



# Application to AMEND a Planning Permit

If you need help to complete this form, read MORE INFORMATION at the end of this form.

**Department of Environment, Land, Water and Planning (DELWP)**  
Planning Enquiries  
Phone: 1800 789 386  
Web: [planning.vic.gov.au](http://planning.vic.gov.au)

**⚠** Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. See MORE INFORMATION at the end of this form to read our privacy statement. If you have any questions, please contact the relevant DELWP office.

**⚠** This form cannot be used to:

- amend a permit or part of a permit if the Victorian Civil and Administrative Tribunal (VCAT) has directed under section 85 of the Act that the responsible authority must not amend that permit or that part of the permit (as the case requires); or
- amend a permit issued by the Minister under Division 6 of Part 4 of the Act (these applications must be made to the Minister under section 971 of the Act).

**⚠** Questions marked with an asterisk (\*) must be completed.

**i** Click for further information.

Clear Form

## The Land **i**

Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

### Street Address \*

\*Please refer to Cover Letter for all land details

Unit No.:	St. No.:	St. Name:
Suburb/Locality:		Postcode:

### Formal Land Description \*

Complete either A or B.

**⚠** This information can be found on the certificate of title.

If this application relates to more than one address, attach a separate sheet setting out any additional property details.

A	Lot No.:	<input type="radio"/> Lodged Plan	<input type="radio"/> Title Plan	<input type="radio"/> Plan of Subdivision	No.:
OR					
B	Crown Allotment No.:		Section No.:		
Parish/Township Name:					

## Planning Permit Details **i**

What permit is being amended? \*

Planning Permit No.:
----------------------

## The Amended Proposal **i**

**⚠** You must give full details of the amendment being applied for. Insufficient or unclear information will delay your application.

What is the amendment being applied for?\*

- Indicate the type of changes proposed to the permit.
- List details of the proposed changes.

If the space provided is insufficient, attach a separate sheet.

This application seeks to amend:			
<input type="checkbox"/>	What the permit allows	<input type="checkbox"/>	Plans endorsed under the permit
<input type="checkbox"/>	Current conditions of the permit	<input type="checkbox"/>	Other documents endorsed under the permit

Details:
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**⚠** Provide plans clearly identifying all proposed changes to the endorsed plans, together with: any information required by the planning scheme, requested by DELWP or outlined in a DELWP checklist; and if required, include a description of the likely effect of the proposal.

## Development Cost

### Estimate cost of development\*

If the permit allows **development**, estimate the cost difference between the development allowed by the permit and the development to be allowed by the amended permit.

Cost of proposed amended development:

–

Cost of the permitted development:

=

Cost difference (+ or –):

Insert 'NA' if no development is proposed by the permit.

 You may be required to verify this estimate.

## Existing Conditions

### Describe how the land is used and developed now\*

For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

Have the conditions of the land changed since the time of the original permit application?  Yes  No

If yes, please provide details of the existing conditions.

 Provide a plan of the existing conditions if the conditions have changed since the time of the original permit application. Photos are also helpful.

## Title Information

### Encumbrances on title\*

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- Yes. (If 'yes' contact council for advice on how to proceed before continuing with this application.)
- No
- Not applicable (no such encumbrance applies).

 Provide a full, current copy of the title for each individual parcel of land forming the subject site. The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', for example, restrictive covenants.

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## Applicant and Owner Details i

Provide details of the applicant and the owner of the land.

### Applicant \*

The person who wants the permit.

Please provide at least one contact phone number \*

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

### Owner \*

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

\*Please refer to Cover Letter for owner details

Name:		
Title:	First Name:	Surname:
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name:
Suburb/Locality:	State:	Postcode:

<b>Contact information for applicant OR contact person below</b>	
Business phone:	Email:
Mobile phone:	Fax:

<b>Contact person's details*</b>		Same as applicant <input type="checkbox"/>
Name:		
Title:	First Name:	Surname:
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name:
Suburb/Locality:	State:	Postcode:

Name:		Same as applicant <input type="checkbox"/>
Title:	First Name:	Surname:
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name:
Suburb/Locality:	State:	Postcode:
Owner's Signature (Optional):	Date: day / month / year	

## Declaration i

This form must be signed by the applicant\*

**⚠** Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

I declare that I am the applicant; that all the information in this application is true and correct; that all changes to the permit and plan have been listed as part of the amended proposal; and that the owner (if not myself) has been notified of the permit application.

Signature: 	Date: day / month / year
--	-----------------------------

## Need help with the Application? i

If you need help to complete this form, read MORE INFORMATION at the end of this form. General information about the planning process is available at [planning.vic.gov.au](http://planning.vic.gov.au)

Contact the relevant DELWP office to discuss the specific requirements for this application and obtain a checklist. Insufficient or unclear information may delay your application.

**Has there been a pre-application meeting with a DELWP planning officer?**  
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<input type="radio"/> No	<input type="radio"/> Yes	If 'Yes', with whom?:
		Date: day / month / year

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## Checklist

Have you:

- Filled in the form completely?
- Paid or included the application fee?
- Attached all necessary supporting information and documents?
- Completed the relevant planning permit checklist?
- Signed the declaration above?

 Most applications require a fee to be paid. Contact DELWP to determine the appropriate fee.

## Lodgement

Lodge the completed and signed form and all documents with:

### Department of Environment, Land, Water and Planning

To obtain the address details for the relevant planning office, go to the department's Planning Contacts page at [planning.vic.gov.au/contact-us](http://planning.vic.gov.au/contact-us) or email [development.approvals@delwp.vic.gov.au](mailto:development.approvals@delwp.vic.gov.au)

Deliver application in person, by post or by email.

## Payment

Please select the relevant payment method.

A  Electronic Funds Transfer (EFT)

On  (day / month / year) an EFT payment

of \$

was made to:

**BSB – 033 222**

**ACC – 13 11 46**

**ABN – 90 719 052 204**

OR

B  Cheque\*

A cheque was made payable on  (day / month / year)

in accordance with the Planning and Environment (Fees) Regulations.

*\*Cheques must be made payable to the Department of Environment, Land, Water and Planning.*

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**The Land**

It is important that your application to amend a planning permit includes details of the land, consistent with the Planning Permit. Refer to a copy of your Planning Permit, when completing the street address section of the form.

Also ensure you provide up-to-date details for the formal land description, using the current copy of the title.

**Planning Permit Details**

You must identify the permit being amended by specifying the permit number. This can be found at the beginning of the permit.

**The Amended Proposal**

First select the type of amendment being applied for. This may include an amendment to:

- the use and/or development allowed by the permit.
- conditions of the permit.
- plans approved by the permit.
- any other document approved by the permit.

Then describe the changes proposed to the permit, including any changes to the plans or other documents included in the permit.

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**Development Cost**

In most instances an application fee will be required. This fee must be paid when you lodge the application. The fee is set down by government regulations.

To help DELWP calculate the application fee, you must provide an accurate cost estimate of the proposed development to be allowed by the amended permit and the difference between the development allowed by the permit.

DELWP may ask you to justify your cost estimates. Costs are required solely to allow DELWP to calculate the permit application fee.

Fees are exempt from GST.

The cost difference is calculated as follows:

Development cost related to the Application to Amend a Planning Permit	-	Development cost related to the Application for a Planning Permit	=	Cost Difference
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If the estimated cost of the proposed amended development is less than the estimated cost of the development allowed by the permit, show it as a negative number.

**Example 1**

Where the cost of the development to be allowed by the amended permit is lower than the cost of the development allowed by the permit:

$\$180,000 - \$195,000 = -\$15,000$

**Example 2**

Where the cost of the development to be allowed by the amended permit is higher than the cost of the development allowed by the permit:

$\$250,000 - \$195,000 = \$55,000$

▲ Costs for different types of development can be obtained from specialist publications such as Cordell Housing: Building Cost Guide or Rawlinsons: Australian Construction Handbook.

▲ Contact DELWP to determine the appropriate fee. Go to [planning.vic.gov.au](http://planning.vic.gov.au) to view a summary of fees in the Planning and Environment (Fees) Regulations.

**Existing Conditions**

**How should land be described?**

If the conditions of the land have changed since the time of the original permit application, you need to describe, in general terms, the way the land is used now, including the activities, buildings, structures and works that exist (for example, single dwelling, 24 dwellings in a three-storey building, medical centre with three practitioners and 8 car parking spaces, vacant land).

Please attach to your application a plan of the existing conditions of the land, if the conditions have changed since the time of the original permit application. Check with DELWP for the quantity, scale and level of detail required.

It is also helpful to include photographs of the existing conditions.

**Title Information**

**What is an encumbrance?**

An 'encumbrance' is a formal obligation on the land, with the most common type being a 'mortgage'. Other common examples of encumbrances include:

- **Restrictive Covenants:** A 'restrictive covenant' is a written agreement between owners of land restricting the use or development of the land for the benefit of others, (eg. a limit of one dwelling or limits on types of building materials to be used).
- **Section 173 Agreements:** A 'section 173 agreement' is a contract between an owner of the land and the responsible authority which sets out limitations on the use or development of the land.
- **Easements:** An 'easement' gives rights to other parties to use the land or provide for services or access on, under or above the surface of the land.
- **Building Envelopes:** A 'building envelope' defines the development boundaries for the land.

Aside from mortgages, the above encumbrances can potentially limit or even prevent certain types of proposals.

**What documents should I check to find encumbrances?**

Encumbrances are identified on the title (register search statement) under the header 'encumbrances, caveats and notices'. The actual details of an encumbrance are usually provided in a separate document (instrument) associated with the title. Sometimes encumbrances are also marked on the title diagram or plan, such as easements or building envelopes.

**What about caveats and notices?**

A 'caveat' is a record of a claim from a party to an interest in the land. Caveats are not normally relevant to planning applications as they typically relate to a purchaser, mortgagee or chargee claim, but can sometimes include claims to a covenant or easement on the land. These types of caveats may affect your proposal.

Other less common types of obligations may also be specified on title in the form of 'notices'. These may have an effect on your proposal, such as a notice that the building on the land is listed on the Heritage Register.

