

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

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**PERMIT NO:** 2006/0220/D

**PLANNING SCHEME:** Moyne Planning Scheme

**ADDRESS OF THE LAND:** Land in Woolsthorpe, described as:  
Lot 1 TP 5031A; Vol 10282; Folio 326  
Lot 2 TP 5031A; Vol 10282; Folio 327  
Lots 1, 2 & 3 on TP95438J; Vol 12188; Folio 481  
Crown Allotment 6, Section 21 Parish of Woolsthorpe; Vol 10129; Folio 253  
Crown Allotment 3B2, Section 21 Parish of Woolsthorpe; Vol 10129; Folio 255  
Lots 3, 4, 5, 6, 7, 8, 10 and 11 on TP 968406H, Vol 12188; Folio 439  
Lot 9 on TP 968406H, Vol 12188; Fol 482  
Road reserve abutting Woolsthorpe-Heywood Road

**THE PERMIT ALLOWS:** Use and development of land for a Wind Energy Facility and to alter access to a road in Transport Zone 2 and associated removal of native vegetation

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**

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**DEVELOPMENT PLANS**

1. Before the development starts, development plans to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning. When approved, the plans will be endorsed by the Minister and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided.

The plans must show the location, setbacks to property boundaries, layout and dimensions of all on-site buildings and works including all wind turbines, access tracks, underground cables, any temporary concrete batching plant, the sub-station, the switchyard, landscaping, any designated car parking areas, any signage, those turbines fitted with obstacle lighting (as appropriate) and ancillary works, such as construction compounds and water tanks, as well as off-site road works.

The plans must be generally in accordance with the amended plans submitted with the advertised application to amend the permit but modified to show:

- a) Any necessary adjustment to the layout of the wind farm:
    - to ensure that clearing of native vegetation identified in flora surveys conducted in accordance with condition 4 is avoided to the satisfaction of the Minister for Planning;
    - to ensure that ground disturbance associated with the construction of the wind energy facility does not adversely impact on designated waterways. Turbines are to be located more than 100 metres from any designated waterway;
    - to ensure the habitat setback requirements in condition 3(e) are met;
    - to ensure that any indigenous or non-indigenous archaeological site identified by the on-site archaeological survey required by condition 13(f), and required to be protected, is avoided.
  - b) Details of the new site entrance off the Woolsthorpe – Heywood Road;
  - c) Southern Bent-wing Bat Habitat as required in condition 3(e) and 3(ee);
  - d) Global positioning system coordinates for each turbine;
  - e) All wind turbines set back not less than 150 metres from the boundaries of neighbouring land owned by persons other than the landowner of the subject site, excluding Slatterys Road and Johnson Road west extension (paper road) which transect the land, but including the boundary of the Woolsthorpe-Heywood Road;
  - f) Details of the model, sound power level and capacity of the wind turbines to be installed;
  - g) Elevations, materials and finishes of the wind turbines and other buildings and works;
  - h) Details of any signage, which must be limited to:
    - directional signs showing the location of any entry access;
    - signs required specifically related to site safety issues including as required by condition 27;
    - signs included in the approved Traffic Management Plan required by condition 9.
  - i) Vegetation exclusion zones based on the zones of high habitat value shown on Maps 2 and 3 of Appendix E to the Planning Application Report and defined in consultation with DEECA Environment Portfolio to the satisfaction of the Minister for Planning;
  - j) Access tracks within the site designed in consultation with the CFA that provide appropriate access for fire fighting vehicles to the satisfaction of the Minister for Planning.
2. The use and development as shown on the endorsed plans must not be altered or modified without the written consent of the Minister for Planning; except that the micro-siting of wind turbines and consequential micro-siting of associated tracks and reticulation lines as defined below does not require written consent and will be viewed as generally in accordance with the endorsed plans.

