to ensure that any spills or leaks of hazardous materials are contained on-site and cleaned up in accordance with Environment Protection Authority requirements.

b) **Water contamination, sediment and erosion control**

- (i) The identification of all construction and operational processes that could potentially lead to water contamination;

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- (ii) The identification of appropriate storage, construction and operational methods to control any identified contamination risks;
- (iii) Procedures for the management of contaminated waste water;
- (iv) Procedures for the discharge of collected runoff;
- (v) Procedures to ensure that silt from batters, cut-off drains, table drains and road works is retained on the site during and after the construction stage of the project. To this end:
- All land disturbances must be confined to a minimum practical working area and to the vicinity of the identified works areas;
 - Soil to be removed must be stockpiled and separate soil horizons must be retained in separate stockpiles and not mixed; and
 - Stockpiles must be located away from drainage lines.
- (vi) The installation of geotextile silt fences (with sedimentation basins where appropriate) on all drainage lines from the site which are likely to receive runoff from disturbed areas;
- (vii) Procedures to ensure that steep batters are treated appropriately for sediment pollution control;
- (viii) A process for overland flow management to prevent the concentration and diversion of waters onto steep or erosion prone slopes; and
- (ix) A requirement for immediate remediation of localised erosion (specifying a response time).
- c) **Waste control**
- (i) The identification of waste reuse, recycling and disposal procedures; and
- (ii) Pollution management measures for stored and stockpiled materials including waste materials, litter and any other potential source of water pollution.
- d) **Sanitation and wastewater**
- (i) Appropriate sanitary facilities and management of the wastewater at the temporary construction compound and permanent facilities for construction works, maintenance staff, operations personnel and visitors is required.
- e) **Construction practices**
- (i) Procedures, where practical, to construct wind turbine bases, access tracks and power cabling during warmer months to minimise impacts on ephemeral wetlands, local fauna and sediment mobilization;
- (ii) Procedures to protect, as far as practicable, native fauna and domestic stock from being injured by or entrapped in excavations or trenches and to fill trenches as soon as practical after excavation; and
- (iii) Procedures for the removal of works, buildings and staging areas on completion of construction of the development.
- f) **Concrete batching plants**
- (i) Criteria for the design of the temporary concrete batching plants;
- (ii) Management procedures to prevent pollution of the local waterways, particularly from wash water and waste concrete materials; and
- (iii) Procedures for the operation and removal of any temporary concrete batching plants and for the reinstatement of the site once its use finishes.

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g) **Dust**

Procedures to suppress dust from construction related activities.

h) **Native flora and fauna protection**

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

This plan must include:

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

i) **Pest management**

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

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

j) **Training**

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

k) **Complaints management**

A complaints management plan designed in accordance with Australian/New Zealand Standard AS/NZS 10002:2014 – Guidelines for complaint management in organisations having regard to the guidance provided in *The why and how of complaints handling* HB 229-2006

The complaints management plan will include procedures for:

- (i) Readily accessible information on how complaints can be made free of cost to complainants;
- (ii) Immediate acknowledgement of complaints and regular and comprehensive feedback to complainants on actions proposed, their implementation and success or otherwise;
- (iii) Closure of complaints by agreement with complainants;
- (iv) Establishment and maintenance of a complaint register for the recording of receipt and acknowledgement of complaints, actions taken, success or otherwise of actions and complaint closure and for the register to be available to the public during normal working hours;
- (v) Reporting of the contents of the complaint register to the Minister for Planning as required;
- (vi) Regular, at least annual, auditing of the implementation of the complaints management plan with audit results being reported to the Minister for Planning and the responsible authority; and
- (vii) The complaints management plan must be published on the wind farm operator's website

l) **Incident management**

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

REVIEW OF THE ENVIRONMENTAL MANAGEMENT PLAN

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

COMPLIANCE WITH ENVIRONMENTAL MANAGEMENT PLAN

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

COMPLAINTS MADE TO THE RESPONSIBLE AUTHORITY

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

ON-SITE LANDSCAPING PLAN

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

The on-site landscaping plan must:

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

OFF-SITE LANDSCAPING PLAN

12. Within 6 months of development commencing on site, an Off-site Landscaping Program must be submitted to the responsible authority. 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 to be made to the following parties as existing at 20 March 2017:

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- (i) The owners of all dwellings within 4km of a turbine where a turbine is visible;
 - (ii) The Shire of Moorabool as Committee or Management for Lal Lal Reserve;
 - (iii) The Sovereign Hill Museums Association in relation to the property known as Narnbool; and
 - (iv) St Sava Orthodox Monastery.
- b) Require for offers referred in (a) to be made available up until 12 months after the commissioning of the last turbine of the development or relevant stage.
- c) Include a methodology for determining:
- (i) The type of landscaping treatments to be proposed; and
 - (ii) A timetable for establishing and maintaining the landscaping for at least two years.
- d) Include a process for making offers to affected landowners to undertake landscaping on the landowner's land;
- e) Include a process for recording:
- (i) Offers that have been made to landowners;
 - (ii) Whether or not the offers are accepted; and
 - (iii) When and how offers are actioned following acceptance.

The endorsed Off-site Landscaping Program must be implemented to the satisfaction of the responsible authority. The endorsed off-site Landscaping Program must not be altered or modified without the written consent of the responsible authority.

13. Progress reports regarding the implementation of the endorsed Off-site Landscaping Program must be provided to the responsible authority on each anniversary of the date of this permit, and at other times on request.

TRAFFIC MANAGEMENT PLAN

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

The traffic management plan must:

- a) Consider the use of Woolshed Road rather than Fords Lane as an access to the eastern part of the Elaine site;
- b) Identify all public roads and access points that will be used in the construction and operation of the wind energy facility;
- c) Provide for an existing conditions survey of public roads that will be used in the construction and operation of the wind energy facility including details of the suitability, design, construction standards and condition of the roads to enable, for sealed roads, the calculation of Total ESA (Equivalent Standard Axles) loading for comparison with the appropriate Austroads pavement design guide;
- d) Establish the appropriate existing equivalent renewal pavement design and associated costs in conjunction with Moorabool Shire Council and VicRoads and establish the calculated damage (if any) directly attributable to the wind energy facility and the amount (if any) to be reimbursed to Moorabool Shire Council;

- e) Include the designation of routes, operating hours and speed limits for oversized vehicles and other heavy vehicles on routes accessing the site so as to avoid interference with the passage of school buses, and to provide for resident safety and the safe management of the stock;
- f) Provide details of any large over dimensional vehicles to be used (such as those used for the transport of the nacelles, blades and tower sections) and details of the routes to be taken, the proposed escort arrangements and requirements for over dimensional permits from VicRoads;
- g) Specify the need for road and intersection upgrades to accommodate any additional traffic or site access requirements, whether temporary or ongoing, and the timing of when these upgrades are to be undertaken;
- h) Include measures to be used to manage traffic impacts associated with the ongoing operation of the wind energy facility on the traffic volumes and flows on surrounding roads;
- i) Identify any areas of roadside native vegetation which need removal or pruning and the pruning practices to be followed;
- j) Include identification and timing of any pre-construction works;
- k) Include a program of regular inspections, to be carried out during the construction period, to identify the need for maintenance works necessary as a result of construction traffic;
- l) Include agreed criteria that will trigger repair and maintenance works; and
- m) Include a program to rehabilitate roads to the pre-existing condition identified by the above surveys.

COMPLIANCE WITH TRAFFIC MANAGEMENT PLAN

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

EMERGENCY RESPONSE PLAN

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

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

The emergency response plan must be prepared in consultation with:

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

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

The emergency response plan must include:

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

BAT AND BIRD MANAGEMENT PLAN

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

The BBMP must include:

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

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- c) Procedures for the regular removal of carrion (including livestock, native animals and pest animals) likely to attract raptors to areas near wind turbines;
 - d) Requirements for periodic reporting, within agreed timeframes of the findings of the monitoring to the Department of Environment, Land, Water and Planning;
 - e) Recommendations in relation to a mortality rate for specified species which would trigger the requirement for responsive mitigation measures to be undertaken by the proponent to the satisfaction of the Minister for Planning; and
 - f) Details of any responsive mitigation measures which may be implemented if the trigger mortality rate for a specified species is exceeded.
18. Following the completion of the monitoring program in accordance with the BBMP, a bat and avifauna monitoring report must be prepared by the applicant setting out the findings of the monitoring program to the satisfaction of the Minister for Planning.

