

# PLANNING PERMIT

**Permit No:** TRA/03/002  
**Planning Scheme** South Gippsland  
**Responsible Authority** Minister for Planning

## ADDRESS OF THE LAND

Lots 1 and 2 LP69123  
Lots 1 and 2 LP213921G  
Lots 1, 2 and 3 LP405962G  
Lot 6 LP69123  
Lot 1 LP76521  
Lots 1 and 2 TP758484H being Part CA17A Parish of Waratah  
CA17B and CA18B, Parish of Waratah  
CA37, CA40 and CA40A, Parish of Tarwin South  
Unmade Govt. Road south CA33B Parish of Tarwin South, CP108575

**ADVERTISED  
PLAN**

This copied document to be made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987. The document must not be used for any purpose which may breach any copyright

## THE PERMIT ALLOWS

Use and development of land for a wind energy facility for the generation and transmission of electricity from wind generators, together with associated buildings and works, including preliminary investigative works.

## 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. When approved, the plans will be endorsed by the Minister for Planning and will then form part of this permit.

The plan must show:

- (a) The location of all wind generators (using Global Positioning System coordinates or another appropriate method and including dimensions from adjoining property boundaries) generally in accordance with the indicative layout shown on Figure S1 in the Supplement to the Environment Effects Statement but subject to the requirement that none are located at position number 10 or A2;
- (b) The location, layout and dimensions of all buildings and works, including the interpretive centre and any other public viewing areas, switchyards and buildings, the temporary clerk of works building and staging area, all roads, tracks, overhead

distribution lines, underground cabling, car parking areas, construction lay-down area and landscaping areas;

- (c) The detailed design of wind generators (inclusive of nacelles, blade and foundations), including dimensions, elevations, materials and colours and finish of construction; and
  - (d) Details of any signage proposed to be displayed as part of the wind energy facility,
    - One site identification sign, with dimensions not exceeding 2 metres by 2 metres, at the entrance of the site;
    - One logo or company identification for the wind energy facility operator or wind generator manufacturer displayed on each wind turbine; and
    - Signs required specifically in relation to site safety issues
- 2) Prior to the preparation of the development plans referred to in condition 1, a comprehensive geotechnical investigation of the wind generator construction sites is to be carried out to ensure that the foundation piles will be founded in competent material and that there will be no risk of wind generator collapse or damage to adjoining properties. The results of the investigation shall be submitted to the Minister for Planning with the development plans.
- 3) The use and development as shown on the endorsed development plans or other plans to the satisfaction of the Minister for Planning must not be altered or modified in any way without the written consent of the Minister for Planning save that the micro siting of wind generators will be regarded as generally in accordance with the endorsed plans if the Minister for Planning is satisfied that it will not give rise to a material change to assessed landscape, visual, shadow or noise impacts.

## **SPECIFICATIONS**

- 4) The wind energy facility must be constructed in accordance with the following specifications, which must not be changed without the prior written consent of the Minister for Planning.
- (a) A total of not more than 52 wind generators;
  - (b) Each wind generator must have an overall height of less than 110 metres and have a base diameter at ground level of no greater than 6.0 metres;
  - (c) The rotor on each wind generator must comprise of 3 blades;
  - (d) The tower, nacelle and rotor blades must be off-white or another colour satisfactory to the Minister for Planning, and must be of a salt resistant and non-reflective finish;
  - (e) All new electricity cabling associated with the collector network within the wind energy facility generator cluster must be placed under the ground with the exception of the overhead distribution lines between the northern and southern sub stations;
  - (f) The transformer associated with each wind generator must be located beside each tower and pad mounted, or be enclosed within the tower structure; and
  - (g) The access tracks within the site are to be sited to minimise impacts on existing native vegetation on the site, and are to be constructed to the minimum standard practicable in order to ensure minimum impacts on the site, including impacts on overland flows.

