



Minister for Planning

Ref: MBR005692
File: PL-SP/05/0257

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ADVERTISED PLAN

Mr Reiner Zoller
Managing Director
Pro Vantum International GmbH
Tennenbacher Weg 2-4
D- 7936
GERMANY

18 AUG 2006

Dear Mr Zoller

MT GELLIBRAND WIND ENERGY FACILITY

I am pleased to advise that I have accepted the recommendations of the independent panel appointed to review the proposed Mt Gellibrand wind energy facility and have now granted Planning Permit PL-SP/05/0257.

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its consideration and review as
part of a planning process under the
Planning and Environment Act 1987.

In granting this permit, I am satisfied that the Mt Gellibrand proposal is acceptable within the context of the *Policy and Planning Guidelines for Wind Energy Facilities in Victoria*.

I enclose for your information a copy of the planning permit as well as a copy of the panel report. The conditions forming part of the permit respond to the recommendations of the independent panel.

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Please be advised that aviation obstacle lighting has been approved as part of this permit following the release of new information regarding the visual impact of these lights and a peer review process which included a lighting demonstration at the Wonthaggi Wind Farm. This information has informed measures to satisfactorily limit any off site amenity impacts associated with obstacle lighting.

I draw your particular attention to the requirements specified in the conditions of the permit. It is important to note that requirements for detailed vegetation surveys are specified to inform the final location of all infrastructure. These requirements are important to avoid the unnecessary removal or disturbance of native flora and fauna.

I welcome the development of the Mt Gellibrand Wind Farm as a contributor to the delivery of Victoria's Renewable Energy Strategy.

Should you have any further queries regarding this matter please contact Ms Sarah McMaster, Regional Planner at the Department of Sustainability and Environment, South West Region office on telephone 5336 6765.

Yours sincerely

ROB HULLS MP
Minister for Planning

Enc.

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**PLANNING
PERMIT**

Permit No.: PL-SP/05/0257

Planning Scheme: Colac Otway Planning Scheme

Responsible Authority for Administration and Enforcement
of this permit: Minister for Planning

ADDRESS OF THE LAND:

Land generally to the south and west of Mt Gellibrand and to the west and east of Mooleric Road, Mt Gellibrand, described as:

- Vol 3197 Folio 346 Lots 1-16 TP 381888F
- Vol 3357 Folio 255 Subdivision C CA 16 Subdivision C CA 1
- Vol 10470 Folio 616, Lot 1 PS 429092B
- Vol 10729 Folio 037, CA 94, CA 97 Parish of Gellibrand
- Vol 10289 Folio 648, CA 95 Parish of Gellibrand
- Vol 10289 Folio 647, CA 96 Parish of Gellibrand
- Vol 10386 Folio 352, CA 102 Parish of Gellibrand
- Vol 9787 Folio 718, CAs 103, 104 and 105 Parish of Gellibrand
- Vol 9787 Folio 720, CAs 72, 73, 78, 79, 80, 81, 86 and 87 Parish of Gellibrand
- Vol 10137 Folio 065 CA 88 Parish of Gellibrand
- Vol 10470 Folio 617 Lot 2 PS 429092B
- Vol 10470 Folio 618, Lot 3 PS 429092B
- Vol 5291 Folio 071, CA 57A Parish of Birregurra
- Vol 0818 Folio 495, CA 57B Parish of Birregurra
- Vol 5218 Folio 577, CA 50A Parish of Birregurra
- Vol 7218 Folio 541, CA 51A Parish of Birregurra
- Vol 8576 Folio 336, Lot 2 PS 065810
- Vol 8866 Folio 517, Lots 1-9 TP 845466A
- Vol 8600 Folio 564, Lots 1-9 TP 845466A
- Vol 10443 Folio 482, Lot 1 TP 011017J
- Vol 10443 Folio 483, Lot 2 TP 011017J
- Vol 10443 Folio 484, Lot 3 TP 011017J
- Vol 10443 Folio 485, Lot 4 TP 011017J
- Vol 10443 Folio 486, Lot 5 TP 011017J
- Vol 10443 Folio 487, Lot 6 TP 011017J
- Vol 10443 Folio 519, Lot 6 TP 011017J
- Vol 10443 Folio 520, Lot 5 TP 011017J
- Vol 10443 Folio 488, CA 83 Parish of Turkeeth
- Vol 10443 Folio 516, Lot 1 TP 011017J
- Vol 10443 Folio 517, Lot 2 TP 011017J
- Vol 10443 Folio 518, Lot 3 TP 011017J
- Vol 10443 Folio 521, CA 83 Parish of Turkeeth
- Vol 10443 Folio 522, Lot 4 TP 011017J

