

**NOTICE OF  
DECISION TO  
GRANT A  
PERMIT**

Sections 64(1) and 66(2)

**Application No.:** PA1700284

**Planning Scheme:** Wellington

**Responsible Authority:** Minister for Planning

**THE RESPONSIBLE AUTHORITY HAS DECIDED TO GRANT A PERMIT.  
THE PERMIT HAS NOT BEEN ISSUED**

**ADDRESS OF THE LAND:**

**Land**

Lot 1 on Title Plan 578219F VOLUME 09793 FOLIO 782  
Crown Allotment 1 Section A Parish of Alberton West  
VOLUME 10360 FOLIO 155  
Crown Allotment 23A Section A Parish of Alberton West  
VOLUME 08418 FOLIO 802  
Crown Allotment 23B Section A Parish of Alberton West  
VOLUME 06276 FOLIO 023  
Lot 1 on Title Plan 380462X VOLUME 06186 FOLIO 193  
Crown Allotments 3 and 3A Section A Parish of Alberton  
West VOLUME 06157 FOLIO 231  
Lot 1 on Title Plan 578908F VOLUME 09810 FOLIO 905  
Lot 1 on Title Plan 110485V VOLUME 10183 FOLIO 193  
Crown Allotment 24B Section A Parish of Alberton West  
VOLUME 09406 FOLIO 298  
Lots 1 and 2 on Title Plan 865659A VOLUME 04729  
FOLIO 636  
Crown Allotments 53, 54, 59 and 60 Parish of Alberton  
West VOLUME 05387 FOLIO 290  
Lot 2 on Plan of Subdivision 092727 VOLUME 09060  
FOLIO 386  
Crown Allotment 55A Parish of Alberton West VOLUME  
10684 FOLIO 163  
Crown Allotment 49B Parish of Alberton West VOLUME  
03387 FOLIO 244  
Lot 2 on Plan of Subdivision 404524N VOLUME 10316  
FOLIO 253  
Lots 1, 2 and 3 on Title Plan 943340C VOLUME 08820  
FOLIO 377  
PC362145 VOLUME 10415 FOLIO 520  
Crown Allotment 13 Parish of Alberton West VOLUME  
09323 FOLIO 052  
Crown Allotment 8A Parish of Alberton West VOLUME  
07288 FOLIO 434

Crown Allotments 13B and 13B1 Parish of Alberton West  
VOLUME 08403 FOLIO 204

Crown Allotment B Section 9 Parish of Alberton West  
VOLUME 11986 FOLIO 622

Crown Allotment A Section 9 Parish of Alberton West  
VOLUME 10932 FOLIO 575

Lot 7 on Plan of Subdivision 004703 VOLUME 03173  
FOLIO 544

Lot 2 on Plan of Subdivision 617385M VOLUME 11082  
FOLIO 236

Lot 5 on Plan of Subdivision 004703 VOLUME 03141  
FOLIO 079

Lot 8 on Plan of Subdivision 315529X VOLUME 10841  
FOLIO 764

Crown Allotments 14F Parish of Yarram Yarram VOLUME  
11933 FOLIO 984

Crown Allotment 14B1 Parish of Yarram Yarram VOLUME  
04801 FOLIO 127

Lot 1 on Plan of Subdivision 619482D VOLUME 11096  
FOLIO 595

Crown Allotment 12A Parish of Alberton West VOLUME  
08137 FOLIO 959

Lot 1 on Title Plan 109933C VOLUME 10060 FOLIO 723

Lot 1 on Title Plan 221442V VOLUME 08137 FOLIO 957

Lot 2 on Plan of Subdivision 714292D VOLUME 11439  
FOLIO 676

Lot 1 on Plan of Subdivision PS714292 VOLUME 11439  
FOLIO 675

Crown Allotments 14A, 14K and 14A1 Parish of Yarram  
Yarram VOLUME 03792 FOLIO 307

Crown Allotment 14L Parish of Yarram Yarram VOLUME  
09060 FOLIO 895

Lot 3 PS 004703 VOLUME 03437 FOLIO 310

Lot 1 TP 864748G VOLUME 06410 FOLIO 974

Lot 1 on TP 004297P VOLUME 10233 FOLIO 349

Lot 1 on TP 221443T VOLUME 08137 FOLIO 958

Lot 1 TP128952 VOLUME 09083 FOLIO 984

Lot 1 on Plan of Subdivision 603015B VOLUME 10999  
FOLIO 280

#### **Roads**

Road Reserve of Pound Road West (approximately  
1100m southeast of Lower Jack Road)

Road Reserve of Wests Road (approximately 50m east of  
Lanes Road)

Road Reserve of Old Alberton West Road (approximately  
400m east of Crangs Road and at 1130m east of Crangs  
Road)

Road Reserve of Old Alberton West Road (approximately  
1130m east of Crangs Road)

Road Reserve of Old Alberton West Road (approximately  
1100m west of Crangs Road)