**LANDSCAPING AND VISUAL SCREENING**

- 5) Before the development starts, a Landscaping and Visual Screening Plan to the satisfaction of the Minister for Planning must be submitted and approved by the Minister for Planning. When approved, the plan will be endorsed by the Minister for Planning. The Landscaping and Visual Screening Plan must include;
- (a) An on-site landscaping plan that provides for the visual screening of the switchyards and buildings associated with the use of land for a wind energy facility.
  - (b) An off-site landscaping plan, that provides details of landscaping and other treatments that will be used to address:
    - Residential amenity concerns at dwellings on the following properties, subject to agreement with landowners:
    - 910 Buffalo Waratah Road, Tarwin Lower, Lot 1 LP140140, Parish of Tarwin South
    - 930 Buffalo Waratah Road, Tarwin Lower, Lot 1 LP140966, Parish of Tarwin South
    - 12 Buffalo Waratah Road, Tarwin Lower, Lot 3 LP222525, Parish of Tarwin South
    - 1405 Buffalo Waratah Road, Tarwin Lower, Lot 1 LP81355, Parish of Tarwin South
    - 1550 Waratah Buffalo Road, Tarwin Lower, CA21 Parish of Waratah
    - 1150 Tarwin Lower Waratah Road, Tarwin Lower, Lot 1 TP431975
    - A roadside landscape and windbreak planting and management strategy for Tarwin Lower - Waratah Road, Stewarts and Dunlops Road and Buffalo - Waratah Road, which shall be prepared following consultation with the South Gippsland Shire Council and abutting landowners; and
  - (c) Details of species proposed to be used for landscaping and details of the height and size of species at maturity.
  - (d) A maintenance program.
  - (e) A timetable of all landscaping and visual screening works identified to be undertaken.
  - (f) In circumstances where agreement with landowners is not forthcoming or is unreasonably withheld, the plan may be prepared without addressing that property, subject to the written agreement of the Minister for Planning.
  - (g) In circumstances where prior consultation is required, the Minister for Planning may indicate satisfaction with an otherwise reasonable plan that does not address the issues raised by all consultees.
- 6) The use and development must be carried out in accordance with the endorsed Landscaping and Visual Screening Plan,
- 7) Before the use commences, the permit holder must enter into an agreement with the Minister for Planning and Parks Victoria made pursuant to section 173 of the Planning and

Environment Act 1987 ("Section 173 Agreement") to provide for the relocation and reorientation of the walking track and bird hide at the Bald Hills Wetland Reserve after construction of the northern group of turbines. The relocation and reorientation is to be to the satisfaction of Parks Victoria and designed having regard to constructed turbines, to ensure turbines cannot be viewed from the bird hide. The reasonable cost of the works are to be borne by the permit holder. Before the use commences, application must be made to the Registrar of Titles to register the Section 173 Agreement on title under section 181 of the Act. The permit holder must pay the reasonable costs of the preparation, (and) execution and registration of the Section 173 Agreement.

## **TRAFFIC MANAGEMENT**

- 8) Before the development starts, a Traffic Management Plan to the satisfaction of the Minister for Planning, in consultation with the South Gippsland Shire Council and VicRoads, must be submitted to and approved by the Minister for Planning. When approved, the plan will be endorsed by the Minister for Planning. 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 such roads;
  - (b) The designation of appropriate construction and transport vehicle routes to the wind energy facility;
  - (c) The designation of vehicle access points to the wind energy facility from surrounding roads, including main road access points to local access roads;
  - (d) The designation of vehicle access points to the interpretative facility;
  - (e) The designation of operating hours and speed limits of trucks on relevant routes accessing the site so as to avoid the time and routes of passage of school buses, and to provide for resident safety;
  - (f) Any necessary pruning of street planting or roadside vegetation to provide for transport of materials to the site, and pruning practices to be followed;
  - (g) The designation of vehicle access ways and car parking areas;
  - (h) The requirements for Over Dimensional Load permits and escorting of long or large loads along roads in the area;
  - (i) Recommendations on the need for road intersection upgrades to accommodate any additional traffic or site access requirements, whether temporary or ongoing; and
  - (j) A timetable for implementation of any pre-construction works identified to be undertaken.
  - (k) A time table of regular inspections to be carried out during the construction period to identify maintenance works necessary as a result of construction traffic.
- 9) The use and development must be carried out in accordance with the endorsed Traffic Management Plan and the cost of any works including maintenance to be at the permit holders expense.