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THE PERMIT ALLOWS:

Development and use of land for the purpose of a wind energy facility, comprising up to 116 turbines and associated buildings and works, including; an operations and maintenance building, switch yard, substation, underground cabling and access tracks.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

DEVELOPMENT PLANS

1. Before the use and development starts, fully scaled and dimensioned plans including elevations 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 plans must show:

- (a) The location of all wind turbines (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 the wind farm Mt Gellibrand Map 1A (refer to Figure 1 of the Panel Report for the Mt Gellibrand Wind Farm, 23 December 2005).
- (b) The detailed design of the wind turbines to be installed, including details of the model and capacity and in accordance with the following requirements:
 - i. an overall maximum height including blades of less than 150 metres.
 - ii. a base diameter at ground level not more than 13 metres (steel tower plus a visible concrete tower) which may breach any copyright
 - iii. three rotor blades, and
 - iv. the colour of the wind turbines including tower, nacelle and blades must be of blue-grey, green-grey or white-grey and must be non-reflective.
 - v. wind turbines on the western perimeter must not be moved further west than the locations shown on Mt Gellibrand Map 1A.
 - vi. wind turbines on the southern perimeter must not be moved further south than the locations shown on Mt Gellibrand Map 1A.
- (c) The location, layout and dimensions of all buildings and works, including roads, access tracks, underground cabling, car parking areas, construction lay down areas (including temporary construction staging areas, construction facilities, the concrete batching plant and construction or maintenance pads for each wind turbine), operations and maintenance building, switch yard, landscaping areas, overhead distribution lines and substation. These buildings and works must meet the following requirements:
 - i. The materials, paint colours and finishes used must ensure that the impact on landscape values is minimised.
 - ii. All new electricity cabling associated with the collector network within the wind energy facility turbine cluster must be placed under the ground with the exception of the connector to the state-wide electricity grid.
 - iii. The transformer associated with each wind turbine must be located beside each tower and pad mounted or be enclosed within the tower structure.

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- iv. The access tracks must be constructed of local gravel and/or surface materials and sited to minimise impacts on erosion and overland flows, the landscape values of the site and, where appropriate, having regard to the farming attributes of the land.
 - (d) Details of any signs to be displayed, which must be limited to:
 - i. Directional signs showing the location of any entry access or viewing areas.
 - ii. One logo or company identification sign for the wind energy facility operator or wind turbine manufacturer displayed on each wind turbine.
 - iii. Signs required specifically in relation to site safety issues.
 - iv. Signs included in the approved Traffic Management and Car Parking Plan.
 - (e) The location, size and type of any aviation lighting, including any measures to screen the lighting.
2. Subject to the restrictions outlined in Condition 1, the use and development as shown on the endorsed plans 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 turbines will be regarded as generally in accordance with the endorsed plans if the Minister for Planning is satisfied that they respond to the investigations set out in Condition 3 and do not give rise to a material change to assessed landscape, vegetation, cultural heritage, visual amenity, shadow flicker, noise or aviation impacts and:
- (a) the turbine location is altered by no more than 100 metres.
 - (b) no turbine is located within 30 metres of a title boundary or a road.
 - (c) the revised turbine location achieves the landscaping plan objectives expressed in Conditions 5 and 6.
3. Prior to the preparation of the plans referred to in Condition 1, details of the following further investigations must be submitted to and approved by the Minister for Planning. When approved, the final investigation reports will be endorsed by the Minister for Planning and will then form part of this permit.
- (a) A comprehensive geotechnical investigation of the wind turbine construction sites is to be carried out to the satisfaction of the Department of Sustainability and Environment to assess the following:
 - i. That the foundation piles will be founded in competent material and that there will be no risk of wind turbine collapse or damage to adjoining properties from foundation blasting.
 - ii. A risk assessment of the potential risk to wind turbines posed by land slip or rock fall from land above the turbines.
 - iii. The presence of underground water systems and the likely impact of any such system on wind turbine foundations and access tracks.
 - iv. Implementation measures to avoid interference with groundwater systems.
 - (b) Detailed botanical surveys to be undertaken to the satisfaction of the Department of Sustainability and Environment to determine the location of native vegetation and native flora species. The survey must include the following:
 - i. The survey is to be undertaken in the period from September to early January or as otherwise indicated by the Department of Sustainability and Environment.