Road Reserve of Crangs Road (approximately 440m south of Old Alberton West Road)  
Road Reserve of Coal Mine Road (approximately 525m north of the South Gippsland Highway)  
Road Reserve of Old Alberton West Road (approximately 960m west of the South Gippsland Highway)  
Old Railway Reserve South Gippsland Rail Trail (approximately 710m east of Old Alberton West Road)  
Road Reserve of Ti Tree Road (approximately 1150m south of the South Gippsland Highway)  
Road reserve of South Gippsland Highway (approximately 25m east of Birds Road South)  
Road Reserve of Coal Mine Road (approximately 10m south of the South Gippsland Highway)  
Road Reserve of Ti Tree Road (approximately 1500m south of the South Gippsland Highway)  
Road Reserve of Ti Tree Road (approximately 2840m south of the South Gippsland Highway)  
Road reserves of South Gippsland Highway and Private Access Road (approximately 1200m east of Birds Road South)  
Road reserves of South Gippsland Highway and Coal Mine Road  
Road reserves of South Gippsland Highway and Old Alberton Road  
Road reserves of South Gippsland Highway and Ti Tree Road  
Road reserves of South Gippsland Highway and Pound Road West

**WHAT WILL THE PERMIT ALLOW?**

Use and development of land for a wind energy facility including the construction of buildings and the carrying out of works; the removal of native, non-native and dead vegetation; and the creation and alteration of access to a Road Zone Category 1.

**WHAT WILL THE CONDITIONS OF THE PERMIT BE?**

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**DEVELOPMENT PLANS**

1. Before development starts, amended development plans must be submitted to, approved, and endorsed by the responsible authority. When endorsed, the development plans will form part of this permit.

The development plans must be fully dimensioned and drawn to scale. They must be generally in accordance with the application plans but modified to show:

- a. A maximum of 34 wind turbines with the following specifications:

Turbines T1-T30:

- i. Maximum blade tip height of 200 metres above natural ground level;
- ii. Minimum blade tip clearance from ground level of 60 metres; and

Turbines T31-T34:

- i. Maximum blade tip height of 180 metres above natural ground level;
- ii. Minimum blade tip clearance from ground level of 40 metres; and
- b. The final location, model, specifications, dimensions, materials and finishes of the turbines.
- c. The locations of concrete hardstands for each of the turbines as well as typical details with dimensions no greater than 25 metres by 45 metres.
- d. The locations of access tracks and typical details.
- e. The locations of underground electricity cabling and typical details.
- f. The transformer associated with each turbine being located beside each tower or enclosed within the tower structure.
- g. The locations and details of the work compounds.
- h. Native vegetation to be removed (remnant patch and scattered trees).
- i. Any staging of the development.
- j. Mapped locations and extents of the Albert River and any tributaries, drainage lines, ponds, dams, marshes and wetland habitat.
- k. No buildings or works located within 100 metres from the nearest boundaries of the mapped locations and extents of the Albert River and any tributaries, drainage lines, ponds, dams, marshes and wetland habitat.
- l. Relocation or deletion of turbines to ensure that any turbines (measured from blade tip and base outer edge) are not located within 1000 metres of 'Coastal Saltmarsh', as labelled and demarcated in Figure 11: *Study Area and Modelled Coastal Saltmarsh* of the report titled, 'Alberton Wind Farm: EPBC Act Bilateral Agreement Assessment Documentation, dated July 2018, ref. 14107 (6.7), by Brett Lane & Associates.
- m. Relocation or deletion of turbines to ensure that the noise requirements of conditions 8 to 20 and shadow flicker requirements of condition 21 are met at any dwelling allowed by planning permits P57/2014 and P58/2014 on Lot 2 PS603015B and Lot 3 PS603015B, located on Ti Tree Road, Alberton. This condition has no effect if planning permits P57/2014 and P58/2014 expire and are not extended.
- n. Relocation or deletion of turbines to ensure that the noise requirements of conditions 8 to 20 and shadow flicker requirements of condition 21 are met at the dwelling at 299 Ti Tree Road, Alberton, as allowed by Occupancy Permit ref. BS-U1590/20170312/0.

**WRITTEN CONSENT TO MODIFY ENDORSED PLANS**

2. Except as permitted under conditions 4 and 5, the use and development must be generally in accordance with the plans endorsed in accordance with this permit. The development plans endorsed under condition 1, and any other plan endorsed under a condition of this permit, must not be altered or modified without the written consent of the responsible authority.

**STAGING**

3. The use and development may be completed in stages in accordance with the endorsed development plans. The corresponding obligations arising under this permit may be completed in stages.

## MICRO-SITING OF TURBINES

4. Before development starts, a Micro-siting Plan must be submitted to, approved, and endorsed by the responsible authority. When endorsed, the plan will form part of this permit. The plan must be fully dimensioned and drawn to scale. The plan must identify a footprint at ground level within which each wind turbine may be located, and the turbines can be located anywhere in the footprint shown. The footprint for each turbine identified on the Micro-siting Plan:
  - a. Must not extend more than 100 metres in any direction from the centre of the turbine at ground level as shown on the development plans endorsed under condition 1.
  - b. Must not allow a turbine to be moved to a location within one kilometre of a dwelling, unless evidence is provided to the satisfaction of the responsible authority that the owner of the dwelling has consented in writing to the location of the turbine footprint. This requirement can be varied as below:
    - i. If an approved turbine is located less than one kilometre from a dwelling, that turbine can only be micro-sited to move the turbine further away from the dwelling, unless evidence is provided to the satisfaction of the responsible authority that the owner of the dwelling has consented in writing to the location of the turbine footprint.
  - c. Must not be within 100 metres of the nearest boundaries of the mapped locations and extents of the Albert River and any tributaries, drainage lines, ponds, dams, marshes and wetland habitat. This must include any infrastructure associated with the turbines.
  - d. Must not be moved closer to the adjacent boundary (or boundaries) with forest blocks to the east of Turbines T4, T5, T6 and T7, to the south of Turbines T9, T10, T11, T13, T16 and T19, and to the west and south of Turbine T8, as shown on the application plan titled *Site Plan with Infrastructure (7 June 2017 Post-Optimised Layout)*.
  - e. Must not be moved closer to the nearest boundary of the RAMSAR wetland site for Turbines T33 and T34, as labelled and demarcated in Figure 1: *Overview Map* of the report titled, 'Alberton Wind Farm: Flora and Fauna Assessment, dated December 2016, ref. 14107 (3.3), by Brett Lane & Associates.
5. Any changes to access tracks, underground cabling and associated infrastructure arising from micro-siting a wind turbine in accordance with an endorsed Micro-siting Plan are permitted without requiring the consent of the responsible authority, or any amendments required to the development plans endorsed under condition 1.