**What happens if the proposal contravenes an encumbrance on title?**

Encumbrances may affect or limit your proposal or prevent it from proceeding. Section 61(4) of the *Planning and Environment Act 1987* for example, prevents a council from granting a permit if it would result in a breach of a registered restrictive covenant. If the proposal contravenes any encumbrance, contact DELWP for advice on how to proceed.

You may be able to modify your proposal to respond to the issue. If not, separate procedures exist to change or remove the various types of encumbrances from the title. The procedures are generally quite involved and if the encumbrance relates to more than the subject property, the process will include notice to the affected party.

▲ You should seek advice from an appropriately qualified person, such as a solicitor, if you need to interpret the effect of an encumbrance or if you seek to amend or remove an encumbrance.

**Why is title information required?**

Title information confirms the location and dimensions of the land specified in the planning application and any obligations affecting what can be done on or with the land.

As well as describing the land, a full copy of the title will include a diagram or plan of the land and will identify any encumbrances, caveats and notices.

**What is a 'full' copy of the title?**

The title information accompanying your application must include a 'register search statement' and the title diagram, which together make up the title. In addition, any relevant associated title documents, known as 'instruments', must also be provided to make up a full copy of the title.

Check the title to see if any of the types of encumbrances, such as a restrictive covenant, section 173 agreement, easement or building envelope, are listed. If so, you must submit a copy of the document (instrument) describing that encumbrance. Mortgages do not need to be provided with planning applications.

▲ Some titles have not yet been converted by Land Registry into an electronic register search statement format. In these earlier types of titles, the diagram and encumbrances are often detailed on the actual title, rather than in separate plans or instruments.

#### Why is 'current' title information required?

It is important that you attach a current copy of the title for each individual parcel of land forming the subject site. 'Current' title information accurately provides all relevant and up-to-date information.

Some Councils require that title information must have been searched within a specified time frame. Contact DELWP for advice on DELWP requirements.

▲ Copies of title documents can be obtained from Land Registry: Level 10, 570 Bourke Street, Melbourne; 03 8636 2010; [www.landata.vic.gov.au](http://www.landata.vic.gov.au) – go direct to "titles & property certificates".

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## Applicant and Owner Details

This section provides information about the permit applicant, the owner of the land and the person who should be contacted about any matters concerning the permit application.

The applicant is the person or organisation that wants the permit. The applicant can, but need not, be the contact person.

In order to avoid any confusion, DELWP will communicate only with the person who is also responsible for providing further details. The contact may be a professional adviser (e.g. architect or planner) engaged to prepare or manage the application. To ensure prompt communications, contact details should be given.

The owner of the land is the person or organisation who owns the land at the time the application is made. Where a parcel of land has been sold and an application made prior to settlement, the owner's details should be identified as those of the vendor. The owner can, but need not, be the contact or the applicant.

See **Example**.

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## Privacy statement

The Department of Environment, Land, Water and Planning (DELWP) is committed to protecting personal information provided by you in accordance with the principles of the Victoria privacy laws.

The information you provide will be used for the following purposes:

- correspond with you about your permit application
- if necessary, notify affected parties who may wish to inspect your application so that they can respond - this may be a notice onsite, in a newspaper and/or by post
- if necessary, forward your application to a referral authority who must also keep a register available for inspection by any person
- be recorded in the Minister's permit register (no name or personal details are visible in the online register).

The information you provide will be made available to:

- any person who may wish to inspect your application until the application process is concluded, including any review at VCAT
- relevant officers in DELWP, other Government agencies or Ministers directly involved in the planning process.
- Persons accessing information in accordance with the *Public Records Act 1973* or the *Freedom of Information Act 1982*.

This information is being collected in accordance with the *Planning and Environment Act 1987*.

If all requested information is not received, DELWP may not be able to process your application.

You may access the information you have provided to DELWP by emailing: [development.approvals@delwp.vic.gov.au](mailto:development.approvals@delwp.vic.gov.au)

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## Declaration

The declaration should be signed by the person who takes responsibility for the accuracy of all the information that is provided. This declaration is a signed statement that the information included with the application is true and correct at the time of lodgement.

The declaration can be signed by the applicant or owner. If the owner is not the applicant, the owner must either sign the application form or must be notified of the application which is acknowledged in the declaration.

▲ Obtaining or attempting to obtain a permit by wilfully making or causing any false representation or declaration, either orally or in writing, is an offence under the *Planning and Environment Act 1987* and could result in a fine and/or cancellation of the permit.

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## Need help with the Application?

If you have attended a pre-application meeting with a DELWP planner, fill in the name of the planner and the date, so that the person can be consulted about the application once it has been lodged. This will help speed up the processing of your application.

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## Checklist

You should provide sufficient supporting material with the application to describe the proposal in enough detail for the council to make a decision. It is important that copies of all plans and information submitted with the application are legible.

There may be specific application requirements set out in the planning scheme for the use or development you propose. The application should demonstrate how these have been addressed or met.

The checklist is to help ensure that you have:

- provided all the required information on the form
- included payment of the application fee
- attached all necessary supporting information and documents
- completed the relevant DELWP planning permit checklist
- signed the declaration on the last page of the application form.

▲ The more complete the information you provide with your application, the sooner DELWP will be able to make a decision.

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## Lodgement

The application must be lodged with the DELWP office responsible for the planning scheme in which the land affected by the application is located. To obtain the address details for the relevant DELWP office, go to the department's Planning Contacts page at [planning.vic.gov.au/contact-us](http://planning.vic.gov.au/contact-us)

▲ **Approval from other authorities:** In addition to obtaining a planning permit, approvals or exemptions may be required from other authorities or council departments. Depending on the nature of your proposal, these may include food or health registrations, building permits or approvals from water and other service authorities.

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## Applicant and Owner Details i

Provide details of the applicant and the owner of the land.

### Applicant \*

The person who wants the permit.

Please provide at least one contact phone number \*

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

### Owner \*

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Name:			
Title: <b>MR</b>	First Name: <b>LEN</b>	Surname: <b>BROWNING</b>	
Organisation (if applicable): <b>RESPONSIBLE DEVELOPERS PTY LTD</b>			
Postal Address: <small>If it is a P.O. Box, enter the details here:</small>			
Unit No.: <b>4</b>	St. No.: <b>12</b>	St. Name: <b>ARDOUR LANE</b>	
Suburb/Locality: <b>WYCHEPROOF</b>		State: <b>VIC</b>	Postcode: <b>3527</b>

Contact information for applicant OR contact person below			
Business phone: <b>9123 4567</b>	Email: <b>tcpl@bigpond.net.au</b>		
Mobile phone: <b>0412 345 678</b>	Fax: <b>9123 4567</b>		

Contact person's details* <span style="float: right;">Same as applicant <input type="checkbox"/></span>			
Name:			
Title: <b>MR</b>	First Name: <b>ANDREW</b>	Surname: <b>HODGE</b>	
Organisation (if applicable): <b>TOWN PLANNING CONSULTANTS</b>			
Postal Address: <small>If it is a P.O. Box, enter the details here:</small>			
Unit No.:	St. No.:	St. Name: <b>PO BOX 111</b>	
Suburb/Locality: <b>PARKDALE</b>		State: <b>VIC</b>	Postcode: <b>3194</b>

Name: <span style="float: right;">Same as applicant <input checked="" type="checkbox"/></span>			
Title:	First Name:	Surname:	
Organisation (if applicable):			
Postal Address: <small>If it is a P.O. Box, enter the details here:</small>			
Unit No.:	St. No.:	St. Name:	
Suburb/Locality:		State:	Postcode:
Owner's Signature (Optional):			Date: day / month / year

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Hon. Richard Wynne MP  
Minister for Planning  
8 Nicholson Street,  
East Melbourne, Victoria 3002

# ADVERTISED PLAN

8/12/2022

Dear Minister,

**Dundonnell Wind Farm – Planning Permit No. 2015/23858/A**  
**Application to Amend a Planning Permit**

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## 1. Overview

Dundonnell Wind Farm Pty Ltd, a wholly owned subsidiary of Tilt Renewables Australia Pty Ltd (the Proponent) makes this request to amend Planning Permit No. 2015/23858/A (the Planning Permit) that was issued by the Minister for Planning on 30 June 2016, and further amended on 16 October 2018 and 8 January 2019.

The Planning Permit facilitates the Dundonnell Wind Farm project (the Project), and allows:

*Use and development of land for a Wind Energy Facility and associated buildings and works, business identification signage, removal of native vegetation and alteration of access to a road in a Road Zone – Category 1.*

The address of land in which the Planning Permit applies is outlined in the Planning Permit, contained at Appendix A. The owners of the land in which the Planning Permit applies is contained at Appendix B.

An amendment to the Planning Permit is being sort pursuant to Section 72 of the *Planning and Environment Act 1987* (P&E Act) to amend Condition 72 (Decommissioning) to better facilitate the implementation and execution of the Section 173 agreement, ensuring the intent of the Condition is met.

The Proponent believes this amendment is minor in nature and does not warrant further notification to the referral authorities.

## 2. Proposed Amendments

The Proponent is requesting further time to execute the Section 173 agreement with all relevant parties, including the host landowners (including banks for mortgagee consents where required), Moyne Shire Council<sup>1</sup> and the Proponent. Table 1 below outlines the proposed amendment to Condition 72. A track changed version of the Planning Permit, showing the proposed amendment is contained at Appendix A.

*Table 1 Proposed Amendment to the Planning Permit*

Reference	Current Wording	Proposed Wording
Condition 72 (Decommissioning)	<i>Within six months after the construction of the wind energy facility is completed, the operator of the wind energy facility and the owners of the properties which make up the site must enter into an agreement with the responsible authority under</i>	<i>Within 18 months after the construction of the wind energy facility is completed, the operator of the wind energy facility and the owners of the properties which make up the site must enter into an agreement with the responsible authority</i>

<sup>1</sup> For the purpose of Condition 72, Moyne Shire Council is considered the Responsible Authority and will enter into the Section 173 agreement with the Proponent and owners of the properties (including banks for mortgagee consents where required) that make up the wind energy facility.