**ADVERTISED  
PLAN**

## ENVIRONMENTAL AND CULTURAL MANAGEMENT PLAN

10) Before the development starts, an Environmental Management Plan to the satisfaction of the Minister for Planning must be prepared, in consultation with the Department of Sustainability and Environment, Aboriginal Affairs Victoria and the South Gippsland Shire Council (as relevant) and must be submitted to and approved by the Minister for Planning. The Environmental Management Plan may be prepared in sections or stages. When approved, the plan will be endorsed by the Minister for Planning. The Environmental Management Plan must include:

(a) A construction and work site management plan. This also must include:

- Procedures for access, noise and pollution management.
- The identification of all potential contaminants stored on site.
- The identification of all construction and operational processes that could potentially lead to water contamination.
- The identification of appropriate storage, construction and operational methods to control any identified contamination risks.
- The identification of waste re-use recycling and disposal procedures.

The plan must contain procedures for the removal of the clerk of works building and staging area on completion of construction of the project and for the return of the site to its former condition.

(b) A sediment and erosion management plan. This plan must include:

- Procedures to ensure that silt from batters, cut-off drains, table drains and road works is retained on the works site during and after the construction stage of the project. 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. Stockpiles must be located away from drainage lines.
- The installation of geotextile silt fences (with sedimentation basins where appropriate) on all drainage lines from the site which are likely to receive run-off from disturbed areas.
- Procedures to contain any contaminated or turbid run-off during and after construction of the wind energy facility.
- Procedures to suppress dust arising from construction-related activities. Appropriate measures may include water sprays 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.
- Procedures to ensure that steep batters are treated in accordance with Environmental Protection Authority recommendations detailed in the 'Construction Techniques for Sediment Pollution Control.' No 275, May 1991.

- 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 temporary concrete batching plant must be in accordance with the Environment Protection Authority's Environmental Guidelines for the Concrete Batching Industry, Publication No. 628.
  - Procedures for waste water and discharge management.
- (c) A hydrocarbon and hazardous substances plan. This plan must include:
- Procedures for the storage of any fuels, lubricants or waste oil to be stored in bunded areas.
  - Contingency measures to ensure that any chemical or oil spills are contained on-site and cleaned up in accordance with the Environment Protection Authority's requirements.
- (d) A wildlife prevention and response plan in consultation with the Country Fire Authority, the Department of Sustainability and Environment and the South Gippsland Shire Council.
- (e) An Aboriginal cultural heritage and archaeology management plan. This plan must include:
- A survey conducted by a qualified archaeologist, that locates, records and assesses aboriginal sites, places and objects on those parts of the site which have the potential to be affected by the wind energy facility. This must include land that may be disturbed by associated works such as access tracks, buildings, services and/or possible erosion arising from such works. The survey must be undertaken in association with the relevant aboriginal communities identified by Aboriginal Affairs Victoria.
  - A qualified archaeologist must be on-site during initial excavation works to identify any archaeological artefacts, and initiate measures for interim protection and reporting of any such objects or sites.
  - Protocols for the activities of construction contractors which have been identified to have potential effects on sites of cultural significance.
  - Protocols for ongoing consultation with the relevant aboriginal communities throughout the project, especially those relating to relating to the detailed on-surface and sub-surface archaeological investigations, including maintaining confidentiality (where considered appropriate) of the locations of Aboriginal archaeological sites.
  - Procedures for seeking and obtaining written consent of any identified Aboriginal local aboriginal community, as nominated for the purposes of Part 11A of the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Commonwealth), prior to disturbing any identified archaeological site, place or object.