## LANDSCAPING

6. Before development starts, an Off-Site Landscaping Program must be submitted to, approved, and endorsed by the responsible authority. When endorsed, the Program will form part of this permit. The Program must:
  - a. Include a plan accurately identifying all non-stakeholder dwellings (excluding those in Township, Commercial, Industrial or Residential Zones) within 5 kilometres of a wind turbine, to the satisfaction of the responsible authority in consultation with the Wellington Shire Council.
  - b. Provide for off-site landscaping or other treatments to reduce the visual impact of the turbines from all relevant non-stakeholder dwellings (excluding those in Township, Commercial, Industrial or Residential Zones) within 5 kilometres of a turbine.

- c. Include a methodology for determining:
    - i. The type of landscaping treatments to be proposed; and
    - ii. A timetable for establishing and maintaining the landscaping for at least two years.
  - d. Include a process for making offers to affected landowners to undertake landscaping on the landowner's land.
  - e. Include a process for recording:
    - i. Offers that have been made to landowners;
    - ii. Whether or not the offers are accepted; and
    - iii. When and how offers are actioned following acceptance.
  - f. Include a process for the preparation and provision of progress reports regarding the implementation of the endorsed Off-site Landscaping Program to be provided to the responsible authority annually from the date of this permit, and at other times on request.
7. The endorsed Off-site Landscaping Program must be implemented to the satisfaction of the responsible authority.

## **NOISE**

In conditions 8 to 20:

- 'The Standard' means *New Zealand Standard 6808:2010, Acoustics – Wind Farm Noise*.
- 'Noise sensitive location' means:
  - A location that meets the definition in the Standard and that was present at 15 September 2017.
  - The dwelling at 299 Ti Tree Road, Alberton (Occupancy Permit ref. BS-U1590/20170312/0).
  - Any dwelling allowed by planning permits P57/2014 and P58/2014 on Lot 2 PS603015B and Lot 3 PS603015B, located on Ti Tree Road, Alberton. These will not be considered a noise sensitive location if planning permits P57/2014 and P58/2014 expire and are not extended.

## **Performance Requirement**

8. Subject to condition 9, at any wind speed, noise emissions from the operation of the wind energy facility, when measured at noise sensitive locations, must comply with the limits specified in the Standard.
9. The limits specified in the Standard do not apply if an agreement has been entered into with the relevant landowner waiving the limits at a noise sensitive location. The agreement must be in a form that applies to the land comprising the noise sensitive location for the life of the wind energy facility, to the satisfaction of the responsible authority, and be provided to the responsible authority upon request.

## **Pre-Construction Noise Assessment**

10. Before development starts, a Pre-Construction Noise Assessment based on the final turbine layout and turbine model to be installed must be undertaken and the results submitted to, approved, and endorsed by the responsible authority. When endorsed, the Pre-Construction Noise Assessment will form part of this permit.
11. The Pre-Construction Noise Assessment must be prepared in accordance with the Standard and must demonstrate that the wind energy facility will comply with the

performance requirements specified of the Standard, to the satisfaction of the responsible authority.

12. The Pre-Construction Noise Assessment Report required by this permit must be accompanied by an environmental audit report prepared under Part IXD, Section 53V of the *Environment Protection Act 1970* from an environmental auditor appointed under Part IXD of the *Environment Protection Act 1970*. The report must verify that the acoustic assessment undertaken for the purpose of the Pre-Construction Noise Assessment has been conducted in accordance with the Standard and meets the requirements of this permit.

#### **Post-Construction Noise Assessment**

13. A Post-Construction Noise Assessment report prepared in accordance with the New Zealand Standard NZS6808:2010, Acoustics – Wind Farm Noise demonstrating whether the wind energy facility complies with the Standard, must be submitted to the responsible authority. If the wind energy facility is constructed in stages, additional Post-Construction Noise Assessment reports for each stage must be submitted to the responsible authority.
14. The first Post-Construction Noise Assessment report must be submitted to the responsible authority within 6 months of the first turbine operating. Further Post-Construction Noise Assessment reports prepared in accordance with this condition must be submitted to the responsible authority annually from the date of the first report being submitted until one year after the final turbine commences operation.
15. Each Post-Construction Noise Assessment report must be accompanied by an environmental audit report prepared under Part IXD, Section 53V of the *Environment Protection Act 1970* by an environmental auditor appointed under Part IXD of the *Environment Protection Act 1970*. The environmental audit report must verify that the acoustic assessment undertaken for the purpose of the Post-Construction Noise Assessment report has been conducted in accordance with the New Zealand Standard NZS6808:2010, Acoustics – Wind Farm Noise.