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

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

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

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

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

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TELEVISION AND RADIO RECEPTION AND INTERFERENCE

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

The television, radio and telephone reception plan must include:

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

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construction survey establishes any increase in interference to reception as a result of the wind energy facility operations. The mitigation measures shall return the affected reception to pre-construction quality and be undertaken at the cost of the wind energy facility operator, all to the satisfaction of the Minister for Planning.

BLADE SHADOW FLICKER

21. Shadow flicker from the wind energy facility must not exceed 30 hours per annum at any dwelling that existed at 30 April 2009, unless the operator has entered into an agreement with the relevant landowner waiving this requirement. Evidence of the agreement must be provided to the satisfaction of the responsible authority upon request, and be in a form that applies to the land for the life of the wind energy facility. The agreement must be to the satisfaction of the responsible authority.

NOISE LIMITS

22. Construction of the wind energy facility must comply with noise criteria specified in the EPA *Noise Control Guidelines, Construction and Demolition Site Noise*, Publication 1254, October 2008 at any dwelling existing on land in the vicinity of the proposed wind energy facility as at the date of the issue of this permit to the satisfaction of the Minister for Planning.
23. 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 (the Standard) at any noise sensitive location existing as at 20 March 2017 to the satisfaction of the Minister for Planning.

In determining compliance, the following requirements apply:

- a) The operator must ensure that at any wind speed, wind farm sound levels, determined in accordance with the Standard at noise sensitive locations (as defined in the Standard) do not exceed a noise limit of 40dB LA90,10min or background (LA90,10min) plus 5dB, whichever is greater;
- b) Compliance must be assessed separately for all-time and night time. For the purpose of this requirement, night time is defined as 10.00pm to 7.00am; and
- c) 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 L90 in accordance with section 5.4 of the Standard.

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

NOISE COMPLIANCE ASSESSMENT

24. Before the development starts, a noise compliance testing plan must be prepared by a suitably qualified acoustics expert to the satisfaction of the Minister for Planning.
25. The noise compliance testing plan must be accompanied by a report from an auditor accredited under the *Environment Protection Act 1970* with the auditor's opinion on the methodology contained in the noise compliance testing plan.

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

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

For the purposes of determining compliance, the following requirements apply:

- a) Acoustic compliance reports shall be prepared by a suitably qualified and experienced independent acoustic engineer to demonstrate compliance with the noise limits specified in the Standard.
- b) Noise assessment positions must be located according to the Standard, and shown on a map.
- c) A final compliance report must be submitted to the Minister for Planning after a 12-month period following full operation of the facility.
- d) The final compliance report must be accompanied by a report from an auditor accredited under the *Environment Protection Act 1970* with the auditor's opinion on the methodology and results contained in the noise compliance testing plan.
- e) Compliance reports must be publicly available and published on the wind farm operator's website.
- f) Following facility commissioning, all complaints shall be managed following procedures set out in the noise complaints management plan.

NOISE COMPLIANCE ENFORCEMENT

26. For the purposes of complaints evaluation, the following requirements apply:

- a) Post installation sound levels shall, where practical, be measured at the same locations where the background sound levels were determined (GPS coordinates and a map showing these locations are to be provided).
- b) If a non-compliance with condition 23 is detected, or an acoustic investigation is required under the noise complaint investigation and response plan endorsed under condition 26, an independent assessment report must be prepared by a suitably qualified and experienced independent acoustic engineer to:
 - identify the weather or operational conditions associated with the complaint / breach.
 - analyse the uncertainty and confidence levels in the monitoring, and the steps taken to reduce uncertainty.
 - target assessment to identify the cause and remediation actions.
 - submit a remediation plan to the satisfaction of the Minister for Planning outlining the investigation process, complainant communications, actions and timelines to resolve the complaint/breach.
 - if the complaint is not resolved through the processes outlined above, the Minister for Planning may request an independent peer review at the cost of the permit holder and on/off shut down testing to resolve uncertainty.