	<p>section 173 of the Planning and Environment Act 1987.</p> <p>The agreement must require the operator of the wind energy facility to do the following where any or all turbines have permanently ceased to generate electricity:</p> <p>a. notify the responsible authority in writing of the turbine(s) ceasing operation. Such notification must be given no later than two months after the turbine(s) ceases operation;</p> <p>b. undertake the following to the satisfaction of the responsible authority, within such timeframe as may be specified by the responsible authority:</p> <p>i. remove all above ground non-operational equipment;</p> <p>ii. remove and clean up any residual contamination;</p> <p>iii. rehabilitate all storage areas, construction areas, access tracks and other areas affected by the decommissioning of the turbine(s), if those areas are not otherwise useful to the on-going use or decommissioning of the wind energy facility;</p> <p>iv. submit a decommissioning traffic management plan to the same level of detailed as required by condition 31 to the satisfaction of VicRoads and Moyne Shire Council and, when approved, implement that plan; and</p> <p>v. submit a post-decommissioning revegetation management plan, including a timetable of works, to the responsible authority and, when approved by the responsible authority, implement that plan.</p>	<p>under section 173 of the Planning and Environment Act 1987.</p> <p>The agreement must require the operator of the wind energy facility to do the following where any or all turbines have permanently ceased to generate electricity:</p> <p>a. notify the responsible authority in writing of the turbine(s) ceasing operation. Such notification must be given no later than two months after the turbine(s) ceases operation;</p> <p>b. undertake the following to the satisfaction of the responsible authority, within such timeframe as may be specified by the responsible authority:</p> <p>i. remove all above ground non-operational equipment;</p> <p>ii. remove and clean up any residual contamination;</p> <p>iii. rehabilitate all storage areas, construction areas, access tracks and other areas affected by the decommissioning of the turbine(s), if those areas are not otherwise useful to the on-going use or decommissioning of the wind energy facility;</p> <p>iv. submit a decommissioning traffic management plan to the same level of detailed as required by condition 31 to the satisfaction of VicRoads and Moyne Shire Council and, when approved, implement that plan; and</p> <p>v. submit a post-decommissioning revegetation management plan, including a timetable of works, to the responsible authority and, when approved by the responsible authority, implement that plan.</p>
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The application fee for this amendment application is \$1360.80 (89 fee units) as a class 2 application.

Given the minor nature of the amendment being sort and overall benefit it will bring to better facilitate the implementation and execution of the 173 agreement, we believe there is no reason why the Planning Permit should not be amended to reflect the proposed changes.

We are happy to provide any further detail as required to assess this application. Should you have any questions or wish to discuss the application in further detail, please contact me via my details below.

Regards,



Eliza Budd

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Senior Environment and Development Planner

0434 903 635

[eliza.budd@tiltrenewables.com](mailto:eliza.budd@tiltrenewables.com) Appendix A: Permit No. 2015/23858/A Track Changes

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Appendix A: Permit No. 2015/23858/A Track Changes

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PLANNING PERMIT GRANTED BY THE MINISTER UNDER SECTION 97F OF THE PLANNING AND ENVIRONMENT ACT 1987



Permit No.: 2015/23858/A

Planning Scheme: Moyne

Responsible Authority: Minister of Planning

ADDRESS OF THE LAND:

519 Ennerdale Lane Dundonnell, Lots  
1,2,3,4,5,6,7,8,9,10 TP219943K  
1789 Darlington-Nerrin Road Dundonnell, Lot 1  
& 2 TP575538E  
Darlington-Nerrin Road Dundonnell, Lot 107A  
TP379911C  
Darlington-Nerrin Road Dundonnell, Lot 100A &  
107B TP286764F  
Darlington-Nerrin Road Dundonnell, Lot 100B  
TP571062B  
DARLINGTON-NERRIN ROAD DUNDONNELL  
VIC, Crown Allotment 60C Parish of Terrinallum  
Ennerdale Lane Dundonnell, Lot 5A Parish of  
Eilyar TP18784  
Ennerdale Lane Dundonnell, Lot 5 Parish of  
Eilyar TP823494T  
Ennerdale Lane Dundonnell, Lot 96A, 97A, 97B,  
97C & 96B1 Parish of Terrinallum TP73744A  
Ennerdale Lane Dundonnell, Lot 97D Parish of  
Terrinallum TP783695B  
Dohertys Lane Dundonnell, Lot 1 LP065904  
Darlington-Nerrin Road Dundonnell, Lot 98B  
Parish of Terrinallum TP380038M  
Darlington-Nerrin Road Dundonnell, Lot 99A  
Parish of Terrinallum TP293933T  
Fashams Lane Dundonnell, Lot 6 Parish of Eilyar  
TP317667L  
Fashams Lane Dundonnell, Lot 1 LP130769V  
Fashams Lane Dundonnell, Lot 2 LP130769V  
Darlington-Nerrin Road Dundonnell, Lot 1  
TP190241Y  
Dohertys Lane Dundonnell, Lot 93B Parish of  
Terrinallum TP277040C  
150 Dohertys Lane Dundonnell, Lots 91B & 92  
Parish of Terrinallum TP528686E  
458 Post Office Lane Dundonnell, Lot 7 Parish of

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Eilyar TP 325459X  
337 Post Office Lane Dundonnell, Lot 8 Parish of  
Eilyar TP449995E  
259 Post Office Lane Dundonnell, Lot 94 and 95  
Parish of Terrinallum TP23346V  
Fashams Lane Dundonnell, Lot 89 Parish of  
Terrinallum TP646182A  
Fashams Lane Dundonnell, Lot 3 PS503538Y  
32 Post Office Lane Dundonnell, Lot 1  
PS503538Y  
1492 Darlington-Nerrin Road Dundonnell, Lot 2  
PS323640L  
Dohertys Lane Dundonnell, Lot 1 TP812633T  
1464 Darlington-Nerrin Road Dundonnell, Lot 1  
TP190240B  
Dohertys Lane Dundonnell, Lot 90B Parish of  
Terrinallum TP812635P  
Dawes Lane Dundonnell, Lot 2 LP087132  
337 Post Office Lane Dundonnell, Lot 9 Parish of  
Eilyar TP449995E  
1349 Darlington-Nerrin Road Dundonnell, Lot 75  
Parish of Terrinallum TP742192L  
1349 Darlington-Nerrin Road Dundonnell, Lot 1  
TP239591C  
1349 Darlington-Nerrin Road Dundonnell, Lot  
95A Parish of Terrinallum TP609891D  
1349 Darlington-Nerrin Road Dundonnell, Lot  
75A Parish of Terrinallum TP303465C  
1349 Darlington-Nerrin Road Dundonnell, Lot 1  
TP173515J  
1349 Darlington-Nerrin Road Dundonnell, Lot  
74A Parish of Terrinallum TP742195E  
1349 Darlington-Nerrin Road Dundonnell, Lot 2  
LP143851  
32 Post Office Lane Dundonnell, CA 85B Parish  
of Terrinallum SPI:85B/PP3580  
1789 Darlington-Nerrin Road Dundonnell, Lot 1  
(105C) on TP343706  
"Mt Violet" 1349 Darlington-Nerrin Road  
Dundonnell, Lot 1 on Title Plan 238160M  
1488 Darlington-Nerrin Road Dundonnell, Lot 1  
on Title Plan 811951J (formerly known as part  
of Crown Allotment 84 Parish of Terrinallum)  
"Earlston Peak" 1000 Woorndoo Streatham Rd  
Woorndoo, Lot 47A Parish of Eilyar  
"Earlston Peak" 1000 Woorndoo Streatham Rd  
Woorndoo, Lot 47 Sub B Parish of Eilyar  
"Mogila" 760 Woorndoo Streatham Rd  
Woorndoo, Lot 47C Parish of Eilyar  
"Mogila" 760 Woorndoo Streatham Rd  
Woorndoo, Lot 30A Parish of Eilyar  
"Mogila" 760 Woorndoo Streatham Rd  
Woorndoo, Lot 30 Sub B Parish of Eilyar  
"Mogila" 760 Woorndoo Streatham Rd

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### THE PERMIT ALLOWS:

Woorndoo, Lot 19B Parish of Eilyar  
Land adjoining the northern boundary of and spanning between CA 107B TP286764F and Lot 10 of TP219943K

Land adjoining the northern boundary of and spanning between CA 5A TP18784 and Lot CA 92 TP528686E

Land adjoining the northern boundary of and spanning between CA 94 TP23346V and Lot 91B TP528686E

Land adjoining the southern boundary of and spanning between Lot 7 TP325459X and Lot 2 LP87132

Land adjoining the western boundary of and spanning between Lot 10 of TP219943K and Lot 75 TP742192L

Land adjoining the eastern boundary of and spanning between Lot 1 TP343706 and Lot 2 LP143851

Land adjoining the western boundary of CA 60C OP 56236 and spanning between it and eastern boundary of Lot 2 LP87132

Land adjoining the eastern boundary of and spanning between 107B TP286764F and Lot 91B TP528686E

Land adjoining the northern boundary of Lot 74A TP742195E and Part of Lot 1 TP239591

Land adjoining the northern boundary of Lot 47A TP18788Q

Road Widening:

Mortlake-Ararat Road - Road reserve on the northern shoulder of Mortlake-Ararat Road, at the intersection with Hexham-Woorndoo Road.

Mortlake-Ararat Road & Woorndoo - Streatham Road - Two sections of road reserve on Mortlake-Ararat Road & Woorndoo - Streatham Rd on the north & west side, at the intersection of Woorndoo-Streatham Road and the Woorndoo Dundonnell Road.

Use and development of land for a Wind Energy Facility and associated buildings and works, business identification signage, removal of native vegetation and alteration of access to a road in a Road Zone – Category 1.