#### **Noise Management Plan**

16. Before development starts, a Noise Management Plan must be submitted to, approved and endorsed by the responsible authority. When endorsed, the Noise Management Plan will form part of this permit.

The Noise Management Plan must specify details of:

- a. Post-Construction Noise Assessment Reports: detailing how these will be prepared in accordance with the Standard, to demonstrate whether the wind energy facility complies with the performance requirements specified in the Standard.
  - b. Noise Investigation Reports: detailing procedures for when complaints are received in accordance with the endorsed Complaints Investigation and Response Plan required by condition 63 of this permit or when potential non-compliance with the performance requirements in the Standard is otherwise detected.
  - c. Noise Remediation Plans: detailing procedures for when non-compliance with the performance requirements in the Standard is found to have occurred.
  - d. The requirements for each of the documents referred to in condition 16(a), 16(b) and 16(c), including what matters they must address, and when they must be submitted to the responsible authority.
17. The Noise Management Plan must be accompanied by a peer review from an environmental auditor appointed under Part IXD of the *Environment Protection Act*



1970. The peer review report must verify that the Noise Management Plan meets the requirements of the Standard and this permit.

18. The endorsed Noise Management Plan must be implemented to the satisfaction of the responsible authority.

#### **Peer Review of Reports**

19. If requested by the responsible authority, the Noise Investigation Reports required under condition 16(b) must be accompanied by a peer review from an environmental auditor appointed under Part IXD of the *Environment Protection Act 1970* verifying that the report or plan meets the Standard and the requirements of this permit.
20. The environmental auditor or peer reviewer must be independent of the author of the report being reviewed.

#### **BLADE SHADOW FLICKER**

21. Shadow flicker from the wind energy facility must not exceed 30 hours per annum at:
  - Any dwelling that was present at 15 September 2017.
  - The dwelling at 299 Ti Tree Road, Alberton (Occupancy Permit ref. BS-U1590/20170312/0).
  - Any dwelling allowed by planning permits P57/2014 and P58/2014 on Lot 2 PS603015B and Lot 3 PS603015B, located on Ti Tree Road, Alberton. These will not be considered a noise sensitive location if planning permits P57/2014 and P58/2014 expire and are not extended.

These requirements do not apply if an agreement has been entered into with the relevant landowner waiving this requirement. The agreement must be in a form that applies to the land comprising the dwelling and run for the life of the wind energy facility, to the satisfaction of the responsible authority, and must be provided to the responsible authority upon request.

22. Within 6 months after the construction of the wind energy facility is completed, the operator of the wind energy facility and the owners of Dwellings R02 and R14, as identified in the *Shadow Flicker and Blade Glint Assessment* by DNV GL, dated 15 September 2017, must enter into an agreement with the responsible authority under section 173 of the *Planning and Environment Act 1987*. The agreement must require Dwellings R02 and R14 to cease being used as dwellings for the operational duration of the wind energy facility.
23. 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 *Planning and Environment Act 1987* within one month after the agreement is executed.
24. The operator of the wind energy facility must pay the reasonable costs of the preparation, execution, registration and enforcement of the section 173 agreement.

#### **ELECTROMAGNETIC INTERFERENCE**

25. Before development starts, a Telecommunications, Television and Radio Strength Survey must be submitted to, approved, and endorsed by the responsible authority. When endorsed, the Survey will form part of this permit. The Survey must:
  - a. Be carried out by a suitably qualified and experienced telecommunications, television and radio monitoring specialist.
  - b. Include testing at selected locations within 5 kilometres of the wind energy facility to enable the average telecommunications, television and radio reception strength to be determined.



26. If a complaint is received regarding the effect of the wind energy facility on telecommunications, television or radio reception at a dwelling within 5 kilometres of the site that was present at 15 September 2017; at the dwelling at 299 Ti Tree Road, Alberton (Occupancy Permit ref. BS-U1590/20170312/0); or at any dwelling allowed by planning permits P57/2014 and P58/2014 on Lot 2 PS603015B and Lot 3 PS603015B, located on Ti Tree Road, Alberton, the facility operator must:
- a. Investigate the complaint in accordance with the Complaint Investigation and Response Plan (condition 63) required by this permit.
  - b. If the investigation indicates that the wind energy facility has had a detrimental impact on the quality of reception, restore reception at the relevant dwelling to at least the quality determined in the Telecommunications, Television and Radio Reception Strength Survey carried out under condition 25, to the satisfaction of the responsible authority.

## **TRAFFIC MANAGEMENT**

### **VicRoads Conditions**

27. Prior to construction beginning, a Traffic and Asset Management Plan must be prepared by a suitably qualified and experienced road and traffic engineer to the satisfaction of VicRoads. When approved, the Plan will be endorsed by the responsible authority and form part of the permit. The plan must include:
- a. An existing pavement conditions survey of public roads to be used during construction, and decommissioning using an agreed method suitable to VicRoads.
  - b. Designation of appropriate construction and transport routes to the wind energy sites.
  - c. The identification and scheduling of any construction works.
  - d. A program of regular inspections to be carried out during the construction period in line with the requirements of the relevant road authority to identify and complete any maintenance works required.
  - e. A program to rehabilitate roads to the satisfaction of VicRoads as identified in the survey required by condition 27(a).
  - f. A communication plan outlining construction works, travel interruptions and contacts numbers during the construction activity is to be developed in consultation with VicRoads, Wellington Shire Council and the developer or contractor to the satisfaction of VicRoads.
28. Prior to the construction beginning, the applicant must attend a pre-design and construction meeting with VicRoads Eastern Region to ensure compliance with access and maintenance requirements including design and plan submissions.
29. Prior to the construction beginning, functional layout plans for any alterations of access or new access along the approved transport route on Barry Road and the South Gippsland Highway must be submitted and approved by VicRoads.
30. Prior to construction, the intersection and access roadworks identified in the approved transport plan must be completed at no cost and to the satisfaction of VicRoads.
31. Prior to works beginning, the applicant must enter into a legally binding agreement with the Roads Corporation for road maintenance and repair on Barry Road for the duration of the construction period and the decommissioning phase.
32. Prior to construction beginning, a fee for loss of pavement life on Barry Road must be provided to VicRoads.