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- ii. The survey is to identify species and their location existing in all areas that may be affected by the development. The final locations of wind turbines, access tracks, power line poles and alignment, underground power lines, construction access, staging areas, operations and maintenance building, switchyard, substation, and any other infrastructure associated with the project must be located to minimise impact on native flora and fauna.
 - iii. The survey is to inform the final location of all buildings and works so that removal or disturbance of native vegetation is minimised and to ensure that no threatened flora and fauna species is disturbed.
- (c) Field surveys of the potential habitat and presence of the Striped Legless Lizard to be undertaken to the satisfaction of the Department of Sustainability and Environment. The field surveys must determine the likelihood of the presence of the Striped Legless Lizard and the location of its habitat and outline a management plan which details proposed measures to protect the Striped Legless Lizard and its habitat. The field surveys will be subject to the following:
- i. The surveys are to be undertaken proximate to the proposed final location of wind turbines and other infrastructure, and include a targeted sampling within such locations.
 - ii. The surveys are to include the period from late winter to September/October when most species of spring-emerging plants are evident and prior to ground cracking.
 - iii. The surveys are to inform the final location of all infrastructure so that removal or disturbance of Striped Legless Lizard is avoided if possible.
- (d) Further archaeological investigations by a qualified archaeologist to the satisfaction of the Department of Sustainability and Environment in relation to the impact of the wind turbines located on recorded Aboriginal archaeological sites - nos. 46, 47 and 102 - and in areas of sensitivity - nos. 29, 32, 39, 44, 46, 47, 48, 50, 58, 71 (stony rises) and 43, 49, 50, 51, 60, 61, 66, 67, 68, 69, 70, 71, 78, 79, 80, 81, 82, 85, 86, 87, 88, 92, 94, 95 (high ground above 150 metres above sea level), except where wind turbines have already been relocated on advice of the cultural heritage consultant or micro-siting avoids the need for further investigation.

LANDSCAPE/VISUAL AMENITY

4. Prior to the commencement of the use and development hereby permitted, a landscape plan and schedule must be submitted to and approved by the Minister for Planning. When approved the plan will be endorsed and will then form part of the permit. The landscape plan must include:
- (a) Details of visual screening around the operations and maintenance building, switchyard and substation to provide effective screening of these facilities.
 - (b) Details of the revegetation of construction access roads, all construction staging areas and construction pads adjoining each wind turbine, and revegetation of the edges of permanent access roads to take place as soon as construction works are completed. All vegetation species are to be selected from indigenous vegetation varieties.
 - (c) Details of plant species proposed to be used, including heights and spread of the species at maturity.

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- (d) A timetable for implementation of the landscape works.
 - (e) A plant establishment and maintenance program.
5. Prior to the commencement of the use and development hereby permitted, a roadside visual screening landscape plan must be prepared in consultation with VicRoads, Colac Otway Shire and relevant landowners and submitted to and approved by the Minister for Planning. When approved, the plan will be endorsed by the Minister for Planning and will then form part of this permit. The plan must include:
- (a) Identification of road locations with views to wind turbines.
 - (b) The selection and planting of indigenous vegetation.
 - (c) Visual screening of roadside locations to minimise views of wind turbines but allow views of adjacent rural areas, especially when wind turbines will be located close to focal sightlines such as the centreline axis of the road.
 - (d) Visual screening required to address any road safety issue.
 - (e) The location of planting, the timing of planting, and details of species proposed to be used for landscaping along with the growth pattern and the anticipated height and size of species at maturity; and an explanation of the way in which the planting will minimise visual impacts.
 - (f) That implementation of the plan will be at the permit holder's expense.
6. Prior to the commencement of the use and development hereby permitted by this permit, a residence visual screening landscape plan must be prepared in consultation with relevant landowners and submitted to and approved by the Minister for Planning. When approved, the plan will be endorsed by the Minister for Planning and will then form part of this permit. The plan must include:
- (a) That within one (1) month of the issue of this permit, the permit holder must provide a written offer to relevant landowners to provide visual screen landscape planting in consultation with the landowner and at the permit holder's expense, including negotiations for planting outside the boundaries of the landowner's property.
 - (b) That the landowners must have the opportunity to accept the offer from the date of the written offer until a period of six (6) months following the commissioning of the last wind turbine.
 - (c) That the written offer must apply to the landowners described on page 58 of the Panel Report for the Mt Gellibrand Wind Farm, 23 December 2005.
 - (d) The location of planting, the timing of planting, and details of indigenous species proposed to be used for landscaping along with the growth pattern and the anticipated height and size of species at maturity; and an explanation of the way in which the planting will minimise visual impacts.
 - (e) That implementation of the plan will be at the permit holder's expense.