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## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT

### DEVELOPMENT PLANS

1. Before the development starts, development plans must be prepared to the satisfaction of the responsible authority. When approved, the plans will be endorsed by the responsible authority and will then form part of this permit. The plans must be fully dimensioned, drawn to scale and three copies must be provided to the responsible authority. The plans must be generally in accordance with the *'Dundonnell Wind Farm EES Exhibition Drawings, April 2015* but modified (where required) to show:
  - a. adjustments to the layout generally in accordance with Figure 2-3 Indicative Alternate Site Layout Plan dated 2 March 2016;
  - b. The site constraints plan updated to show the revised turbine layout and include all turbine free buffer zones for Broilga in accordance with figure 7 of Expert Witness Statement of Brett Lane dated 23 September 2015, as well as the turbine free buffer around wetland 117 developed in accordance with the site specific buffers for the rest of the project
  - c. The deletion of any turbines in the north west corner of the site located within the turbine free buffer zone around wetland 117;
  - d. The meteorological mast in the south west corner relocated so that it is outside the turbine free buffer in the south west corner of the site (flight path between wetlands 585 and 139)
  - e. The width of the main access track connecting the site to Woorndoo Streatham Road to be not wider than 12 metres.
  - f. the location, layout and dimensions of all works including turbines, access tracks, power cable routes, any designated car parking areas, and ancillary works such as fire-fighting infrastructure and water tanks, as well as off-site road works and areas where native vegetation is to be removed;
  - g. The locations, elevations, dimensions, and materials and finishes of all buildings including any concrete batching plant(s), the substation, the switchyard, construction compounds.
  - h. Turbine specifications including:
    - i. details of the model and capacity of the turbines to be installed;
    - ii. elevations and dimensions of the turbines, including overall maximum height of turbines to the tip of the rotor blade when vertical, and overall minimum height of the turbine blade at its lowest point, and base diameter at ground level, including towers and their bases;
    - iii. materials and finishes of the turbines;
    - iv. global positioning system coordinates using WGS84 datum for the centre of each turbine at ground level;
    - v. global positioning system coordinates using WGS84 datum for each non-participant dwelling within 1km of a turbine that existed on 21 April 2015; and
    - vi. the distance of the centre of each turbine to the nearest boundary of the wind energy facility site;
  - i. the location, size, type and intensity of any lighting, including any directional screening or baffling of lighting;
  - j. any directional or business identification signage and any required safety signage; and

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- k. any staging of the development.

All to the satisfaction of the responsible authority.

For the purposes of this permit, a non-participant dwelling means any dwelling owned by a person who has not entered into a written agreement in respect of the wind energy facility and the land on which that dwelling is located.

2. Despite any other condition of this permit, no plans will be endorsed by the responsible authority, and no variation to the endorsed plans will be approved by the responsible authority, which allow a turbine to be located within 1 kilometre of an existing dwelling that existed at 21 April 2015 (measured from centre of the turbine at ground level to closest point of the dwelling) unless evidence has been provided to the satisfaction of the responsible authority that the owner of the dwelling has consented in writing to the location of the turbine.

## Layout not to be altered without consent

3. Except as permitted under condition 5, and subject to condition 4, the use and development as shown on the endorsed plans must not be altered or modified without the written consent of the responsible authority.
4. The responsible authority will not consent to an alteration or modification of the use and development as shown on the endorsed plans under condition 3 unless the responsible authority is satisfied that the alteration or modification will not give rise to a material adverse change to assessed landscape, geoscience, vegetation, fauna, cultural heritage, visual amenity, shadow flicker, noise, fire risk or aviation impacts.

Any application for the consent of the responsible authority for an alteration or modification to the endorsed plans under condition 3 must be accompanied by supporting material addressing the matters referred to in this condition, to the satisfaction of the responsible authority.

## Micro-siting of Turbines

5. Micro-siting of turbines (as defined in this condition) is permitted without the need for consent under condition 3 provided that:
- the developer of the wind energy facility has written advice from appropriately qualified experts that the alteration or modification will not result in material adverse change in landscape, geoscience, vegetation, fauna, cultural heritage, visual, shadow or noise impacts compared to the endorsed plans;
  - No turbine located more than a kilometre from a dwelling is moved to within 1 km of a dwelling that existed on 21 April 2015 and which was not the subject of written consent of the owner as at that date, unless evidence has been provided to the satisfaction of the responsible authority that the owner of the dwelling has consented in writing to the location of the turbine;
  - The micro-siting does not result in the removal of any additional native vegetation, unless that removal has been authorised by a planning permit;
  - The micro-sited turbine is within the approved locations for development under a Cultural Heritage Management Plan approved under the *Aboriginal Heritage Act 2006*; and
  - The micro-siting does not move a turbine into a turbine free buffer zone shown on the endorsed plans.

The measurement of any distance between a dwelling and a turbine must be from the centre of the turbine at ground level to the closest point of the dwelling.

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For the purpose of this condition, 'micro-siting of turbines' means

- an alteration to the siting of a turbine by not more than 100 metres; and
- any consequential changes to access tracks and internal power cable routes.

Plans and global positioning system coordinates of the relocated turbines and copies of the advice referred to in condition 5(a) must be provided to the responsible authority.

## Specifications

- The wind energy facility must meet the following requirements, unless varied by the written consent of the responsible authority:
  - The wind energy facility must comprise no more than 96 turbines;
  - the overall maximum height of the turbines (to the tip of the rotor blade when vertical) must not exceed 165 metres above natural ground level;
  - the lowest point of the swept path of a turbine blade must not be less than 23 metres above ground level at the turbine base;
  - turbines must be mounted on a tubular tower;
  - each turbine is to have not more than three rotor blades;
  - the transformer associated with each wind turbine must be located beside each tower, or enclosed within the tower structure;
  - the turbines must be finished in a low-reflectivity material and blades must be finished with a surface treatment of low reflectivity to minimise glint;
  - the colours and finishes of all other buildings and works must be non-reflective such as to minimise the impact of the development on landscape to the satisfaction of the responsible authority; and
  - no more than four permanent wind monitoring masts (including anemometers) can be erected on site.

## LANDSCAPING

### On-site landscaping plan

- Before the development starts, landscaping plans must be prepared for the onsite substation switchyard and permanent maintenance facility to the satisfaction of the responsible authority. The plans must be fully dimensioned, drawn to scale and three copies must be provided. When approved, the plans will be endorsed by the responsible authority and will then form part of this permit.

The on-site landscaping plans must include:

- landscaping to screen the onsite substation switchyard and permanent maintenance facility;
  - details of plant species proposed to be used in the landscaping, including height and spread at maturity;
  - a timetable for implementation of all on-site landscaping works; and
  - a maintenance and monitoring program to ensure the ongoing health of the landscaping.
- The landscaping as shown on the endorsed on-site landscaping plan must be completed in accordance with the implementation timetable, and monitored and maintained, all to the satisfaction of the responsible authority.

### Off-site landscaping program and plan

- Within six months after the date of endorsement of the development plans under condition 1,

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an off-site landscape program must be prepared by the permit holder and submitted for endorsement by the responsible authority.

Once endorsed, the off-site landscape program must be completed to the satisfaction of the responsible authority.

10. The off-site landscaping program must have the objective of reducing the visual impact of turbines from all non-participant dwellings within 4km of a turbine, and must provide:
  - a. details of all dwellings located within 4 kilometres of a turbine;
  - b. a methodology to ascertain the extent of landscaping to be offered to dwelling owners which relates to the visibility of turbines from their dwellings;
  - c. details of typical plant types, including height and spread at maturity, and maturity of stock at planting stage;
  - d. a method for calculating the cost of undertaking and maintaining the off-site landscaping for two years, and arrangements for alternative arrangements if landowners wish to source their own plants and do their own landscaping;
  - e. the method used and number of attempts to make offers for off-site landscaping to landholders;
  - f. the time limit that offers are subject to; and
  - g. details of how evidence of offers to landscape dwellings under this condition are to be recorded, to ensure records can be provided to demonstrate the condition has been discharged.

The permit holder must make progress reports on the off-site landscaping program available on request by the responsible authority.

## NOISE

### Performance requirement

11. Subject to condition 12, the operation of the wind energy facility must not result in wind farm sound levels that exceed the relevant base noise limit described below when measured in accordance with New Zealand Standard 6808:2010, Acoustics – Wind Farm Noise (**the Standard**):
  - a. 40dB LA90(10 min) at 'noise sensitive locations' (as defined in the Standard); or
  - b. Any higher base noise limit that the wind farm operator and dwelling owner agree applies to a particular dwelling. This agreement must be in a form that runs with the land for the life of the wind energy facility.

Where the background sound level plus 5dB is greater than the relevant base noise limit, the noise limit will be the background sound level LA90 (10 min) plus 5dB.

12. Where special audible characteristics, including tonality, impulsive sound or enhanced amplitude modulation occur, as assessed in accordance with Appendix B of the Standard, the noise limit will be modified by applying a penalty of up to + 6 dB LA90 in accordance with Section 5.4 of the Standard.

### Noise compliance assessment

#### *Pre-construction assessment*

13. Before development of the wind energy facility commences, a pre-construction noise assessment, including a tonal audibility assessment, must be undertaken to reflect the final turbine layout and turbine model chosen. The pre-construction noise assessment shall be prepared by a suitably qualified and experienced independent acoustic engineer to demonstrate the wind energy facility will comply with the relevant noise limits specified in

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condition 11, and must be to the satisfaction of the responsible authority. All compliance reports must be publically available on the project website.

Post-construction noise assessment  
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14. Before the wind energy facility starts operating, a noise compliance testing plan shall be prepared by a suitably qualified and experienced independent acoustic engineer which sets out the methodology used to demonstrate compliance with the relevant noise limit specified in condition 11. The noise compliance testing plan must be submitted to and be to the satisfaction of the responsible authority and must also:
  - a. demonstrate that noise assessment positions have been located according to the Standard, and show the location of the noise assessment positions on a map. Alternative noise assessment positions should also be included in case a noise assessment position on private land become inaccessible.
  - b. require noise monitoring in accordance with the Standard for the purpose of preparing the compliance reports required by this condition.
  - c. if the wind energy facility is developed in stages, require a noise compliance investigation to be carried out and reported to the responsible authority by no later than six months after completion of each stage of the wind energy facility.
  - d. require a post-construction noise compliance investigation to be carried out and reported to the responsible authority within 6 months from the commissioning of the wind energy facility, and then repeated 12 months later.
  - e. in the event of non-compliance with the Standard include a noise non-compliance action plan which shall be prepared and implemented to the satisfaction of the responsible authority including actions to make the wind energy facility compliant.
  - f. include a report from an environmental auditor accredited under the Environment Protection Act 1970 with their opinion on the methodology and results contained in the noise compliance testing plan.
15. The noise compliance testing plan must be carried out to the satisfaction of the responsible authority and the plan and all results made publicly available on the project website.