**ADVERTISED  
PLAN**

- Procedures providing appropriate workshops and training courses with contractors to protect all known sites of aboriginal cultural heritage value.
  - Protocols for protecting and reporting the discovery of any human remains in accordance with the requirements of the Victoria Police, the Victorian State Coroners Office and Aboriginal Affairs Victoria.
- (f) A pest animal management plan. This plan is to be prepared in consultation with the Department of Sustainability and Environment and the Department of Primary Industries. This plan must include procedures for the control of pest animals, particularly by negating opportunities for the sheltering of pests. The procedure should provide that follow-up pest animal control is undertaken on all areas disturbed by the wind energy facility construction works for a period of two years following the completion of the wind energy facility.
- (g) An environmental monitoring plan.
- (h) A training program including a site induction program relating to the range of issues addressed by the Environmental Management Plan.
- (i) A program for reporting, including a register of environmental incidents, non-conformances, complaints and corrective actions.
- (j) A timetable for implementation for any works identified in a plan referred to in paragraphs (a) to (i) above.
- 11) The Environmental Management Plan is to be reviewed every 5 years (or as required) to reflect operational experience and changes in environmental management standards and techniques and is to be submitted to the Minister for Planning for re-endorsement.
- 12) The use and development must be carried out in accordance with the endorsed Environmental Management Plan.

## **NATIVE VEGETATION**

- 13) Before the development starts, a late spring/early summer survey should be undertaken to determine the presence of the following species within the areas to be disturbed:
- *Caladenia fragrantissima* subsp. *Orientalis*;
  - *Prasophyllum frenchiei*
  - *Pterostylis cucullate*;
  - *Sowerbaea juncea*;
  - *Caladenia vulgaris*;
  - *Agrotis avenaceavar perennis*; and
  - *Monotoca glauca*

**ADVERTISED  
PLAN**

The survey is to be conducted to the satisfaction of the Minister for Planning. In the event that the presence of any of the above species is discovered, any development on that location must be resited to avoid the need to remove or destroy any such species. To facilitate the avoidance of such species micro siting of turbine number 1 may be necessary.

- 14) Before the development starts, a Native Vegetation Management Plan ("NVM Plan") to the satisfaction of the Minister for Planning, must be prepared in consultation with the Department of Sustainability and Environment, and must be submitted to and approved by the Minister for Planning. When approved, the NVM Plan will be endorsed by the Minister for Planning. The NVM Plan must include:
- (a) Identification of native vegetation to be removed, destroyed or lopped.
  - (b) An evaluation of the flora values of roadside vegetation in locations proposed for construction vehicle access, turn outs or corner clearance. Locations containing *Eucalyptus Kitsoniana* should in principle be avoided.
  - (c) The staging, if any, of the vegetation removal works, and procedures to prevent damage to protected native vegetation outside the identified areas.
  - (d) Proposals for fencing, protecting and maintaining the remnant native vegetation on the proposed 6 ha offset area identified in Brett Lane and Associates, Net Gain Assessment, Appendix 8 of the Supplement to the Environment Effect Statement ("Offset Area") on the land described in Certificate of Title Volume 8941 and Folio 406 ("Offset Site") to replace any vegetation to be removed and to provide for a 'net gain' consistent with the requirements of the state Native Vegetation Management Framework.
  - (e) Revegetation and/or rehabilitation to at least their previous condition of all areas affected by activities required for the construction of the wind energy facility, including temporary access roads and lay-down areas.
  - (f) A timetable for proposed revegetation and rehabilitation works.
  - (g) Procedures including laboratory analysis to identify the presence of the pathogen Cinnamon Fungus on the site. In the event that its presence is confirmed construction procedures are to be put in place to minimise the risk of spreading the pathogen, to the satisfaction of the Department of Sustainability and Environment.
  - (h) Procedures to prevent the spread of weeds and pathogens from earth moving equipment and associated machinery, including tip trucks and low loaders (including 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.
  - (i) A program of early identification and eradication of weeds in disturbed areas and follow-up weed control for a minimum period of two years following the completion of the works.
- 15) The use and development must be carried out in accordance with the endorsed NVM Plan.
- 16) Before the use commences, the permit holder must enter into an agreement with the Minister for Planning and the registered proprietor of the Offset Site made pursuant to section 173 of the Planning and Environment Act 1987 ('Section 173 Agreement') to provide for the fencing, protecting and maintaining of the Offset Area for the operational life of the wind farm except with the written consent of the Minister for Planning. Before the use commences, application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the Offset Site under section 181 of the Act. The permit holder must pay the reasonable costs