For the purposes of this condition, micro-siting of wind turbines:

- is where the siting of a wind turbine is altered by not more than 100 metres but is not relocated closer to any site boundary or waterway than is shown on the endorsed plans;
- includes any consequential changes to access tracks and reticulation lines;
- is only allowed where the Minister for Planning is satisfied that the relocation of the turbine and any associated track or reticulation line will not give rise to a material change to assessed

landscape, vegetation, cultural heritage, visual amenity, shadow flicker, noise or aviation impacts when compared to the site shown on the endorsed plans.

To this end, any request for confirmation of the Minister's satisfaction in relation to micro-siting must be accompanied by supporting material addressing these matters as relevant except that in all cases the request must be accompanied by the results of further visual assessment from Viewpoint 7 and dwellings within 2 kilometres of the wind farm, and supplementary flora surveys of any areas not surveyed in accordance with condition 4 which have been prepared in consultation with DEECA Environment Portfolio to the satisfaction Minister for Planning.

### **SPECIFICATIONS**

3. The wind energy facility must meet the following requirements, and shall not be altered or modified without the written consent of the Minister for Planning:
  - a) The wind energy facility may include not more than 13 wind turbines;
  - b) The overall maximum height of the wind turbines (to the tip of the rotor blade when vertical) must not exceed 230 metres above natural ground level;
  - c) The spacing between turbines must be 350 metres or greater;
  - d) The distance between turbine rotors and the ground must be 55 metres or greater;
  - e) All wind turbines must be set back a distance of 120 metres plus the length of the turbine blade to treed vegetation identified with green hatching as 'SBWB habitat' on Figure 1: 'Southern Bent-wing Bat (SBWB) habitat assessment' prepared by Nature Advisory and dated 23/01/2023 (contained in the Woolsthorpe Wind Farm Panel expert witness statement of Brett Lane, January 2023);
  - ee) Turbines WT-03, WT-05, WT-07, WT-08, WT-12 and WT-13 must be sited generally in accordance with the amended plans submitted with the advertised application to amend the permit,, but micro-sited to minimise, to the extent reasonably practicable, to move the turbines away from the habitat for the Southern Bent-wing Bat within a distance of 200 metres plus the length of the turbine blade, as identified with green, blue, and orange hatching on Figure 1: 'Southern Bent-wing Bat (SBWB) habitat assessment' prepared by Nature Advisory and dated 23/01/2023 (contained in the Woolsthorpe Wind Farm Panel expert witness statement of Brett Lane, January 2023), in consultation with DEECA Environment. Any micro-siting must be in accordance with condition 2;
  - f) Turbines must be located in open paddocks devoid of trees or in areas of only sparsely scattered trees to the satisfaction of the Minister for Planning;
  - g) All work required to construct and operate the wind farm must be able to be completed without entering or disturbing the vegetation exclusion zones as shown on the development plan;
  - h) The wind turbine towers, nacelles and rotor blades must be pale grey or other colour that blends with the landscape to the satisfaction of the Minister for Planning, and must be of a non-reflective finish to the satisfaction of the Minister for Planning;
  - i) The colours and finishes of all other buildings and ancillary equipment must be such as to minimise the impact of the development on landscape to the satisfaction of the Minister for Planning;
  - j) The transformer associated with each wind generator must be located beside each tower and pad mounted, or be enclosed within the tower structure;
  - k) Access tracks within the site are 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 land, to the satisfaction of the Minister for Planning;
  - l) All new electricity cabling associated with the wind energy facility must be placed underground

except for connection between the substation and the 66kV overhead line connecting the wind farm to the electricity network;

- m) All wind turbines must be set back at least 150 metres from boundaries to neighbouring properties owned by persons other than the landowner of the subject site, excluding Slatterys Road and Johnson Road west extension (paper road) which transect the land, but including the Woolsthorpe-Heywood Road;
- n) A minimum of 45,000 litres of water to be used solely for firefighting purposes must be provided on the site in not more than two tanks. The tanks must meet the access and outlet requirements specified in condition 13(e)(ii);
- o) Turbines WT-01, WT-05 and WT-07 must be sited generally in accordance with the amended plans submitted with the advertised application to amend the permit, but micro-sited, where possible to reduce visual impact from Viewpoint 7 and dwellings within 2 kilometres of the wind farm.