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- c) Following the initial post-construction reporting process, additional independent assessment may be requested by the Minister for Planning at any time where complaints are received and are considered to reasonably warrant investigation.
- d) If investigations indicate special audible characteristics are potentially occurring, procedures outlined in Appendix B of the Standard should be applied.
27. Before the first wind turbine is commissioned, the permit holder must prepare a Noise Complaint Investigation and Response Plan to the satisfaction of the Minister for Planning. The approved plan must be published on the wind farm operator's website.

The plan shall be designed in accordance with the Australian/New Zealand Standard AS/NZS 10002:2014 – *Guidelines for complaint management in organisations* and include:

- a process of investigation to resolve a complaint.
- a requirement that all complaints will be recorded in an incidents register.
- how contact details will be communicated to the public.
- telephone number and email contact for complaints and queries.
- details of the appropriate council contact telephone number and email address (where available).
- a table outlining complaint information for each complaint received, including:
 - the complainant's name.
 - any applicable property reference number if connected to a background testing location.
 - the complainant's address.
 - a receipt number for each complaint which is to be communicated to the complainant.
 - the time, prevailing conditions and description of the complainant's concerns including the potential incidence of special audible characteristics.
 - the processes of investigation to resolve the complaint.

A report including a reference map of complaint locations, and outlining complaints, investigation and remediation actions is to be provided on an annual basis to the satisfaction of the Minister for Planning.

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 Minister for Planning on request.

The wind energy facility operator must implement and comply with the Approved Noise Complaint, Investigation and Response Plan for the duration of the operation of the wind energy facility.

DECOMMISSIONING

28. The wind energy facility operator must, no later than one month after all wind turbines have permanently ceased to generate electricity, notify the Minister for Planning in writing of the cessation of the use. Within a further six months of this date, the wind energy facility operator, or in the absence of the operator, the owner of the land on which the relevant

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turbines(s) is/are located, must prepare a decommissioning plan to the satisfaction of the Minister for Planning. When approved, the decommissioning plan will become part of this permit.

29. The decommissioning plan must provide for the following:

- a) The removal of all above ground operational equipment;
- b) The removal and cleanup of any residual spills or contamination
- c) The rehabilitation of all storage, construction, access tracks and other areas affected by the project closure or decommissioning, if not otherwise useful to the on-going management of the subject land;
- d) A decommissioning traffic management plan; and
- e) A post decommissioning revegetation management plan.

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

BUSINESS IDENTIFICATION SIGNS

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

SUBSTATION

31. Prior to the commencement of works for the substation at Elaine, if the plans submitted under condition 1m) show the location of the substation being located adjacent to Ausnet Transmission Group's 220 kv transmission line, then detailed plans of the substation must be submitted to Ausnet Transmission Group for approved in writing.

EXPIRY

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

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

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

Notes:

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

Date Issued 30 April 2009

S. Menzies

Signature for the Minister

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THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

<i>Date of amendment</i>	<i>Brief description of amendment</i>
20 March 2017	Permit amended under section 97J of the <i>Planning and Environment Act 1987</i> – to increase turbine size, reduce the number of turbines, require compliance with the 2010 version of the New Zealand Noise Standard, change transformer and substation locations, revise landholder agreement conditions, and other changes.
<i>Date of amendment</i>	<i>Brief description of amendment</i>
23 April 2018	Permit amended under section 97J of the <i>Planning and Environment Act 1987</i> – in terms of conditions relating to proximity of turbines to roads (specifically 'GovT Road' shown on certificate of titles VOLUME 10537 FOLIO 554 and VOLUME 10514 FOLIO 928) as well as noise and shadow flicker (to ensure consistency with example conditions in the updated <i>Policy and Planning Guidelines: Development of Wind Energy Facilities in Victoria</i> (November 2017)
<i>Date of amendment</i>	<i>Brief description of amendment</i>
27/9/18	Permit amended under section 97I of the <i>Planning and Environment Act 1987</i> – in terms of Conditions 12 and 13 (Off-site Landscaping Plan) to remove the requirement for endorsement of numerous individual landscape plans and so that they are consistent with example conditions in the updated <i>Policy and Planning Guidelines: Development of Wind Energy Facilities in Victoria</i> (November 2017) and Condition 23 to ensure that relevant receptors (i.e. dwellings) are those that were existing at the date the amended planning permit was issued to allow increased turbine height (20 March 2017).

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