of the preparation, (and) execution and registration of the Section 173 Agreement.

## BATS AND AVIFAUNA

- 17) Before the development starts, a Bat and Avifauna Management Plan ("BAM Plan") to the satisfaction of the Minister for Planning, must be prepared in consultation with the Department of Sustainability and Environment, and must be submitted to and approved by the Minister for Planning. When approved, the BAM Plan will be endorsed by the Minister for Planning. The BAM Plan must include:
- (a) A pre-construction monitoring program to monitor the mortality of birds and bats on or near the wind energy facility and a post-construction monitoring program to monitor the presence and behaviour of birds and bats and their mortality on or near the wind energy facility. The monitoring program is to be carried out by an independent flora and fauna consultant and must involve reference and impact sites. The program must specify that the following data be recorded and include provision for reporting of the data to the Minister for Planning and the Department of Sustainability and Environment:
- The frequency and height of bird and bat movements across the site;
  - Seasonal changes in bird and bat movements;
  - The species involved;
  - Bird and bat mortality estimates based on dead bird and bat search protocols;
  - An assessment of Large Bent-wing Bat numbers over time at Arch Rock, to be used as a reference for impact analysis;
  - Examination of bat utilisation trends (if any), including weather, diurnal and seasonal change.
- (b) A strategy for managing and mitigating bird and bat strike arising from the wind energy facility operation. The strategy must include procedures for the regular removal of carcasses likely to attract raptors to areas near generators (ie stock and kangaroos).
- (c) A procedure for addressing significant impacts on bird and bat populations caused by the wind energy facility operation. This procedure must provide that the operator of the wind energy facility immediately investigates the possible causes of any significant impacts on bird and bat populations, and thereafter must design and implement measures to mitigate those impacts in consultation with the Minister for Planning and the Department of Sustainability and Environment.

## NOISE STANDARD

*[Note: Condition 18 is proposed for deletion as this procedural step was completed before development commenced, and is not an ongoing requirement for noise compliance.]*

- ~~18) Before the development starts, new local background sound level measurements shall be taken at the following properties:~~
- ~~• 930 Buffalo Waratah Road, Tarwin Lower, Lot 1 LP140966, Parish of Tarwin South~~

# ADVERTISED PLAN

~~1150 Tarwin Lower Waratah Road, Tarwin Lower, Lot 1 TP431975.~~

~~19)~~18) Except as provided below in this condition, ~~T~~he operation of the wind energy facility must comply with the New Zealand Standard 'Acoustics - The Assessment and Measurement of Sound from Wind Turbine Generators' (NZS 6808~~6~~:1998) [Note: Typo corrected.] (the 'New Zealand Standard'), in relation to any non-stakeholder dwelling existing at the date of approval of this document ~~to the satisfaction of the Minister for Planning.~~ [Note: References to the Minister for Planning have been deleted to reflect the shift in regulatory responsibility to the EPA.]

In determining compliance ~~with the New Zealand Standard~~, the following apply:

(a) The sound level from the wind energy facility, when measured outdoors within ~~10-20~~ metres of a non-stakeholder dwelling at any relevant nominated wind speed, should not exceed the background level (L95) by more than 5dBA or a level of 40dBA L95, whichever is the greater. [Note: The outdoor sound level measuring distance of 10 metres is proposed to be amended to 20 metres to reflect modern assessment standards.]