33. Prior to construction beginning, the applicant or the applicant's agent/contractor must provide a security fee to VicRoads for the duration of the defects liability for works within the road reserve.
34. All heavy and over dimensioned vehicles are to be restricted to the approved haulage routes identified in the traffic management plan unless approved in writing by VicRoads.
35. All temporary access and access modifications are to be removed once the construction phase/heavy vehicle transport has been completed. The intersection and road reserve must be returned to an acceptable standard as requested by VicRoads.

#### **Vehicle Access Points**

36. Vehicle access points must be designed and located to the following standards, to the satisfaction of the relevant road management authority:
  - a. Truck movements to and from the site must be able to be accommodated on sealed roadways where available;
  - b. To the extent practicable, access points must be able to accommodate turning movements without vehicles encroaching onto the incorrect side of the road;
  - c. Safe sight distances must be provided; and
  - d. Potential through traffic conflicts must be avoided.

#### **Pre-Construction Public Roads Survey**

37. Before development starts, a Pre-Construction Public Roads Survey must be submitted to, approved and endorsed by the responsible authority. Once endorsed, the Survey will form part of the permit. The Survey must assess the suitability, design, condition and construction standard of relevant public roads and access points and must:
  - a. Be prepared by a suitably qualified and experienced civil or traffic engineer.
  - b. Include recommendations, if any, regarding upgrades required to accommodate construction traffic, and to meet the requirements of condition 36.
  - c. Be approved by the Wellington Shire Council as road authority prior to submission to the responsible authority for endorsement.

#### **Post-Construction Public Road Survey**

38. Once construction of the development is completed, a Post-Construction Public Road Survey must be submitted to, approved and endorsed by the responsible authority. Once endorsed, the Survey will form part of this permit. The Survey must:
  - a. Be prepared by a suitably qualified and experienced civil or traffic engineer.
  - b. Include recommendations, if any, regarding works required to repair damage done by construction traffic.
  - c. Be approved by the Wellington Shire Council as road authority prior to submission to the responsible authority for endorsement.
39. Any damage to the roads identified in the Post-Construction Public Road Survey must be remediated to the satisfaction of the Wellington Shire Council as road authority within four weeks of the completion of construction of the development, or by an alternative date agreed in writing with the Wellington Shire Council.

#### **Traffic and Asset Management Plan**

40. Before development starts, the Traffic and Asset Management Plan required by condition 27 must be submitted to, approved and endorsed by the responsible authority. The plan must:

- a. Be approved by the Wellington Shire Council prior to submission to the responsible authority for endorsement.
  - b. Specify measures to be taken to appropriately eliminate, reduce or mitigate road safety hazards and traffic impacts associated with the construction and operation of the wind energy facility.
  - c. Designate principal and other vehicle access points to the wind energy facility from surrounding roads and specify the detailed design of the connections between internal access tracks and public roads.
  - d. Include detailed engineering plans of any recommended traffic upgrade works and a program indicating when the works will be undertaken.
  - e. Address coordination between construction traffic and school bus travel.
  - f. Include details of signage to be removed, installed or replaced during general construction activities, such as directional signage and speed limits, and specific construction activities such, as the delivery of over-size infrastructure to the site.
41. Any inspections, maintenance, rehabilitation and repair work identified in the Traffic and Asset Management Plan must be undertaken to the satisfaction of, and at no cost to, the relevant road management authority. If works are not completed within nominated timeframes, the works may be undertaken by the relevant road authority at the developer's expense.
42. The endorsed Traffic and Asset Management Plan must be implemented to the satisfaction of VicRoads and the Wellington Shire Council.
43. The endorsed Traffic and Asset Management Plan must not be altered or modified without the written consent of the responsible authority. Any proposed alteration or modification to the endorsed Traffic and Asset Management Plan must be prepared in consultation with VicRoads and the Wellington Shire Council.

#### **ENVIRONMENTAL MANAGEMENT PLAN**

44. Before development starts, an Environmental Management Plan must be submitted to, approved and endorsed by the responsible authority. Once endorsed, the Plan will form part of the permit.

The Environmental Management Plan must:

- a. Describe measures to minimise the amenity and environmental impacts of the construction, operation and decommissioning of the wind energy facility.
  - b. Include organisational responsibilities, and procedures for staff training and communication.
  - c. Procedures to manage dust and noise emissions, erosion, mud and stormwater run-off, with particular concern to protecting and conserving the values of the Corner Inlet RAMSAR site.
  - d. Procedures to remove temporary works, plant equipment, buildings and staging areas, and reinstate the affected parts of the site when construction is complete.
45. The endorsed Environmental Management Plan must be implemented to the satisfaction of the responsible authority.