TRAFFIC MANAGEMENT AND CAR PARKING

7. Prior to the commencement of the use and development permitted by this permit, a traffic management and car parking plan must be prepared in consultation with Colac Otway Shire and VicRoads and submitted to and approved by the Minister for Planning. When approved, the plan will be endorsed by the Minister for Planning and will then form part of this permit. The plan must include:

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- (a) The designation of Mooleric Road as the appropriate construction and transport vehicle route to the wind energy facility.
- (b) During periods of heavy construction, procedures to maintain Mooleric Road in a condition which is suitable for use by cars and heavy vehicles driven by the general public at no cost to Colac Otway Shire Council. Road maintenance materials must be approved by the Colac Otway Shire Council prior to use. Road maintenance is to include (but not be limited to):
 - i. Existing sealed pavement
 - ii. Existing unsealed pavement
 - iii. Drainage elements – culverts, end walls and table drains
 - iv. Road furniture – signs and guideposts
- (c) Procedures to maintain Mt Gellibrand Road to its current standard as a fire access road.
- (d) An existing condition survey of the intersection of Princess Highway West and Mooleric Road, including comments on the suitability, design, construction and maintenance standard of the intersection.
- (e) A breakdown of projected traffic loadings associated with the development, including daily passenger and truck numbers, during both the construction and operational phases.
- (f) The designation of operation routes.
- (g) The location of loading and unloading sites.
- (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 upgrade of the Princess Highway West/ Mooleric Road intersection to accommodate any additional traffic or site access requirements, whether temporary or ongoing.
- (j) A timetable for implementation of any pre-construction works identified to be undertaken.
- (k) A timetable of regular inspections to be carried out during the construction period to identify maintenance works necessary as a result of construction traffic.
- (l) Protocols for pavement management in wet weather conditions.
- (m) Consideration of a designated viewing area for the public including:
 - i. A safe location along the Princes Highway West, with access and car parking for cars travelling in either direction; and/or
 - ii. Provision of a single off-road car park and vehicle turning space at the site of the proposed construction staging area adjacent to Mooleric Road at the entrance to the wind energy facility.
 - iii. Appropriate signs along the Princes Highway West and on Mooleric Road to direct vehicles to viewing locations.
 - iv. Interpretative material.
- (n) On-site visitor car parking spaces. These spaces may be included in the spaces provided by Condition 7 (m)ii.

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REVISED PLAN

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- (o) Appropriate signs and details of signs.
- 8. The use and development must be carried out in accordance with the endorsed traffic management and car parking plan and the costs of any works including maintenance are to be at the expense of the permit holder. All car parking spaces shall be constructed and maintained to the satisfaction of the Minister for Planning, VicRoads and Colac Otway Shire Council where appropriate.

EXTERNAL LIGHTING

- 9. Where aviation lighting is to be provided, the operator of the wind energy facility must, if required by the Civil Aviation Safety Authority (CASA), carry out to CASA's satisfaction, a post-construction night flying trial to verify the adequacy of the lighting. If any material change to the location, size or type of any lighting is reasonably required as a result of the trial, the operator must provide an amended plan to the Minister for Planning (for the purpose of condition 1(e)) and CASA showing the changes.
- 10. Except with the prior written consent of the Minister for Planning, aviation lighting must not exceed a maximum of a pair of medium intensity, intermittent, synchronised, directional lights on 20 turbines.
- 11. Except with the prior written consent of the Minister for Planning, no external lighting of the infrastructure associated with the wind energy facility, other than low level and baffled security lighting, ~~is permitted to be installed or operated~~, with the exception of emergency lighting to urgently remedy damage to the wind energy facility.