[Note: Details of procedural compliance assessment requirements have been removed, as they will be contained in the wind farm's Noise Management Plan prepared under the Regulations.]

~~(b) When sound has a special audible characteristic, the measured sound level of the source shall have a 5 dB penalty applied.~~

~~(e)~~(b) Compliance at night must be separately assessed with regard to night time data. For the purposes of this requirement, the night is as defined as 10:00pm to 7:00am, in SEPP N1. For sleep protection purposes, a breach of the standard set out at 19(a), for 10% of the night, amounts to a breach of the condition.

(c) Compliance will be assessed in accordance with the methodology specified in the Noise Management Plan prepared for the wind energy facility under the *Environment Protection Regulations 2021* (Vic) as amended from time to time. The Environment Protection Authority is responsible for compliance and enforcement of wind turbine noise under the Regulations [Note: This condition provides a clear link between project-specific noise compliance requirements to be preserved in the permit, and the wind farm's NMP prepared under the *Environment Protection Regulations*, which will document compliance assessment methodologies and the approach to management of wind turbine noise.]

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

~~20) Condition 19 does not apply if an agreement has been reached with a specific landowner through which the landowner accepts predicted noise levels and/or appropriate acoustic attenuation measures are installed for the landowner to ensure a reasonable level of acoustic amenity in relation to the indoor habitable areas of any~~

dwelling, and acknowledges that the operation of the wind energy facility may still generate noise in outdoor areas on the land which may from time to time exceed the New Zealand Standard. [Note: This change clarifies the difference between 'stakeholder' and host dwellings and non-stakeholder dwellings under the noise regime. The requirements for noise agreements are otherwise unchanged.]

## COMPLAINT EVALUATION AND RESPONSE

- 19) [Note: This is a new regime for management of complaints that is consistent with modern planning permits and is limited to wind farm matters other than wind turbine noise. Noise complaints will be dealt with in a separate complaints procedure in the NMP.] The permit holder must prepare a Complaint Evaluation and Response Plan to the satisfaction of the responsible authority. When approved, the plan will be endorsed by the responsible authority and will then form part of this permit. The complaint evaluation and response plan will be designed to respond to all aspects of the wind farm, except noise associated with the operation of the wind turbines, including (but not limited to): noise and other impacts from construction and maintenance works, traffic, shadow flicker.
- 20) The endorsed complaints evaluation and response plan must be publicly available on the wind farm operator's website.
- 21) The plan shall include:
- (a) a process of investigation to resolve a complaint;
  - (b) a requirement that all complaints will be recorded in an incident register;
  - (c) how contact details will be communicated to the public;
  - (d) a toll-free telephone number and email contact for complaints and queries;
  - (e) details of the appropriate council contact telephone number and email address (where available); and
  - (f) a table outlining complaint information for each complaint received, including:
    - i. the complainant's name;
    - ii. any applicable property reference number if connected to a noise background testing location;
    - iii. the complainant's address;
    - iv. a receipt number for each complaint which is to be communicated to the complainant; and
    - v. the processes of investigation to resolve the complaint.
- 22) The register and complaints response process shall continue for the duration of the operation of the wind energy facility and must be made available to the responsible authority on request.
- 23) The owner of the wind energy facility must implement and comply with the approved Complaint Evaluation and Response Plan for the duration of the operation of the wind energy facility.
- ~~21) Before the use commences, details of a noise complaint, evaluation and response process must be submitted to and approved by the Minister for Planning to address any alleged breaches of~~

~~Condition 19. This evaluation process should include, but not be limited to the following components:~~

- ~~(a) — A noise complaint telephone service.~~
- ~~(b) — Details of validity requirements for noise complaints (that is: date, time, noise description and weather conditions at the receptor).~~
- ~~(c) — Response protocol to valid noise complaints.~~