## Noise complaints evaluation

16. Before the wind energy facility starts operating, a noise complaints evaluation plan must be prepared to the satisfaction of the responsible authority capable of demonstrating whether a complaint can be attributed to a breach of the relevant performance requirement in condition 11. The plan must be prepared in accordance with the following requirements:
  - a. unless compliance with the relevant performance requirements in condition 11 has been demonstrated at the complainant's property within the previous twelve months, set out the process for evaluating the complaint including circumstances in which noise monitoring must be undertaken at that property using the same methodology as described in the noise compliance testing plan.
  - b. if a potential non-compliance with the relevant performance requirement in condition 11 is detected, an assessment report must be prepared by a suitably qualified and experienced independent acoustic engineer to:
    - i. identify the weather or operational conditions associated with the complaint;
    - ii. analyse the uncertainty and confidence levels in the monitoring, and the steps taken to reduce uncertainty;
    - iii. target assessment to identify the cause and remediation actions; and

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iv. submit a remediation plan to the satisfaction of the responsible authority outlining the investigation process, complainant communications, actions undertaken and timelines to resolve the potential non-compliance.

## Noise complaint response plan

17. Before the first turbine is commissioned, the permit holder must prepare a noise complaint response plan to the satisfaction of the responsible authority.

The plan must include:

- a. a process of investigation to resolve a complaint;
- b. a requirement that all complaints will be recorded in an incidents 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. a table outlining complaint information to be recorded for each complaint received, including:
  - i. the complainant's name;
  - ii. any applicable property reference number if connected to a background testing location;
  - iii. the complainant's address;
  - iv. a receipt number for each complaint which is to be communicated to the complainant;
  - v. the time, prevailing weather conditions and description of the complainant's concerns including the potential incidence of special audible characteristics; and
  - vi. the processes of investigation to resolve the complaint.

A report including a reference map of complaint locations, and outlining complaints, investigation and remediation actions is to be provided quarterly to the responsible authority.

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.

The owner of the wind energy facility must implement and comply with the noise complaint response plan for the duration of the operation of the wind energy facility.

## BLADE SHADOW FLICKER

### Performance requirement

18. Shadow flicker from the wind energy facility must not exceed 30 hours per annum at any dwelling existing at 21 April 2015.

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

### Blade shadow flicker complaint evaluation and response plan

19. Before the first turbine is commissioned, the operator of the wind energy facility must prepare a detailed shadow flicker complaint evaluation and response plan, to the satisfaction of the responsible authority.

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The plan must include the following elements:

- a. a toll free complaint telephone service;
  - b. a sign on site advising of the complaints telephone number;
  - c. a measure setting out the circumstances in which a complaint made to either the operator of the wind energy facility or the responsible authority triggers a requirement for an investigation; and
  - d. procedures for assessing any alleged non-compliance with condition 19.
20. The operator of the wind energy facility must implement and comply with the approved shadow flicker complaint evaluation and response plan to the satisfaction of the responsible authority.

## TELEVISION AND RADIO RECEPTION AND INTERFERENCE

21. Before the commencement of construction of the wind energy facility, a pre-construction survey must be carried out to determine television and radio reception strength in the area within 5 km of turbines closest to the site boundary in all directions and in which dwellings were located as at 21 April 2015 to the satisfaction of the responsible authority.

The pre-construction survey must include testing at selected locations to enable the average television and radio reception strength in the area within 5 km of the turbines to be determined. The specific locations of testing will be determined by an independent television and radio monitoring specialist, to the satisfaction of the responsible authority.

22. If, following commencement of the operation of the wind energy facility, a complaint is received regarding the wind energy facility having an adverse effect on television or radio reception at any dwelling within 5 km of the turbines which existed at 21 April 2015, a post-construction survey must be carried out at the dwelling.
23. If the post-construction survey establishes any increase in interference to reception as a result of the wind energy facility, the operator of the wind energy facility must undertake measures to mitigate the interference and return the affected reception to pre-construction quality to the satisfaction of the responsible authority.

## ACCESS TRACKS

24. Access tracks within the site must be sited and designed to minimise impacts on overland flows, soil erosion, the landscape value of the site, environmentally sensitive areas and, where appropriate, the farming activities on the site to the satisfaction of the responsible authority.
25. Access tracks must be surfaced in a manner which does not unduly contrast with the surrounding landscape.

## LIGHTING

26. External lighting of infrastructure associated with the wind energy facility is not permitted other than:
- a. low-level, low-intensity security lighting;
  - b. lighting necessary for construction purposes; and
  - c. lighting necessary in the case of an emergency or for operational call-outs at reasonable times,
- each of which must be to the satisfaction of the responsible authority.

## AVIATION SAFETY CLEARANCES

27. Within 30 days of the endorsement of plans under condition 1, copies of the development plans endorsed under condition 1 must be provided by the proponent to the following

# ADVERTISED PLAN

entities, to enable details of the wind energy facility to be shown on aeronautical charts of the area:

- a. CASA;
- b. the Department of Defence (RAAF Aeronautical Information Service);
- c. Airservices Australia;
- d. any aerodrome operator within 15 km of the outside property boundaries of the site;
- e. the Aerial Agriculture Association of Australia;
- f. any organisation responsible for providing air ambulance services in the area; and
- g. CFA Air Services Unit.

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## TRAFFIC MANAGEMENT

### Engineering specifications

28. Prior to the commencement of development of the wind energy facility, engineering plans for all road works required by this condition must be submitted to the Moyne Shire Council for approval. The engineering plans must be designed to Australian Standards and in accordance with VicRoads guidelines and include:
- a. the location and detailed design of the connection between the internal access tracks and the public roads;
  - b. a demonstration that safe sight distances, turning movements, and the avoidance of traffic conflicts at the intersection of internal roads and public roads will be achieved to the satisfaction of Moyne Shire Council and VicRoads;
  - c. The following roads constructed to a 6.2m wide seal, with 0.5m gravel shoulders on either side, for a total width of 7.2m at:
    - i. Woorndoo-Streatham Road between Woorndoo-Dundonnell Road and the entrance track to the wind energy facility site and all associated intersections; and
    - ii. Woorndoo-Dundonnell Road between Mortlake-Ararat Road and Woorndoo-Streatham Road and all associated intersections, except in locations where the Moyne Shire Council has agreed in writing that the width would require the removal of native vegetation, or as otherwise approved in writing by the Moyne Shire Council.

The plans required under this condition must include cross sections showing their formation, depth, drainage and surface levels to the satisfaction of the Moyne Shire Council. Any variation to the width of the road widening to avoid native vegetation must be indicated on the plans.

The upgrade works referred to in condition 28 c) will no longer be required if the Moyne Shire Council provides written advice that:

- a) The roads have already been upgraded by the time construction of the wind energy facility commences; or
  - b) The size of the wind energy facility depicted on the plans endorsed under condition 1 has been reduced to such a degree that the upgrade is no longer justified by the traffic generation volumes associated with construction of the wind energy facility.
29. Prior to the commencement of construction of wind turbine footings, crane hardstand, internal access roads, the substation or transmission towers, road construction works as

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plan(s) endorsed condition under 28, must be undertaken, completed and assessed by the Independent Road Quality Auditor to the satisfaction of Moyne Shire Council.

## TRAFFIC MANAGEMENT PLAN

30. At least eight weeks before construction of the road upgrades referred to in condition 28 commences (unless a shorter time frame is agree by Moyne Shire Council), a traffic management plan must be prepared to the satisfaction of, and endorsed by, Moyne Shire Council and VicRoads. The traffic management plan is to be prepared in consultation with the Rural City of Ararat if local roads within that municipality are proposed to be used for wind farm construction access. The traffic management plan must be complied with, unless varied by the written consent of Moyne Shire Council and VicRoads.
31. The traffic management plan must include:
  - a. the scope of the expertise, duties and role of the nominated Road Quality Auditor engaged under condition 33, including inspection frequency and reporting requirements;
  - b. the number and type of anticipated vehicle movements and the time of day when local roads will be used;
  - c. the nominated routes for traffic accessing and departing the wind energy facility site. The plan should also identify the routes proposed to be utilised to construct the transmission line and off-site substation;
  - d. an existing conditions survey (including testing of road base) of public roads that may be used in connection with the wind energy facility (for access, pre-construction or construction purposes), including details of the suitability, design, condition and construction standard of the relevant public roads;
  - e. the designation of all vehicle access points to the wind energy facility site from surrounding roads. Vehicle access points must be designed and located to ensure safe sight distances, turning movements, and avoid potential through traffic conflicts;
  - f. the designation of appropriate pre-construction, construction and transport vehicle routes to and from the to the wind energy facility site, including designation of transport vehicle routes being used to establish the on-site quarries;
  - g. engineering plans demonstrating whether, and if so how, truck movements to and from the wind energy facility site can be accommodated on sealed roadways and turned without encroaching onto the incorrect side of the road;
  - h. provision of designated areas for loading zones;
  - i. measures to be undertaken to record traffic volumes on the nominated road network during the construction of the wind energy facility;
  - j. recommendations regarding the need for road and intersection upgrades to accommodate any additional traffic or site access requirements (whether temporary or ongoing), beyond those already required by condition 28. Such recommendations will be informed by Council's policy of requiring road upgrades when there is greater than 150 vehicle movements per day, the duration of when those roads will be used, the type of vehicles and extent to which the existing road is impacted by construction vehicles. Where upgrades are required, the traffic management plan must include:
    - i. detailed engineering plans showing the required works, including cross sections which show their formation, depth, drainage and surface levels to the satisfaction of the Moyne Shire Council; and

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- h. timing of when the works are to be undertaken;
- i. proposed measures to ensure workers enter and exit the wind energy facility site from the designated site entrance at Woorndoo-Streatham Road;
- l. proposed measures to ensure construction vehicles are easily identifiable;
- m. the designation of mitigation measures, including operating hours and speed limits for trucks on routes accessing the wind energy facility site which:
  - i. provide for appropriate safety measures around school bus routes and school bus times where relevant; and
  - ii. provide for resident safety;
- n. proposed measures to manage traffic impacts associated with the ongoing operation of the wind energy facility on the traffic volumes and flows on surrounding roads; and
- o. a program to rehabilitate existing public roads within agreed timeframes to the condition identified in the surveys carried out under condition 31(d) or to the condition to which the roads have been upgraded, whichever is relevant.