#### **CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN**

46. The Environment Management Plan must include a Construction Environment Management Plan developed in consultation with the CMA, which must include:

- a. Procedures to manage noise emissions generally in accordance with the requirements of the *Noise Control Guidelines* (EPA Publication 1254) and the Environmental Guidelines for major construction sites (EPA Publication 480).
- b. Erosion and sediment control measures to ensure that no polluted and/or sediment laden run-off or other stormwater is discharged directly or indirectly into drains or watercourses, with particular concern to protecting and conserving the values of the Corner Inlet RAMSAR site. Straw or hay must not be used for these measures.
- c. Procedures to manage dust emissions, including ensuring that any on-site blasting or crushing of rocks is appropriately located within the site to manage amenity impacts on surrounding properties.
- d. Vehicle and equipment hygiene measures to prevent the spread of weeds and pathogens to, from and within the site.
- e. Procedures to remove temporary works, plant, equipment, buildings and staging areas, and reinstate the affected parts of the land, and to rehabilitate construction zones with appropriate species (i.e. pasture), when construction is complete.
- f. The persons responsible for implementing the above measures.

#### **NATIVE VEGETATION MANAGEMENT PLAN**

47. The Environment Management Plan must include a Native Vegetation Management Plan identifying all native vegetation and fauna habitat to be retained and describing the measures to be used to protect the identified vegetation and habitat during construction.

#### **BAT AND AVIFAUNA MANAGEMENT PLAN**

In conditions 48-52, 'listed species' means all bat and avifauna species listed as:

- a. Threatened under the *Flora and Fauna Guarantee Act 1988* (FFG Act). In particular, this includes the White-bellied Sea-Eagle (*Haliaeetus leucogaster*).
  - b. Threatened or migratory under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). In particular, this includes the Swift Parrot (*Lathamus discolor*), Orange-bellied Parrot (*Neophema chrysogaster*) and White-throated Needletail (*Hirundapus caudacutus*).
48. Before development starts, a Bat and Avifauna Management (BAM) Plan must be submitted to, approved and endorsed by the responsible authority. Once endorsed, the Plan will form part of the permit and must be placed on the project website without delay (excluding any sensitive ecological data) and remain on the website for the operating life of the wind energy facility. The BAM Plan must be prepared in consultation with DELWP.

The BAM Plan must:

- a. Include a statement of the objectives and overall strategy for minimising bird and bat impacts and mortalities arising from the operation of the wind energy facility, which must include:
  - i. Strategies to detect, manage and, if possible, avoid and mitigate, significant impacts on listed species due to collisions arising from the operation of the wind energy facility.
  - ii. Details of the implementation of any strategies to avoid and mitigate significant impacts on listed species, such as turbine curtailment/shutdown.



- iii. A definition of 'significant impact' to the satisfaction of DELWP and in accordance with policies published by the Australian Government for the *EPBC Act*.
- b. A protocol(s) of active monitoring<sup>1</sup> of habitat<sup>2</sup> within 5000 metres of any turbine for Swift Parrot, at the start and during Swift Parrot season, to identify resource availability and species presence.
- c. A protocol(s) of seasonal monitoring for the presence for the presence of White-throated Needle-tail, including a mortality monitoring program.
- d. Measures to mitigate impacts, including collision, to Swift Parrot and White-throated Needle-tail.
- e. Contingency measures, including a protocol for shutdown of turbines for the period that Swift Parrot are present or utilising habitat within 1000 metres of a turbine, measured from blade tip and base outer edge.
- f. Contingency measures, including a protocol for shutdown of turbines to minimise the risk of collision to White-throated Needle-tail based on mortality monitoring results.
- g. A comprehensive science-based monitoring program to monitor and detect mortality of listed species and any other bat and avifauna species (including statistical analysis of results). The monitoring program must commence when the first turbine commences operating and must be carried out for the duration of the operation of the wind energy facility. The duration and timing of the monitoring program may be altered with the written consent of the responsible authority. The monitoring program must include:
  - i. Surveys conducted at an agreed time interval and agreed sample frequency to ascertain:
    - The species, number, age, sex (if possible) and date of any listed species mortality and any other bat and avifauna species mortality;
    - Any seasonal and yearly variation in the number of listed species mortality and any other bat and avifauna species mortality; and
    - Whether further detailed investigations of any potential impacts on listed species and any other bat and avifauna species mortality are warranted.
  - ii. Procedures for reporting mortalities of listed species to DELWP within 7 days of becoming aware of any mortality.
  - iii. Procedures for reporting mortalities of any other bat and avifauna species to DELWP quarterly.
  - iv. Information on the efficacy of searches for carcasses of birds and bats, and information on the rate of removal of carcasses by scavengers, so that

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<sup>1</sup> **Active monitoring** means undertaking on-ground area searches or transect surveys of habitat within 5000 metres of turbines, including targeted surveys of patches of heavily flowering eucalypts, consistent with the document *Survey Guidelines for Australia's Threatened Birds*, Australian Government Department of the Environment, Water, Heritage and the Arts 2010.

<sup>2</sup> **Habitat** means the areas with ecological conditions supporting the Swift Parrot, as described in the document *National Recovery Plan for the Swift Parrot (Lathamus discolor)*, Birds Australia 2011, prepared by Debbie Saunders and Chris Tzaros. Areas with ecological conditions supporting the Swift Parrot include, but are not limited to, forest and woodland areas with flowering eucalypts and the capacity to support lerp infestations within the Corner Inlet RAMSAR site and Gelliondale State Forest.

correction factors can be determined to enable calculations of the likely total number of mortalities.