~~A register of complaints, responses and rectifications which may be inspected by the Minister for Planning. Provision for review of the complaint and evaluation process, including review of the process 6 months after commencement of the operation of the wind energy facility.~~

- ~~22) — Where condition 19 is found to have been breached, the Minister for Planning shall notify the wind energy facility operator, with a request that steps be taken to ascertain the relevant meteorological circumstances at the time of breach and to noise optimise the operation of the relevant turbine or turbines in such circumstances. If there is a further breach in similar circumstances, the Minister for Planning shall notify the wind energy facility operator, with a request to noise selectively shut down the operation of the relevant turbine or turbines in those circumstances. In circumstances where optimisation or selective shutdown routines have been requested but not reasonably implemented, or have been implemented but have not prevented further instances of recorded breach, the relevant turbine or turbines will be required to be decommissioned and removed.~~

~~[Note: This condition is proposed to be deleted in recognition of the shift in regulatory responsibility to the EPA. Noise compliance will be dealt with under the Environment Protection Regulations and the wind farm's NMP.]~~

- ~~23) — An independent post construction noise monitoring program must be commissioned by the Minister for Planning within 2 months from the commissioning of the first generator and continue for 12 months after the commissioning of the last generator to the satisfaction of the Minister for Planning. The program must be carried out in accordance with the New Zealand standard as varied by condition 19(a), (b) and (c) above. The permit holder must pay the reasonable costs of the monitoring program.~~

~~[Note: This condition is proposed to be deleted as the requirements of the condition have now been fulfilled. Ongoing noise compliance assessments will be managed via the Regulations.]~~

- ~~24) — An independent report summarising the results of the monitoring program, and the data collected, and indicating compliance or non compliance with the New Zealand Standard, must be forwarded to the Minister for Planning within 45 days of the end of each the monitoring period. The results must be written in plain English and formatted for reading by lay people.~~

- ~~25) — The Minister for Planning must make a copy of the report and any data available as soon as practicable during office hours for any person to inspect free of charge. [Note: These conditions are proposed to be deleted as their requirements have been completed, and to recognise the shift in regulatory responsibility to the EPA.]~~

**ADVERTISED  
PLAN**

**PRELIMINARY INVESTIGATIVE WORKS**

~~26)~~24) Preliminary investigative works, including geotechnical investigative works, may be carried out for the purposes of gathering data or making other assessments necessary or desirable in order to prepare the Development Plan, and other plans specified in this permit.

~~27)~~25) For the purposes of this permit, the carrying out of preliminary investigative works is not considered to amount to commencement of the Development.

**FARM TENEMENT DWELLING SITES**

~~28)~~26) Prior to the preparation of the development plan, a plan shall be prepared to the satisfaction of the Minister for Planning showing all farm tenements neighbouring the development site (including those separated from the site by a road), and the location of existing houses on each separate tenement, as at 24 June 2004 (the 'tenement plan'). In the event that there are any tenements over 40 ha in area without an existing house, a potential house site for the tenement should be identified after consultation with the tenement owner. The Minister for Planning may indicate satisfaction with an otherwise reasonable plan that does not address the issues raised by all consultees.

~~29)~~27) Where a dwelling site is shown on an approved tenement plan; it shall be considered as an existing dwelling for the purposes of all other relevant conditions in this permit once a dwelling has been constructed at that location and has received a certificate of occupancy. [Note: The requirement to comply with noise limits at tenement properties is proposed to be delayed until a dwelling is actually constructed at the location. This change will not affect amenity protections for landowners, as noise compliance requirements will apply once a dwelling is constructed.]

**BLADE SHADOW FLICKER AND BLADE GLINT**

~~30)~~28) No existing dwelling, other than a dwelling located on the land in respect of which this permit is issued, will experience over 30 hours blade shadow flicker per annum or undue blade glint.