32. Where there is:

- a. a significant increase in vehicle numbers, determined by the Road Quality Auditor, above the anticipated vehicle movements identified in the endorsed traffic management plan; or
  - b. any change to an endorsed vehicle route identified in the traffic management plan,
- the traffic management plan must be updated to the satisfaction of Moyne Shire Council within 28 days of the event described in condition 32 (a) or (b).

## Road Quality Auditor

33. Prior to endorsement of the traffic management plan, the permit holder must submit to the Moyne Shire Council for approval the identity of a suitably qualified engineer, independent of the proponent's traffic adviser who will undertake the duties of the Road Quality Auditor identified in the traffic management plan.

Once approved, the developer of the wind energy facility must engage, at its cost, the approved Road Quality Auditor to fulfil the requirements of the Road Quality Auditor as defined in the traffic management plan.

34. Council may require at any time the appointment of an alternate proposed Road Quality Auditor within 21 days of making a written request to the wind energy facility developer, if the appointed Road Quality Auditor is unable to maintain independence or is unable to meet project timelines to the Moyne Shire Council's satisfaction. The alternate auditor must, if approved, be appointed by the wind energy facility developer to undertake the duties identified under the traffic management plan.

35. Prior to endorsement of the traffic management plan, the terms of reference for the Road Quality Auditor must be endorsed by Moyne Shire Council, including but not limited to:

- a. a program of regular inspections to be carried out during the construction of the wind energy facility to identify maintenance works necessary as a result of construction traffic;
- b. frequency of inspections;
- c. frequency of reporting to the wind energy facility developer, Moyne Shire Council and VicRoads;

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- d. standards to which all agreed local roads are constructed;
  - e. ongoing maintenance and repair regime during construction of the wind turbine generators;
  - f. procedures for corrective works resulting from non-compliance; and
  - g. penalties for non-compliance.
36. Before construction of wind turbine footings, crane hardstand, internal access roads, the substation or transmission towers commences, construction of all local road upgrades required by this permit must be certified by the Road Quality Auditor as satisfying the requirements of the traffic management plan and the relevant conditions of this permit, to the satisfaction of the Moyne Shire Council, unless otherwise approved in writing by Moyne Shire Council.

## Traffic management and road upgrade and maintenance works

37. The traffic management and road upgrade and maintenance works identified in the endorsed traffic management plan must be carried out in accordance with the endorsed traffic management plan to the satisfaction of the Moyne Shire Council.

## ENVIRONMENTAL MANAGEMENT PLAN

### General requirement for an environmental management plan

38. Before the development starts, an environmental management plan must be prepared, to the satisfaction of the responsible authority. When approved, the environmental management plan will be endorsed by the responsible authority and will then form part of this permit. Once endorsed the proponent must publish the plan on their website.

The environmental management plan:

- a. must be generally in accordance with Chapter 25 of the Dundonnell Wind Farm EES (June 2015);
  - b. must be prepared in consultation with the agencies specified in conditions 43, 44, 46 and 47 or any other agency as directed by the responsible authority;
  - c. may be prepared in sections or stages;
  - d. must be in accordance with all relevant EPA requirements and guidelines;
  - e. must provide for, prior to the relevant construction activities, the clear demarcation on the ground of any areas to be avoided and not disturbed on the advice of a suitably qualified ecologist(s); and
  - f. must meet the requirements of conditions 40 to 49 below.
39. The use and development must be carried out in accordance with the endorsed environmental management plan, to the satisfaction of the responsible authority.

### Construction and work site management plan

40. The environmental management plan must include a construction and work site management plan.

The construction and work site management plan must include:

- a. the identification of fuels, other hazardous materials and all other potential contaminants stored or used on site during the construction phase of the wind energy facility, and appropriate storage, construction and operational methods to control any identified contamination risks;
- b. procedures for managing potential spills and leaks and pollution incidents, including incorporation of appropriate pollution control measures outlined in EPA Publication

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40. Environmental Guidelines for Major Construction Sites (February 1996);
6. procedures to suppress dust emissions from construction-related activities. Appropriate measures may include water spraying of roads and stockpiles, stabilising surfaces, temporary screening and wind fences, modifying construction activities during periods of heightened winds and revegetating exposed areas as soon as practicable;
- d. procedures for managing noise emissions from construction-related activities;
- e. 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 designed and operated in accordance with EPA Publication 628 Environmental Guidelines for the Concrete Batching Industry (June 1998) and taking into account the location of key stony rise areas, as well as the springs and wetlands on the site;
- f. appropriate sanitary facilities to be provided for construction and maintenance staff, which must be designed and operated in accordance with EPA Publication 891.3 Code of Practice – Onsite wastewater management (February 2013);
- g. the identification of waste re-use, recycling and disposal procedures;
- h. a timetable, where practicable, for the construction of turbine bases, access tracks and power cabling during warmer months, to minimise impacts on ephemeral wetlands, local fauna and sediment mobilisation;
- i. procedures to ensure that construction vehicles and equipment use designated tracks and works areas to avoid impacts on native vegetation;
- j. procedures for covering trenches and holes at night, and filling trenches as soon as practical after excavation, to protect native fauna;
- k. the removal of works, buildings and staging areas on completion of the construction phase of the project; and
- l. protocols for avoiding, demolishing or altering historic dry stone walls, and where not possible procedures for replacing demolished sections with gates.

## **Construction Noise Management Plan**

41. The environmental management plan must include a construction noise management plan. The construction noise management plan must include:
  - a. performance requirements for noise at nearby receptors in accordance with EPA Publication 1254;
  - b. procedures for measuring compliance with performance requirements; and
  - c. procedures for receiving, evaluating and responding to complaints.

## **Sediment, erosion and water quality management plan**

42. The environmental management plan must include a sediment, erosion and water quality management plan which must be prepared in consultation with the Glenelg Hopkins Catchment Management Authority prior to its submission to the responsible authority. The sediment, erosion and water quality management plan must include:
  - a. identification of all construction and operational processes that could potentially lead to water contamination;
  - b. procedures to ensure that silt from batters, cut-off drains, table drains and road works is retained on the site during and after construction and replaced as soon as possible. To this

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- i. all land disturbances must be confined to a minimum practical working area;
  - ii. soil to be removed must be stockpiled and separate soil horizons must be retained in separate stockpiles and not mixed, and soil must be replaced as soon as possible in sequence; and
  - iii. stockpiles must be located away from drainage lines;
- c. the installation of geo-textile silt fences (with sedimentation basins where appropriate) on all drainage lines from the site which are likely to receive run-off from disturbed areas;
  - d. procedures to ensure that steep batters are treated in accordance with EPA Publication 275 Construction Techniques for Sediment Pollution Control (May 1991);
  - e. procedures for waste water discharge management;
  - f. a process for overland flow management to prevent the concentration and diversion of waters onto steep or erosion prone slopes;
  - g. pollution management measures for stored and stockpiled materials including waste materials, litter, contaminated run-off and any other potential source of pollution to ground or surface waters;
  - h. incorporation of appropriate pollution control measures outlined in EPA Publication 480 Environmental Guidelines for Major Construction Sites (May 1996);
  - i. a program and appropriate capacity for annual inspection and regular maintenance of any on-site wastewater management system;
  - j. procedures to manage dust from access tracks to prevent adverse impacts on the amenity of neighbouring residential properties;
  - k. a program of inspection and remediation of localised erosion within a specified response time; and
  - l. siting of all buildings, structures and access tracks to avoid location within 20 metres of designated waterways where possible and to take into consideration key stony rise areas as well as the springs and wetlands on the site.

## Hydrocarbon and hazardous substances plan

43. The environmental management plan must include a hydrocarbon and hazardous substances plan.

The hydrocarbon and hazardous substances plan must include:

- a. procedures for any on-site, permanent post-construction storage of fuels, lubricants, waste oil or other hazardous substances or potential contaminants to be in bunded areas; and
- b. contingency measures to ensure that any chemical or oil spills are contained on-site and cleaned up in accordance with EPA requirements.

## Fire prevention and emergency response plan

44. The environmental management plan must include a fire prevention and emergency response plan prepared in consultation with and to the satisfaction of the CFA and DELWP. Consultation with the CFA must include consultation at the region and local level. The Moyne Shire Council must also be consulted in the preparation of the plan.

The fire prevention and emergency response plan must be generally in accordance with the Emergency Management Guidelines for Wind Farms – Version 4, CFA February 2012, and

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must include  
Consideration of weather based threshold criteria for brigade call out and use of appliances;

- b. criteria for the provision of static water supply tanks solely for fire-fighting purposes, including minimum capacities, appropriate connections and signage;
- c. procedures for vegetation management, fuel control and the provision of fire-fighting equipment during declared fire danger periods;
- d. minimum standards for access roads and tracks to allow access for fire fighting vehicles, including criteria for access to static water supply tanks for fire-fighting vehicles;
- e. a requirement that, within one month after the commencement of the operation of the wind energy facility, the operator of the wind energy facility facilitates a familiarisation visit to the site and explanation of emergency services procedures for:
  - i. the CFA (including headquarters level, the CFA Regional Office and local volunteer brigades as specified by the CFA Regional Office);
  - ii. Rural Ambulance Victoria;
  - iii. Moyne Shire Council's Municipal Emergency Management Committee; and
  - iv. Victoria Police;
- f. subsequent familiarisation sessions for new personnel of the organisations referred to in condition 44(e) on a periodic basis as required;
- g. if requested, training of personnel of the organisations referred to in condition 44(e) in relation to suppression of wind energy facility fires.