#### **FLORA SURVEYS**

- 4. The development plans lodged for approval as required by condition 1 of this permit must be supported by the results of flora surveys conducted by a suitably qualified expert covering all areas to be disturbed plus areas beginning at the perimeters of those areas and extending a distance of 10 metres outside those perimeters.

The flora survey results must be those of surveys conducted utilising procedures developed in consultation with the DEECA Environment Portfolio and must include results of surveys conducted in spring/early summer.

Flora survey results provided to the Minister for Planning must include a list of all flora species observed.

Note: The development plans may not be approved if any of the species observed are listed under the Environmental Protection and Biodiversity Conservation Act 1999 or the Flora and Fauna Guarantee Act 1988, unless, upon the advice of DEECA Environment Portfolio, it is determined that the endangered plants may be transplanted and arrangements are in place which are to the satisfaction of the Minister for Planning to carry this out or for vegetation where a permit has been granted for the removal of native vegetation under this permit.

#### **LANDSCAPE / VISUAL AMENITY**

- 5. Before the use and development starts, an Off-site Landscaping Program must be submitted to, approved and endorsed by the Minister for Planning. When endorsed, the Off-site Landscaping Program will form part of this permit.

The Off-site Landscaping Program must:

- a) Outline a program of voluntary landscape mitigation works to be offered to the owners of dwellings existing on 8 July 2022 within 4 kilometres of any turbine excluding any dwellings within the Woolsthorpe Township Zone. This is to include a process for making offers to affected landowners to undertake landscaping on the landowner's land.
- b) Provide:
  - Visual materials showing how the screen planting will reduce visual impact at the dwellings of participating landowners;
  - Details of planting or other treatments that will be used to reduce the visual impact of the wind turbines at each of the dwellings of the participating landowners;
  - Details of the plant species to be used, including the height and spread of plants at maturity;
  - A methodology for determining;
    - i. The type of landscaping treatments to be proposed.

- ii. A timetable for establishing and maintaining the landscaping for at least two years.
  - c) Include a process for recording:
    - Offers that have been made to landowners.
    - Whether or not the offers are accepted.
    - Details of consultation with the land owner.
    - When and how offers are actioned following acceptance.
  - d) 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 Minister for Planning annually, from when this document is endorsed and at other times on request.
6. The endorsed Off-site Landscaping Program:
- a) Must be implemented to the satisfaction of the Minister for Planning.
  - b) Must not be altered or modified without the written consent of the Minister for Planning.
7. All access tracks associated with the wind farm must be constructed with local gravel and/or other surface material that will not unduly contrast with the landscape to the satisfaction of the Minister for Planning.

#### **DRIVER DISTRACTION**

8. Should Regional Roads Victoria determine at any time during the life of the wind farm that the proximity of the turbines to the Woolsthorpe-Heywood Road is causing driver distraction and hence compromising road safety, the operator under the permit must pay for or undertake remedial measures to the satisfaction of Regional Roads Victoria.

#### **TRAFFIC MANAGEMENT**

9. 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 the Head, Transport for Victoria and the Minister for Planning. When approved, the Traffic Management Plan will be endorsed by the Minister for Planning and the Head, Transport for Victoria. The Traffic Management Plan must be complied with, unless varied by the written consent of Moyne Shire Council and the Head, Transport for Victoria.