- v. Procedures for periodic reporting, within agreed timeframes, of the findings of the monitoring to DELWP.
49. On every two-year anniversary from the commencement of the monitoring program, the wind energy facility operator must submit a report to the responsible authority and DELWP Gippsland Region setting out the findings of the program. The report must be:
  - a. To the satisfaction of the responsible authority and DELWP Gippsland Region.
  - b. Made publicly available on the operator's website.
50. After considering the report submitted under condition 49 and consulting with DELWP, the responsible authority may direct the wind energy facility operator to conduct further investigation of impacts on listed species. Any further investigation must be undertaken by the operator to the satisfaction of the responsible authority and DELWP Gippsland Region.
51. After considering the report submitted under condition 49 and consulting with DELWP, the responsible authority may direct the wind energy facility operator to implement, without delay, any strategies to avoid and mitigate significant impacts on listed species as set out in condition 48(a)(i) and 48(a)(ii).
52. The endorsed BAM Plan must be implemented to the satisfaction of the responsible authority.

#### **AVIATION**

53. Within 30 days of the endorsement of development plans under condition 1 of this permit, copies of the endorsed development plans must be provided to the following entities to enable details of the wind energy facility to be shown on aeronautical charts of the area:
  - a. Airservices Australia;
  - b. Civil Aviation Safety Authority;
  - c. The Department of Defence (Royal Australian Air Force Aeronautical Information Service);
  - d. Any aerodrome operator within 30 kilometres of the site boundaries;
  - e. Emergency Management Victoria and any other agency responsible for providing aerial fire-fighting, air ambulance, and search and rescue in the area; and
  - f. The Aerial Application Association of Australia and any local aerial agriculture operators
54. If there are any subsequent changes to turbine location or height during construction, all agencies listed above must be advised prior to erection of any turbines, to enable details of any changes to the wind energy facility to be shown on aeronautical charts of the area or otherwise known.

#### **EMERGENCY SERVICES**

55. Before development starts, the permit holder must provide spatial information data to Land Use Victoria via email [Vicmap.help@delwp.vic.gov.au](mailto:Vicmap.help@delwp.vic.gov.au) to be used to direct emergency services to and within the site. This information must be in the ESRI Shapefile or Geodatabase .gdb format, GDA94 or GDA2020 datum and include:
  - a. The location and boundaries of the wind farm extents polygon(s)
  - b. Tower location and name/number
  - c. All access entry points onto private property

- d. All Internal roads that lead to the individual towers
  - e. The locations of site compound, substations, maintenance facilities, and anemometers.
56. If there are any subsequent changes to turbine location, internal roads or access points during construction, or after completion of construction, updated data must be provided to Land Use Victoria via email [Vicmap.help@delwp.vic.gov.au](mailto:Vicmap.help@delwp.vic.gov.au) within 30 days of the change, to enable details of any changes to the wind energy facility to be known to emergency services dispatchers.

#### **NATIVE VEGETATION REMOVAL**

57. Before works start, the permit holder must advise all persons undertaking the vegetation removal and associated works on site of all relevant permit conditions and associated statutory requirements or approvals.
58. Except with the written consent of the responsible authority, within the area of native trees and patches of native vegetation to be retained and any associated protection zones, the following are prohibited:
- a. Vehicular or pedestrian access;
  - b. Trenching or soil excavation;
  - c. Storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products;
  - d. Entry and exit pits for underground services; and
  - e. Any other actions or activities that may result in adverse impacts to retained native vegetation.
59. No more than 1.195 hectares of remnant patch native vegetation and sixteen scattered trees must be removed.
60. To offset the removal of 1.195 hectares of remnant patch native vegetation and sixteen scattered trees, the permit holder must secure a native vegetation offset, in accordance with the *Guidelines for the Removal, Destruction or Lopping of Native Vegetation* (DELWP 2017) as specified below:
- 0.386 general Biodiversity Equivalence Units;
  - A minimum Strategic Biodiversity Score of 0.286; and
  - Within the West Gippsland Catchment Management Authority area or Wellington Shire Council area.
- This may be varied with the written consent of the responsible authority.
61. Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the responsible authority. This evidence is one or both of the following:
- An established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site; and/or
  - Credit extract(s) allocated to the permit from the Native Vegetation Credit Register.

A copy of the offset evidence will be endorsed by the responsible authority and form part of this permit. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to DELWP Gippsland Region.



62. In the event that a security agreement is entered into as per condition 61, the permit holder must provide the annual offset site report to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of 10 consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a responsible authority.

## **COMPLAINTS**

### **Complaint Investigation and Response Plan**

63. Before development starts, a Complaint Investigation and Response Plan must be submitted to, approved and endorsed by the responsible authority. Once endorsed, the Plan will form part of the permit.

The Complaint Investigation and Response Plan must:

- a. Respond to all aspects of the construction and operation of the wind farm;
  - b. Be prepared in accordance with *Australian/New Zealand Standard AS/NZS 10002:2014 – Guidelines for Complaint Management in Organisations*; and
  - c. Include a process to investigate and resolve complaints (different processes may be required for different types of complaints).
64. The endorsed Complaint Investigation and Response Plan must be implemented to the satisfaction of the responsible authority.