ENVIRONMENTAL MANAGEMENT PLAN

- 12. Prior to the commencement of the use and development permitted by this permit, an environmental management plan must be prepared in consultation with the Department of Sustainability and Environment, the Corangamite Catchment Management Authority, Aboriginal Affairs Victoria, and the Colac Otway Shire Council and submitted to and approved by the Minister for Planning. When approved, the plan will be endorsed by the Minister for Planning and will then form part of this permit. The plan must include:

- (a) A Construction and Work Site Management Plan

This plan must include:

- i. Procedures for access, noise and pollution management.
- ii. The identification of all potential contaminants stored on site.
- iii. The identification of all construction and operational processes that could potentially lead to water contamination.
- iv. The identification of appropriate storage, construction and operational methods to control any identified contamination risks, and the procedures to rectify any emergency situation that may arise, including fires.
- v. An estimate of the volume of water that will be needed for concrete batching and dust suppression, and the source of that water, in consultation with the relevant water supply authority.
- vi. The identification of waste re-use, recycling and disposal procedures.
- vii. Appropriate sanitary facilities for construction and maintenance staff.

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viii. Criteria for the siting of any temporary structures required during construction (including workers huts, concrete batching facilities, storage and lay down areas, hard standing areas adjacent to wind turbine towers etc.) and the procedure for their removal and reinstatement of the land once they are no longer needed.

(b) A Sediment and Erosion Management Plan

This plan must include:

- i. Procedures to ensure that all silt from batters, cut off drains, table drains and road works is retained on 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 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.
- ii. Procedures to contain any contaminated or turbid run-off during and after construction of the wind energy facility, including the treatment of drainage outlets from the site.
- iii. Procedures to suppress dust arising from construction related activities. Appropriate measures may include water spraying of roads and stockpiles, stabilising surfaces, temporary screening and/or wind fences, modifying construction activities during periods of heightened winds and revegetating exposed areas as soon as practicable.
- iv. Procedures to ensure that steep batters are treated in accordance with the Environmental Protection Authority's Construction Techniques for Sediment Pollution Control, publication No 275.
- v. Criteria for the siting of any temporary concrete batching plants associated with construction of the wind energy facility and 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 Concrete Batching Industry', publication No 628.
- vi. Procedures for waste water and discharge management.
- vii. A process for overland flow management to prevent the concentration and diversion of waters onto the site or erosion prone slopes.
- viii. Incorporation of control measures outlined the Environment Protection Authority's 'Environmental Guidelines for Major Construction Sites' publication No 480.
- ix. Siting of concrete batching plant and any on-site wastewater and disposal and disposal treatment fields at least 100 metres from any watercourse.
- x. Appropriate capacity and an agreed program for annual inspection and regular maintenance of any on-site wastewater management system constructed to service staff, contractors or visitors.
- xi. Immediate remediation of localised erosion, with a specified response time.

(c) A hydrocarbon and hazardous substances plan

This plan must include:

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- i. Procedures for the storage of any fuels, lubricants or waste oil to be stored in bunded areas.
- ii. 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 wildfire and emergency prevention and response plan

The plan must be prepared in consultation with the Country Fire Authority, the Department of Sustainability and Environment, and the Colac Otway Shire Council Municipal Emergency Management Committee. This plan must include:

- i. provision for emergency fire access including between Ramsay Road and Mt Gellibrand Road. The plan must be reviewed and updated at least every five (5) years in consultation with the Country Fire Authority.

(e) A Cultural Heritage and Archaeological Management Plan

In addressing Aboriginal and post-contact cultural heritage issues, this plan must include:

- i. A survey conducted by a qualified archaeologist that locates, records and assesses Aboriginal sites and post-contact places and objects on all land which has the potential to be affected by the wind energy facility. This must include land that may be disturbed by associated works such as new access roads, trenching and cable works, buildings, services and/or possible erosion arising from such works. This survey must be undertaken in association with the relevant Aboriginal communities identified by Aboriginal Affairs Victoria. *This copied document to be works such as for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987.*
- ii. Protocols for the activities of construction contractors identified to have potential effects on sites of cultural significance. *The activities of construction contractors identified to have potential effects on sites of cultural significance breach any copyright*
- iii. Procedures for seeking and obtaining written consent of any identified 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.
- iv. Protocols for ongoing consultation with the relevant Aboriginal communities throughout the project, especially those relating to the detailed on-surface and sub-surface archaeological investigations, including maintaining confidentiality (where considered appropriate) of the locations of Aboriginal archaeological sites.
- v. Protocols for protecting and reporting the discovery of any human remains in accordance with the requirements of the Victoria Police, the Victorian State Coroner's Office and Aboriginal Affairs Victoria.
- vi. Procedures providing appropriate workshops and training courses with contractors to protect all known sites of Aboriginal or post-contact cultural heritage value.
- vii. 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.