## Blasting management plan

45. Where blasting is proposed by the wind energy facility developer, the environmental management plan must include a blasting management plan.

The blasting management plan must include:

- a. name and qualification of the person responsible for blasting;
- b. a description of the location of where explosives will be used;
- c. a plan showing the location of every licensed bore on any property with a boundary within 1 km of the location of the blasting;
- d. identification and assessment of any potentially sensitive site within 1 km of the location of the blasting, including the procedure for pre-blast and post-blast qualitative measurement or monitoring of the effects of the blasting on such sites;
- e. the procedure for site clearance and post-blast re-occupation;
- f. the procedure for the storage and handling of explosives;
- g. a requirement that blasting only can occur after at least 48 hours prior written notification of the intention to undertake blasting has been given to the occupants of the properties which are located in whole or in part within 1 km of the location of the proposed blasting; and
- h. a requirement that blasting only be undertaken between the hours of 8am and 4pm.

## Vegetation management plan

46. The environmental management plan must include a vegetation management plan to be prepared in consultation with DELWP – Environment Portfolio and approved by the responsible authority.

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The vegetation management plan must include:

- a. identification of the siting and extent of native vegetation which is authorised by this permit to be removed;
- b. procedures for the rehabilitation of construction zones with appropriate pasture species or native grasses (if in areas of native vegetation);
- c. procedures for ensuring that native vegetation to be retained near wind energy facility infrastructure, including access tracks, will not be adversely affected by construction of the wind energy facility; and
- d. protocols to prevent inadvertent loss or disturbance of habitat for the Striped Legless Lizard, the Fat-tailed Dunnart, the Growling Grass Frog, the Corangamite Water Skink and the Golden Sun Moth.

## **Biosecurity management plan**

47. The environmental management plan must include a biosecurity management plan to be prepared in consultation with DEDJTR and to the satisfaction of the responsible authority.

The biosecurity management plan must include:

- a. procedures to prevent biosecurity risks, which may include (but are not limited to):
  - i. the cleaning of all plant and equipment before transport onto and off the site; and
  - ii. the use of material/products on site which are free of invasive plants and animals;
- b. a protocol for effective identification of biosecurity risks, early intervention to manage biosecurity risks, ongoing monitoring of biosecurity risks, trace-backs, and integrated control measures when entry, establishment or spread of specific risk targets is identified;
- c. a requirement to comply with approved government or industry standards and procedures for the identification, prevention and management of biosecurity risks that apply from time to time, which include (but are not necessarily limited to):
  - i. the DEDJTR's Invasive Plant and Animal Management Policy Framework (undated);
  - ii. the DEDJTR's Biosecurity Guidelines for Movement of Equipment Contractors Between Farms (Note Number: AG1171 published in January 2005 and updated in July 2009; and
  - iii. the DEDJTR's recommended standards and practices for managing viticulture biosecurity and plant biosecurity risks.

## **Environmental management plan training program**

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

## **Environmental management plan reporting program**

49. The environmental management plan must include a program for reporting environmental incidents, including:
- a. a register of environmental incidents, non-conformances and complaints, together with corrective actions taken in response to such incidents, non-conformances or complaints
  - b. identification of the person to whom reports of environmental incidents, non-conformances and complaints should be made.

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## Implementation timetable

50. The environmental management plan must include a timetable for implementation of all programs and works referred to in conditions 40 to 49 above.

## Review of the environmental management plan

51. The environmental management plan must be reviewed and if necessary amended in consultation with the responsible authority and other authorities as directed by the responsible authority every five years, to reflect operational experience and changes in environmental management standards and techniques.

The amended environmental management plan must be submitted to the responsible authority for re-endorsement. Once re-endorsed, the amended environmental management plan will take the place of the earlier environmental management plan and will form part of this permit.

## BAT AND AVIFAUNA

### *Bat and Avifauna Management Plan*

52. Before the development starts, a bat and avifauna management plan (**BAM Plan**) must be prepared in consultation with DELWP – Environment Portfolio to the satisfaction of the responsible authority. When approved, the plan will be endorsed by the responsible authority and will then form part of the permit. On endorsement, the endorsed BAM Plan must be placed on the project website for a minimum period of five years.

The BAM Plan must include:

- a. a statement of the objectives and overall strategy for managing and mitigating any significant native bird and bat strike arising from the wind energy facility operations;
- b. a general bat and avifauna monitoring program (excluding Brolga) of at least five years duration that:
  - i. commences on the commissioning of the last turbine of the first stage of the use and development approved by this permit or such other time approved by the responsible authority;
  - ii. requires carcass searches using an acceptable sample of species to be undertaken to ascertain the species, number, age and sex (if possible), date and location of any bird or bat strike;
  - iii. records the number and species, number, age and sex (if possible), date and location of any bird or bat strike;
  - iv. records any seasonal and yearly variation in the number of bird and bat strikes; and
  - v. determines whether further detailed investigations of any potential impacts on native birds and bats are warranted. Any further detailed investigations required are to be undertaken in consultation with DELWP– Environment Portfolio and to the satisfaction of the responsible authority;
  - vi. records the activity of Peregrine Falcons in and around Mt Fyans Wildlife Reserve, including fatalities, and whether they continue to use the reserve for habitat and breeding.
- c. procedures for the reporting of any native bird and bat strikes to the responsible authority and to DELWP– Environment Portfolio within seven days of becoming aware of any strike;
- d. information on the efficacy of searches for carcasses of birds and bats, and,

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- where practicable, information on the rate of removal of carcasses by scavengers, correction factors can be determined to enable calculations of the total number of mortalities;
- e. procedures for the regular removal of carcasses likely to attract raptors to areas near turbines;
- f. procedures for periodic reporting, within agreed timeframes, of the findings of the monitoring to the responsible authority, DELWP – Environment Portfolio and public reporting via the project website; and
- g. procedures for developing measures and thresholds, in consultation with DELWP – Environment Portfolio and to the satisfaction of the responsible authority, to offset any significant impacts detected through the monitoring program, including:
- i. turbine operation management; and
  - ii. taking into account the measures to be implemented in the Brolga compensation plan (described in condition 55 below).
53. Following the completion of each year of the monitoring program referred to in condition 52, a report must be submitted to the responsible authority and DELWP – Environment Portfolio setting out the findings of the program to the satisfaction of the responsible authority. After consideration of this report, the responsible authority may direct that further investigation of potential or actual impacts on native birds and bats is to be undertaken, in which case:
- a. the extent and details of the further investigation must be developed in consultation with DELWP – Environment Portfolio and to the satisfaction of the responsible authority;
  - b. the investigation must be carried out to the satisfaction of the responsible authority; and
  - c. all reports and investigation results under this condition must be placed on the project website for a minimum period of five years.
54. The use and development of the wind energy facility must be carried out in accordance with the endorsed BAM Plan to the satisfaction of the responsible authority.

## *Brolga monitoring and compensation*

55. Before the development starts:
- a. A Brolga monitoring plan must be prepared in consultation with DELWP – Environment Portfolio to the satisfaction of the responsible authority. When approved, the plan will be endorsed by the responsible authority and will then form part of the permit. On endorsement, the endorsed Brolga monitoring plan must be placed on the project website for a minimum period of five years. The plan must:
    - i. be implemented for the life of the wind energy facility, but otherwise be consistent with the requirements of condition 52;
    - ii. identify the location of potentially at risk Brolga breeding, migration and flocking activities;
    - iii. include recommendations in relation to a mortality rate for Brolga which would trigger the requirement for responsive mitigation measures to be undertaken by the operator of the wind energy facility, developed in consultation with DELWP – Environment Portfolio to the satisfaction of the responsible authority;
  - b. A Brolga compensation plan must be prepared in consultation with DELWP – Environment Portfolio to the satisfaction of the responsible authority. When approved, the plan will be endorsed by the responsible authority and will then form part of the

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- permit. On endorsement the Brolga compensation plan must be placed on the project website for a minimum period of five years. The plan must include:
- i. specification of accountabilities for plan implementation and monitoring;
  - ii. the principles for the selection of historical Brolga breeding wetlands that will be enhanced;
  - iii. evidence of agreements to participate in the breeding site enhancement project for its duration for the life of the wind energy facility;
  - iv. methods of enhancement appropriate to each enhancement site such as restoration of the natural flooding regime and controlled grazing or stock removal;
  - v. where appropriate, a program of appropriate fox baiting leading up to each breeding season in areas subject to the plan;
  - vi. five-yearly performance targets for each site and the program as a whole, consistent with the outcomes of the Population Viability Assessment included in the Dundonnell Wind Farm EES (June 2015), the zero net impact objective (to be amended every five years depending on outcomes), and the data and recommendations in the Brolga monitoring plan referred to in condition 55(a); and
  - vii. monitoring and reporting requirements, including public reporting after 1 year, 2 years, 5 years, 10 years, 15 years, 20 years and 25 years from commencement of plan implementation approval, on whether the number of sites being managed and the way management is proceeding are expected to meet the 25-year zero net impact objective.
56. Before the development starts the operator of the wind energy facility must commence implementation of the Brolga monitoring plan and Brolga compensation plan and then implement it to the satisfaction of the responsible authority.

## REFERRAL AUTHORITY CONDITIONS

### VICROADS

57. Before the development starts and once construction methods and transportation routes are revealed, a detailed traffic management plan must be prepared to the satisfaction of VicRoads and the responsible authority. When approved, the traffic management plan will be endorsed by the responsible authority and VicRoads, and will then form part of this permit.
58. Before the development starts and once construction methods and transportation routes are revealed, the applicant must enter into a legally binding agreement with VicRoads that clearly specifies an agreed framework for determining the applicant's obligations for addressing potential damage and impacts to the arterial road network by the construction of the projects.