### **Publishing Information about Complaints Handling**

65. Before development starts, the following information must be made publicly available and readily accessible from the wind farm project website, or another publicly available resource to the satisfaction of the responsible authority:
- a. A copy of the endorsed Complaints Investigation and Response Plan; and
  - b. A toll-free telephone number and email contact for complaints and queries to the wind energy facility operator.

### **Complaints Register**

66. Before development starts, a Complaints Register must be established which records:
- a. The complainant's name and address (if provided), including (for noise complaints) any applicable property reference number contained in the report titled *Noise Assessment* by Marshall Day Acoustics, dated 19 April 2018 (ref. Rp 002 R02 2015590ML).
  - b. A receipt number for each complaint, which must be communicated to the complainant;
  - c. The time and date of the incident, and the prevailing weather and operational conditions at the time of the incident;
  - d. A description of the complainant's concerns, including (for a noise complaint) the potential occurrence of special audible characteristics;
  - e. The process for investigating the complaint, and the outcome of the investigation, including:
    - i. The actions taken to resolve the complaint; and
    - ii. For noise complaints, the findings and recommendations of an investigation report undertaken in accordance with the endorsed Noise Management Plan.
67. All complaints received must be recorded in the Complaints Register.

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

#### **DECOMMISSIONING**

69. Once a turbine or turbines permanently cease operation, the responsible authority must be notified within two months.
70. Subject to condition 71, once a turbine or turbines permanently cease operation, all infrastructure, equipment, buildings and structures must be removed, and the site or the relevant part of the site must be rehabilitated and reinstated to the condition it was in prior to the commencement of development, to allow it to be used for agricultural purposes (or any proposed alternative use). This includes, but is not limited to, all turbines, turbine foundations, access tracks and above and below ground electrical infrastructure and equipment.
71. If the landowner requests, items of infrastructure or other works (such as access tracks) that are suitable for the ongoing agricultural use of the land (or proposed alternative use) may be retained, subject to the written consent of the responsible authority.
72. Within two months of a turbine or turbines permanently ceasing operation, a Decommissioning Management Plan prepared by a suitably qualified and experienced person must be submitted to, approved and endorsed by the responsible authority. When endorsed, the Plan will form part of this permit. The Plan must include, as a minimum:
- a. Identification of infrastructure, equipment, buildings and structures to be removed, and details of how these will be removed.
  - b. Details of how the site will be rehabilitated to meet the requirements of condition 70.
  - c. A requirement that a Decommissioning Traffic Management Plan be submitted to, approved and endorsed by the Wellington Shire Council prior to decommissioning works starting. The Plan must specify measures to manage traffic impacts associated with removing the infrastructure, equipment, buildings and structures from the site, to the satisfaction of the Wellington Shire Council.
  - d. A requirement that all decommissioning works identified in the Decommissioning Management Plan be completed to satisfaction of the responsible authority as soon as practicable, but no later than 12 months after the Plan is endorsed, or such other period approved by the responsible authority.
73. The endorsed Decommissioning Management Plan must be implemented to the satisfaction of the responsible authority.

#### **EXPIRY AND DECOMMISSIONING**

74. This permit will come to an end and decommissioning must commence if, after 35 years of the date of this permit:
- a. A mining licence is granted pursuant to section 15 of the Mineral Resources (Sustainable Development) Act 1990 (MRSD Act); and
  - b. A work plan is approved pursuant to section 40 of the MRSD Act; and
  - c. A rehabilitation bond has been entered into pursuant to section 80 of the MRSD Act; and
  - d. All other necessary permits, consents or licenses have been obtained;

that entitle the holder of the mining licence to carry out mining on the land that is the subject of the permit, and the carrying out of the mining authorised is incompatible with the use and development of the land as permitted by this permit.

**EXPIRY**

75. This permit will expire if one of the following applies:
- a. The development is not started within five years of the date of this permit.
  - b. The development is not completed within ten years of the date of this permit.

DATE OF NOTICE:

22/12/19



SIGNATURE FOR THE RESPONSIBLE AUTHORITY

**NOTES**

1. VicRoads considers that the development of the wind farm on the South Gippsland Highway will be an unusual event. The towers will be near the roadway enticing travellers to view the construction and operation of the wind turbines. To maintain road safety, a viewing area whereby vehicles can be safely parked off the roadway should be considered as a mitigating response to the safety of road users.
2. All works within 30m of a designated waterway will require a Works on Waterways permit from the West Gippsland Catchment Management Authority.
3. The use and development must be undertaken in accordance with the requirements of the Cultural Heritage Management Plan ID. 15167, approved on 15 February 2018.

## IMPORTANT INFORMATION ABOUT THIS NOTICE

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### WHAT HAS BEEN DECIDED?

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The responsible authority has decided to grant a permit. The permit has not been issued.

This notice sets out what the permit will allow and what conditions the permit will be subject to if issued.

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### WHAT ABOUT REVIEWS?

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For the applicant—

- The person who applied for the permit may apply for review of any condition in the notice of decision to grant a permit. The application for review must be lodged within 60 days of the giving of this notice.

For an objector—

- An objector may apply for review of the decision of the responsible authority to grant a permit. The application for review must be lodged within 28 days of the giving of this notice.
- If there is no application for review, a permit will be issued after 28 days of the giving of this notice.

For all applications for review—

- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must be served on the responsible authority, each other party and each other person entitled to notice of the application for review under the **Planning and Environment Act 1987** and the **Victorian Civil and Administrative Tribunal Act 1998** within 7 days after lodging the application with the Victorian Civil and Administrative Tribunal.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.