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viii. Management of historic dry stone walls to minimise impacts but if impacts cannot be avoided, then detailed photographic documentation and reconstruction should be undertaken to the satisfaction of Heritage Victoria.

(f) A geological and geomorphological plan

This must include:

i. Actions adopted as a result of further investigations described in Condition 3(a).

(g) A Native vegetation protocol

This protocol is to be established in consultation with the Department of Sustainability and Environment – South West Region and must clarify the circumstances in which a further planning permit will be sought for native vegetation removal. The protocol must include:

i the Net Gain actions that will be undertaken if native vegetation disturbance or removal cannot be avoided for the construction, operation and decommissioning stages of the project.

(h) A Native Vegetation Management Plan

This must include:

i Identification of native vegetation that is to be destroyed or lopped, if applicable, and provision for Net Gain to be made with Victoria's Native Vegetation Management Framework **for the sole purpose of enabling its consideration and review as**

ii. Revegetation and/or rehabilitation to at least their previous condition of all areas affected by activities **Plans required for the construction of the wind energy facility including temporary access roads, trenching, construction staging areas, concrete batching area and lay down areas. The documents may breach any copyright**

iii. Details of additional survey work to ensure the final locations of the wind turbines and associated infrastructure do not impact on threatened flora species or the habitat of the Striped Legless Lizard and specification of appropriate mitigation measures to minimise any impacts in consultation with the Department of Sustainability and Environment.

(i) 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

i. Procedures for the control of pest animals, particularly by negating opportunities for the sheltering of pests.

ii. In addition to any requirements contained in Condition 15 below, the procedure should provide that follow up pest animal controls are undertaken on all areas disturbed by the wind energy facility construction works for a period of two (2) years following completion of the wind energy facility.

(j) A Pest Plant Management Plan

This plan must include procedures for the control of pest plants, including:

i. Procedures to prevent the spread of weeds and pathogens from earth moving equipment and associated machinery, including the cleaning of all plant and equipment before transport to the site and the use of road making material comprising clean fill that is free of weeds.

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- ii. A program of early identification and eradication of weeds in disturbed areas and follow up weed control for a minimum period of two (2) years following the completion of the wind energy facility.
 - (k) An environmental monitoring plan.
 - (l) A training program including a site induction program relating to the range of issues addressed by the environmental management plan.
 - (m) 7A program for reporting, including a register of environmental incidents, non-conformances, complaints and corrective actions.
 - (n) A timetable for implementation for any programs and works identified in a plan referred to in Conditions 12 (a) to (l).
 - (o) The environmental management plan is to be reviewed every five (5) years in consultation with the Department of Sustainability and Environment to reflect operational experience and changes in environmental management standards and techniques and is to be submitted to the Minister for Planning for reindorsement.
13. The use and development must be carried out in accordance with the endorsed Environmental Management Plan.

AVIFAUNA

14. Prior to the commencement of the use and development permitted by this permit, an avifauna management plan must be prepared in consultation with the Department of Sustainability and Environment and submitted to and approved by the Minister for Planning. When approved, the plan will be endorsed by the Minister for Planning and will then form part of this permit. The plan must include:
- (a) A regular program (including, before development starts) of observation of Brolgas within a defined radius of the wind energy facility (eg. 20 or 30 kilometres) and at specified times of the year to better understand Brolga behaviour and record species numbers and breeding sites. This program may include participation of local landowners. This information is to be provided to the Department of Sustainability and Environment at agreed intervals.
 - (b) A regular program of monitoring bird and bat strike on a specified schedule, including dawn and dusk monitoring to determine any effects of aviation hazard lighting. The bird and bat strike monitoring program must record kills by species. This information is to be provided to the Department of Sustainability and Environment at agreed intervals.
 - (c) Recording of relevant information in conjunction with Brolga observation and bird and bat strike monitoring programs such as rainfall, wind speed, site conditions, climatic patterns and wind energy facility operation to assist analysis of patterns over time.
 - (d) Definition of an acceptable population impact threshold for the Brolga. If the threshold is not met, then identified mitigation measures must be implemented to the satisfaction of the Minister for Planning, including measures to enhance Brolga breeding habitat, protect existing breeding sites, wind turbine shut down at critical times and any other measure identified through the Brolga observation and bird and bat strike monitoring program.
 - (e) Evaluation of the bird and bat strike monitoring program at regular intervals to determine the level of impacts to other species, and a procedure to initiate

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appropriate mitigation measures to the satisfaction of the Minister for Planning if significant species are affected or significant losses of other species occurs.