The Traffic Management Plan must include:

- a) the scope of the expertise, duties and role of the nominated Road Quality Auditor engaged under the below, 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;
- d) the identification of any areas of indigenous roadside vegetation that may require removal or pruning, and the pruning practices to be followed;
 

Note: this does not obviate the need for a permit for native vegetation removal where one is required.
- e) the identification and timetabling of any required pre-construction works;
- f) details of any large over dimension vehicles to be used (such as those used for the transport of the nacelles, blades and tower sections) and details of the transport route to be taken, the proposed escort arrangements and requirements for over dimensional permits from VicRoads;

- g) 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;
- h) 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;
- i) 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 any on-site quarries;
- j) Intersection upgrades in Warrnambool-Carramut Road and Woolsthorpe-Heywood Road designed to avoid or minimise disturbance or removal of native vegetation if the intersection is used by traffic associated with the wind energy facility;
- k) engineering plans demonstrating whether, and if so how, truck movements to and from the wind energy facility site can be accommodated on sealed roadways.
- l) measures to be undertaken to record traffic volumes on the nominated road network during the construction of the wind energy facility.
- m) recommendations regarding the need for road and intersection upgrades to accommodate any additional traffic or site access requirements (whether temporary or on-going). 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 Minister for Planning and the Head, Transport for Victoria; and the timing of when the works are to be undertaken.
  - ii. proposed measures to ensure workers enter and exit the wind energy facility site from the designated site entrances.
  - iii. proposed measures to ensure construction vehicles are easily identifiable.
  - iv. the designation of mitigation measures, including operating hours and speed limits for trucks on routes accessing the wind energy facility site which:
    - a) provide for appropriate safety measures around school bus routes and school bus times where relevant; and
    - b) provide for resident safety.
  - v. 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
  - vi. a program to rehabilitate existing public roads within agreed timeframes to the condition identified in the surveys carried out or to the condition to which the roads have been upgraded, whichever is relevant;

9A. 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 and the Head, Transport for Victoria within 28 days of the event described in this condition or the above condition.

9B. Prior to endorsement of the Traffic Management Plan, the developer of the wind energy facility

must submit to Moyne Shire Council and the Head Transport for Victoria 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.

- 9C. Council or the Head, Transport for Victoria 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 Council's or the Head, Transport for Victoria'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.
- 9D. Prior to endorsement of the Traffic Management Plan, the terms of reference for the Road Quality Auditor must be endorsed by Moyne Shire Council and the Head, Transport for Victoria, 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 because of construction traffic.
  - b) frequency of inspections.
  - c) frequency of reporting to the wind energy facility developer, Moyne Shire Council and the Head, Transport for Victoria.
  - 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.
- 9E. Prior to the commencement of development of the wind energy facility, engineering plans for all road works required by the Traffic Management Plan must be submitted to Moyne Shire Council and the Head, Transport for Victoria 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 the Head, Transport for Victoria.
- 9F. Prior to the commencement of construction of wind turbine footings, crane hardstand, internal access roads, the substation or transmission towers, road construction works as shown on the plan(s) endorsed under this permit, must be undertaken, completed, and assessed and approved by the Independent Road Quality Auditor to the satisfaction of Moyne Shire Council and the Head, Transport for Victoria. These works may be staged as construction of individual turbine groupings are commenced.
10. The traffic management and road upgrade and maintenance works identified in the endorsed Traffic Management Plan must be carried out to the satisfaction of the Moyne Shire Council and the Head, Transport for Victoria.
- 10A. Prior to any works commencing within any arterial road reserve, the applicant must enter into a works agreement with the Head, Transport for Victoria, confirming design plans and works approvals processes, including the determination of fees and the level of the Head, Transport for Victoria service obligations. Contact: southwestworks@roads.vic.gov.au

## DEPARTMENT OF TRANSPORT AND PLANNING CONDITIONS

11. Alterations to the crossovers and driveways are to be constructed generally in accordance with VicRoads SD2065 at a minimum, taking into consideration the necessity for access by over-dimensional vehicles, to the satisfaction of, and at no cost to, the Department of Transport and Planning prior to the commencement of the use hereby approved.
12. At least 21 working days prior to commencing work within the declared road, the developer must contact [southwestworks@roads.vic.gov.au](mailto:southwestworks@roads.vic.gov.au), to discuss construction methods and traffic management issues.