## DEPARTMENT OF ENVIRONMENT, LAND WATER AND PLANNING

### FAUNA MANAGEMENT

59. Prior to commencement of construction, a fauna management plan must be prepared in consultation with DELWP and the responsible authority to the satisfaction of DELWP – Environment Portfolio and the responsible authority. When approved the fauna management plan will be endorsed and will then form part of the permit. The fauna management plan must include:
- a. management and mitigation measures to address impacts to fauna utilising

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- b. management and mitigation measures to address other impacts to native fauna, including impacts to the Growling Grass Frog, Striped Legless Lizard, Fat-tailed Dunnart, Corangamite Water Skink and Golden Sun Moth; and
  - c. salvage and translocation protocol for the Striped Legless Lizard and Fat-tailed Dunnart
  - d. marking of meteorological mast guy lines within the turbine free buffer area in order to minimise Brolga collision.
60. The use and development of the wind energy facility must be carried out in accordance with the endorsed Fauna Management Plan to the satisfaction of the responsible authority.

## VEGETATION REMOVAL AND OFFSETS

61. Before development starts, the permit holder must advise all persons undertaking the (vegetation removal/works) on site of all relevant conditions of this permit.
62. Before development starts, a plan to the satisfaction of the responsible authority identifying all native vegetation to be retained, and describing the measures to be used to protect the identified vegetation during construction, must be prepared in consultation with DELWP – Environment Portfolio and submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will form part of this permit. All works constructed or carried out must be in accordance with the endorsed plan.
63. In order to offset the removal of 0.928 hectares of native vegetation approved as part of this permit, the wind energy facility developer must provide a native vegetation offset that:
- a. meets the requirements set out in conditions 65 and 66; and
  - b. is in accordance with the *Permitted clearing of native vegetation – Biodiversity assessment guidelines* and the *Native vegetation gain scoring manual*,
- unless lesser offsets are approved by the responsible authority if it is satisfied that the extent of native vegetation removal following detailed design of the wind energy facility is less than described in this condition.
64. The general offset must:
- a. contribute a gain of 0.229 general biodiversity equivalence units;
  - b. be located within the Glenelg Hopkins Catchment Management Authority boundary or Moyne municipal district; and
  - c. have a strategic biodiversity score of at least 0.562.
65. The specific offset must contribute gain of 0.012 specific biodiversity equivalence units suitable habitat for Fragrant Leek Orchid determined by the habitat importance map for Fragrant Leek orchid.
66. Before any native vegetation is removed, evidence that an offset has been secured must be provided to the responsible authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of *Permitted clearing of native vegetation – Biodiversity assessment guidelines* and the *Native vegetation gain scoring manual*. Offset evidence can comprise either:
- a. a security agreement, to the required standard, for the offset site or sites including a 10- year offset management plan; or
  - b. a credit register extract from the Native Vegetation Credit Register.
67. The wind energy facility developer must provide notification to the responsible authority of the management actions undertaken towards the implementation of the offset management plan one, two, five and 10 years after the responsible authority has approved the offset

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management plan. An offset site condition statement, including photographs, must be included in this notification.

## SECURITY DEPOSIT/BOND

68. Before the development starts, the operator of the wind energy facility must provide one or more security deposits, bonds or bank guarantee to secure:
- the performance of any works required under condition 31(o);
  - the maintenance of those works for a period of 12 months after the works are completed.
69. The nature of the security deposit(s), bond(s) or bank guarantee(s), and the terms on which they are provided, must be to the satisfaction of the responsible authority, and:
- the amount of the security deposit(s) or bond(s) or bank guarantee(s) must be calculated by reference to the value of the works to which the security deposit or bond relates and must cover 100% of the value of the works.
  - the security deposit(s) or bond(s) or bank guarantee(s):
    - must remain in place for a period of at least 12 months after the completion of the relevant works to which the security deposit or bond relates
    - may only be applied to any works, including maintenance and repair, to which the security deposit or bond relates that are not completed in accordance with the requirements of this permit
    - will be released at the completion of the maintenance period referred to in condition 31(o).

## SITE SECURITY

70. The site, including access points, must be secured to the satisfaction of the responsible authority.
71. All electrical equipment, 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 responsible authority.

## DECOMMISSIONING

72. Within ~~six~~ 18 months after the construction of the wind energy facility is completed, the operator of the wind energy facility and the owners of the properties which make up the site must enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987.

The agreement must require the operator of the wind energy facility to do the following where any or all turbines have permanently ceased to generate electricity:

- notify the responsible authority in writing of the turbine(s) ceasing operation. Such notification must be given no later than two months after the turbine(s) ceases operation;
- undertake the following to the satisfaction of the responsible authority, within such timeframe as may be specified by the responsible authority:
  - remove all above ground non-operational equipment;
  - remove and clean up any residual contamination;
  - rehabilitate all storage areas, construction areas, access tracks and other areas affected by the decommissioning of the turbine(s), if those areas are not otherwise useful to the on-going use or decommissioning of the wind energy facility;

- iv. submit a decommissioning traffic management plan to the same level of detailed as required by condition 31 to the satisfaction of VicRoads and Moyne Shire Council and, when approved, implement that plan; and
  - v. submit a post-decommissioning revegetation management plan, including a timetable of works, to the responsible authority and, when approved by the responsible authority, implement that plan.
73. An application must be made to the Registrar of Titles to register the section 173 agreement on the title to the land under section 181 of the Act within one month after the agreement is executed.
74. The operator of the wind energy facility must pay the reasonable costs of the preparation, execution, registration and enforcement of the section 173 agreement.

#### **STAGING**

75. The use and development authorised by this permit may be completed in stages as shown on the endorsed development plans. Any corresponding obligation arising under this permit (including the preparation and approval of plans) may be similarly completed in stages or parts, but only insofar as those obligations are relevant to the activities and the elements of the wind energy facility that are proposed to be used or developed in a stage or part.

#### **PRELIMINARY INVESTIGATIVE WORKS**

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

#### **EXPIRY**

77. This permit will expire if one of the following circumstances applies:
- a. the development is not started within five years of the date of this permit; or
  - b. the development is not completed within 10 years of the date of this permit.
78. The responsible authority may extend the permit if a request is made in writing:
- a. prior to the expiry of the permit; or
  - b. within 6 months after the permit expires.

Date issued: 30 June 2016



Signature for the Minister

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PLAN**

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

<i>Date of correction</i>	<i>Brief description of correction</i>
16/10/2018	This permit was corrected in accordance with Section 71 of the Planning and Environment Act 1987 by changing Condition 64 and 65 to reflect correct native vegetation offset requirements.

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

<i>Date of amendment</i>	<i>Brief description of amendment</i>
8/1/19	This permit was amended in accordance with Section 97J of the Planning and Environment Act 1987 by amending Condition SSb (ii) & (iii) to allow the Proponent to engage a third party ('Delivery Partner') to implement the site enhancement project on its behalf.

## ADVERTISED PLAN

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## IMPORTANT INFORMATION ABOUT THIS NOTICE

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### WHAT HAS BEEN DECIDED

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

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### WHEN DOES A PERMIT BEGIN?

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A permit operates-

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

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### WHEN DOES A PERMIT EXPIRE?

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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 five years of the certification of the plan of subdivision or consolidation, on under the **Subdivision Act 1988**.
2. A permit for the use of land expires if-
  - \* the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
  - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if-
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
  - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
  - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision-
  - \* the use or development of any stage is to be taken to have started when the plan is certified; and
  - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.
6. In accordance with section 97H of the **Planning and Environment Act 1987**, the responsible authority specified in the planning scheme is the responsible authority for the administration and enforcement of the **Planning and Environment Act 1987** and the relevant planning scheme in respect of this permit (whether or not the permit is amended) except that the Minister remains the responsible authority in respect of-
  - \* any matters which the permit specifies to be done by, approved by or done to the satisfaction of the Minister; and
  - \* any extension of time under section 69 in relation to the permit; and
  - \* the correction of the permit under section 71(1); and
  - \* the amendment of the permit under section 97J.

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### WHAT ABOUT REVIEWS?

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

Planning and Environment Regulations 2015 Form 11

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## Appendix B: Owners of the Land

Land Owner	Email
William Andrew Blackmore & Karen Maria Blackmore	<a href="mailto:karen.bill@aussiebb.com.au">karen.bill@aussiebb.com.au</a>
David James Henry Fletcher & Catherine Fletcher	<a href="mailto:djhfletcher@gmail.com">djhfletcher@gmail.com</a>
Vincent John Gedye & Donna Majella Gedye	<a href="mailto:brogedye@bigpond.com">brogedye@bigpond.com</a>
John Ernest Gedye & Lois Marie Gedye	<a href="mailto:johnnloyis@bigpond.com">johnnloyis@bigpond.com</a>
Timothy Geoffrey Kosch & Susan Mary Kosch	<a href="mailto:mountviolet@activ8.net.au">mountviolet@activ8.net.au</a>
Donald Geoffrey Kosch & Heather Joy Kosch	<a href="mailto:dh.mtviolet@gmail.com">dh.mtviolet@gmail.com</a>
Susan Mary Kosch	<a href="mailto:mountviolet@activ8.net.au">mountviolet@activ8.net.au</a>
Andrew Richard Lamont & Leanne Joy Lamont	<a href="mailto:dunerin1789@gmail.com">dunerin1789@gmail.com</a>
Todd Myles Lamont	<a href="mailto:todd_06@hotmail.com">todd_06@hotmail.com</a> ; <a href="mailto:ttlamontpastoral@outlook.com">ttlamontpastoral@outlook.com</a>
Stuart James Muir and Craig Lawrence Muir (as executors of the estate of Una Irene Muir)	<a href="mailto:carolmuir275@hotmail.com">carolmuir275@hotmail.com</a>
Antony Doanld Ware	
Katharine Margaret Luckock & Elizabeth Jane Gough	<a href="mailto:ennerdaleprops@gmail.com">ennerdaleprops@gmail.com</a>
William Lynch	<a href="mailto:hunterr Richardsonrural@gmail.com">hunterr Richardsonrural@gmail.com</a>

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