- (f) Procedures for the regular removal of carcasses likely to attract raptors and predators to areas near turbines.
- (g) Procedures for the baiting of predators before and during the Brolga breeding season at breeding sites on and nearby the wind energy facility.
- (h) Conditions 14(a) to (g) are to apply over the period of the life of the project, or as determined by the Department of Sustainability and Environment.

NOISE

15. The operation of the wind energy facility must comply with the New Zealand Standard NZS 6808:1998 "Acoustics - The assessment and measurement of sound from wind turbine turbines" in relation to any dwelling existing at the date of this permit, to the satisfaction of the Minister for Planning. In determining compliance with the New Zealand Standard, the following will apply:

- (a) The sound level from the wind energy facility, when measured outdoors within 10 metres of a dwelling at any relevant nominated wind speed, should not exceed the background level (L95) by more than 5dBA or a level of 40dBA L95, whichever is the greater.
- (b) When sound has a specific identifiable characteristic, the measured sound level of the source shall have a 5dB penalty applied.
- (c) Compliance at night must be separately assessed with regard to night-time data. For these purposes, the night is defined as 10.00pm to 7.00am. For sleep protection purposes, the sound level standard set out at 14(a), for 10% of the night, amounts to a breach of the condition if it reaches or exceeds any of the following levels:

16. Condition 15 does not apply if an agreement has been reached with a specific landowner through which the landowner accepts predicted noise levels and/or otherwise agrees to the implementation of appropriate acoustic attenuation measures 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. In such circumstances, the permit holder must enter into an agreement with the Minister for Planning and the registered proprietor of the land pursuant to Section 173 of the *Planning and Environment Act 1987* (Section 173 Agreement) to provide that any dwelling on the land should not be occupied by persons other than those with an interest in ownership and management of land on which the wind energy facility is located and their families, or otherwise receive a financial benefit as a result of the location of the wind energy facility on the land, except with the written consent of the Minister for Planning.
17. Where Condition 15 is found to have been breached, the Minister for Planning shall notify the wind energy facility operator, with a request for steps to be taken to ascertain the relevant meteorological circumstances at the time of breach and to noise optimise the operation of the relevant wind 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 wind turbine or turbines in those circumstances. In circumstances where optimisation or selective shut down routines have been requested but not reasonably implemented, or have been implemented but have not prevented

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further instances of recorded breach, the relevant wind turbine or turbines will be required to be decommissioned and removed.

18. An independent post-construction noise monitoring program must be commissioned within two (2) months of the commissioning of the first wind turbine and continue for a sufficient period following commissioning of the final wind generation to allow determination of the noise level associated with the operation of the wind turbines to the satisfaction of the Minister for Planning. The program must be carried out in accordance with the New Zealand Standard as varied by conditions (a), (b) and (c) of Condition 15 above. The permit holder must pay the reasonable costs of the monitoring program.
19. 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 the monitoring period. The report must specifically include an evaluation of whether wind turbines nos. 13 to 19 and 32 to 35 must operate in 'Noise Optimisation Mode' for the requirements of this permit to be met. The results must be written in plain English and formatted for reading by lay persons.
20. 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.
21. Before the use commences, details of a noise complaints and education process must be submitted to and approved by the Minister for Planning to address any breach of Condition 15. This evaluation process should include, but not be limited to the following components:
 - (a) A noise complaints telephone service.
 - (b) Details of validity requirements for noise complaints (that is: date, time, noise description and weather conditions at the receptor location).
 - (c) Response protocol to valid noise complaints.
 - (d) A register of complaints, responses and ratification, which may be inspected by the Minister for Planning.
 - (e) Provision for review of the complaint and evaluation process, including review of the process six (6) months after commencement of the operation of the wind energy facility.