**LIGHTING**

~~31)~~29) The wind generators must not be artificially illuminated at night. No external lighting of infrastructure associated with the wind energy facility, other than low level security lighting where appropriate, may be installed or operated without further consent of the Minister for Planning.

**TELECOMMUNICATION RECEPTION AND INTERFERENCE**

~~32)~~30) A pre-construction qualitative survey must be carried out of television and radio reception at all residences located within 3km of any turbine to the satisfaction of the Minister for Planning, as shown on the plan entitled "Bald Hills Wind Farm - Dwellings 3kms from turbines".

If complaints are made regarding the television and radio reception at the above residences, a post-construction qualitative survey must be carried out. If the qualitative survey establishes any detrimental increase in interference to reception, measures must be taken to mitigate the interference to 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**

~~33)~~31) All site and wind generator 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.

**EMERGENCY ARRANGEMENTS**

~~34)~~32) Before the use starts, the operator of the wind energy facility must conduct a familiarisation visit and explanation of emergency procedures for the Country Fire Authority (CFA) and the State Emergency Service (SES), and thereafter must continue to provide such sessions for the CFA and SES on a regular basis and/or as required by those agencies.

**AVIATION SAFETY CLEARANCES**

~~35)~~33) Prior to the approval of development plans, documentation must be supplied to the Minister for Planning that demonstrates that any structure to be erected on the wind energy facility pursuant to this permit is sited and designed to the satisfaction the Civil Aviation Safety Authority Australia.

~~36)~~34) Copies of the approved development plans are to be provided to the Civil Aviation Safety Authority Australia and to any organisation responsible for providing air ambulance services in the area, to enable details of the wind energy facility to be shown on aeronautical charts of the area.

**RE-POWERING**

~~37)~~35) No wind turbine or any component of a wind turbine, approved in the plans endorsed under Condition 1 of this permit, shall be replaced in a manner that would materially affect the location, size, external visual appearance, sound power characteristics, model, generator capacity, or electrical output of the turbine, without further written consent from the Minister for Planning.

**DECOMMISSIONING**

~~38)~~36) The wind energy facility operator must, without delay, notify the Minister for Planning in writing as soon as all or any wind energy facility generators have permanently ceased to generate electricity, whether due to planned removal, faults or otherwise. Within 12 months of that date, the wind energy facility operator, or in the absence of the operator, the owner of the land in which the relevant generator is located must undertake the following to the satisfaction of the Minister for Planning:

- (a) Remove all non-operational or downed equipment;
- (b) Remove and clean up any residual spills;
- (c) Clean up and restore all storage, construction and other area associated with use, development and decommissioning of the wind energy facility, including provision of soil cover and grassing over the wind generator site;
- (d) Restore all access roads and any other area affected by the project closure or decommissioning, if not otherwise useful to the on-going management of the land;

- (e) Prepare and submit a post-decommissioning traffic management plan to the satisfaction of the Minister for Planning and, when approved by the Minister for Planning, implement that plan; and
- (f) Prepare and submit a post-decommissioning revegetation management plan to the satisfaction of the Minister for planning and, when approved by the Minister for Planning, implement that plan.

**EXPIRY**

~~28~~37) Notwithstanding other provisions of these conditions, this permit will expire if one of the following circumstances applies:

- (a) The development is not started within three years of the date of this permit.
- (b) The development is not completed within six years of the date of this permit.

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

19/08/2004 Date of Issued	_____ Signature for the Responsible Authority 09 NOV 2007
------------------------------	---

**THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:**

Date of amendment	Brief description of amendment
31 August 2006	The permit has been extended for a period of 5 years pursuant to Section 69 of the Act. The permit will expire if the development is not commenced by 19 August 2012 and completed by 19 August 2015.
9 November 2007	The permit has been corrected pursuant to Section 71 of the Act to include Lot 1 LP213921G which was previously omitted.
24 October 2013	The permit has been corrected pursuant to Section 71 of the Act to include Lot 1 PS 405962G which was previously omitted.

**ADVERTISED  
PLAN**