BLADE/SHADOW FLICKER

22. Shadow flicker, as a result of the operation of the wind energy facility, experienced at any dwelling must not exceed 30 hours per annum.
23. Condition 22 does not apply if an agreement has been reached with a specific landowner through which the landowner accepts predicted blade shadow flicker levels. In such circumstances, the permit holder must enter into an agreement with the Minister for Planning and the registered proprietor of the land pursuant to Section 173 of the *Planning and Environment Act 1987* (Section 173 Agreement) to provide that any dwelling on the land should not be occupied by persons other than those with an interest in ownership and management of land on which the wind energy facility is located and their families, or otherwise receive a financial benefit as a result of the location of the wind energy facility on the land, except with the written consent of the Minister for Planning.

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

TELECOMMUNICATIONS RECEPTION AND INTERFERENCE

25. A pre-construction qualitative survey must be carried out on television and radio reception for all residences located within 3 kilometres of any wind turbine to the satisfaction of the Minister for Planning.
26. If a complaint is made regarding television and radio reception at the residences, a post-construction qualitative survey must be carried out.
27. 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.
28. A 50 metre clearance must be maintained to microwave point to point transmission paths.

SECURITY

29. All site and wind turbine access points and electrical equipment must be locked and made inaccessible to the general public to the satisfaction of the Minister for Planning. Public safety warnings must be located on all wind available towers. 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

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

AVIATION SAFETY CLEARANCES

31. Prior to the approval of development plans, documentation must be provided to the Minister for Planning that demonstrates that any structure to be erected on the wind energy facility pursuant to this permit is satisfactory to the Civil Aviation and Safety Authority.
32. Copies of the approved development plans are to be provided to the Civil Aviation and Safety Authority 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

33. Any replacement of wind turbines for the re-powering of the wind energy facility must meet the conditions of this permit and must be sited in the same location as the wind turbine(s) to be replaced.
34. No wind turbine or any component of a wind turbine, approved under Condition 1 of this permit, is permitted to be replaced in a manner that would materially affect size, external visual appearance, sound power characteristics, model, turbine capacity, or electrical output of the turbine, without further written consent of the Minister for Planning.

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DECOMMISSIONING

35. The wind energy facility operator must, without delay, notify the Minister for Planning in writing as soon as all of the wind turbines have permanently ceased to generate electricity whether owing to planned removal, fault or otherwise. Within twelve (12) months of this date, the wind energy facility operator, or in the absence of the operator, the owner of the land on which the relevant turbine is located, must undertake the following to the satisfaction of the Minister for Planning:
- (a) Remove all above ground non-operational or downed equipment.
 - (b) Remove and clean up any residual spills.
 - (c) Clean up and restore all storage, construction and other areas associated with the use, development and decommissioning of the wind energy facility, including provision of soil cover and grassing over the wind turbine site(s).
 - (d) Restore all access roads and other areas affected by the project closure or decommissioning if not otherwise useful to the ongoing management of the land.
 - (e) Submit a post decommissioning traffic management plan to the Minister for Planning and when approved, implement that plan.
 - (f) Submit a post decommissioning revegetation management plan to the Minister for Planning and when approved, implement that plan.

PRELIMINARY INVESTIGATION WORKS

36. 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.
37. For the purposes of this permit, the carrying out of preliminary investigative works is not considered to amount to commencement of development.

AGREEMENTS

38. Before the use starts, application must be made to the Registrar of Titles to register any Section 173 Agreement required under Condition 16 and Condition 23 on the title of the land under Section 181 of the Act. The permit holder must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.
39. Agreements required under Condition 16 and Condition 23 must be retained by the wind energy facility operator for inspection by the Minister for Planning and any prospective purchaser of a property containing wind turbines.

NOTICE TO LANDOWNERS

40. Within one (1) month of the issue of this permit, the permit holder must prepare a communications program to inform prospective purchasers of land or permit applicants in the vicinity of the wind energy facility that a permit has been issued and the details of the development in consultation with Colac Otway Shire and to the satisfaction of the Minister for Planning. The program must include the procedures to be followed and a process for determining when the program is no longer required.

EXPIRY

41. Notwithstanding other provisions of these conditions, the use and development permitted by this permit will expire if one of the following conditions applies:
- (a) The development is not started within five years of the date of this permit;

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- (b) The development is not completed within five years after commencement.
42. 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.

Date Issued: 18 AUG 2006


Signature for the responsible authority

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IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

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

WHEN DOES A PERMIT BEGIN?

A permit operates—

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

WHEN DOES A PERMIT EXPIRE?

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

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WHAT ABOUT APPEALS?

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