## ENVIRONMENTAL MANAGEMENT PLAN

13. Before the development starts, an Environmental Management Plan must be prepared to the satisfaction of the Minister for Planning. The Plan must be submitted to the Minister for Planning for approval. The Environmental Management Plan may be prepared in sections or stages. When approved, the Plan will be endorsed and will then form part of this permit.

The use and development must accord with the endorsed plan at all times.

The environmental management plan must include:

a. A **Construction and Work Site Management Plan** which must include:

- i. Procedures for access, noise control, dust emissions, spills and leaks from the handling of fuels and pollution management. Such procedures are to be undertaken in accordance with EPA Publication 1834: Civil construction building and demolition guide and EPA Publication 275 *Construction Techniques for Sediment Pollution Control*.  
  
This must include arrangements for effectively dealing with construction noise complaints including provision for an effective and rapid response to noise from mechanical faults;
- ii. The identification of all potential contaminants stored on site;
- iii. The identification of all construction and operational processes that could potentially lead to water contamination;
- iv. The identification of appropriate storage, construction and operational methods to control any identified contamination risks;
- v. The identification of waste re-use, recycling and disposal procedures;
- vi. Appropriate sanitary facilities for construction and maintenance staff in accordance with the EPA Publication 891.4 Code of practice – onsite wastewater management;
- vii. Procedures, where practical, to construct turbine bases, access tracks and power cabling during drier months and other measures to minimise impacts on ephemeral wetlands, local fauna and sediment mobilisation;
- viii. Procedures for construction vehicles and equipment to use designated tracks and works areas to avoid impacts on native vegetation;
- ix. Procedures to cover trenches and holes at night time and to fill trenches as soon as practical after excavation, to protect native fauna;
- x. Procedures for the rehabilitation of construction zones with appropriate pasture species;
- xi. Identification on site of the vegetation exclusion zones and their protection from vehicles and storage of materials and equipment or other damaging use during the construction period; and
- xii. Procedures for the removal of works, buildings and staging area(s) on completion of construction of the project.

b. A **Sediment, Erosion and Water Quality Management Plan**. This plan must be prepared in



consultation with the Glenelg-Hopkins Catchment Management Authority and other authorities as may be directed by the Minister for Planning.

The Plan must include:

- i. A procedure to ensure that silt from batters, cut-off drains, table drains and road works is retained on the site during and after the construction stage of the project.

To this end:

- All land disturbances must be confined to a minimum practical working area and to the vicinity of the identified works areas;
  - Soil to be removed must be stockpiled and separate soil horizons must be retained in separate stockpiles and not mixed; and
  - Stockpiles must be located away from drainage lines.
- ii. Arrangements for the storage of fuel and chemicals in securely bunded areas during and after construction away from waterways and vegetation;
  - iii. 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 such temporary concrete batching plant must be designed and operated in accordance with the Environment Protection Authority Publication 1806: Reducing risk in the premixed concrete industry ;
  - iv. 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;
  - v. Procedures to suppress dust from construction-related activities. Note: appropriate measures may include water spraying of roads and stockpiles, stabilising surfaces, temporary screening and/or wind fences, modifying construction activities during periods of heightened winds and revegetating exposed areas as soon as practicable;
  - vi. Procedures to ensure that steep batters are treated in accordance with Environmental Protection Authority Publication 275 *Construction Techniques for Sediment Pollution Control*;
  - vii. Procedures for waste water discharge management;
  - viii. A process for overland flow management to prevent the concentration and diversion of waters onto steep or erosion prone slopes;
  - ix. Pollution management measures for stored and stockpiled materials including waste materials, litter and any other potential source of water pollution;
  - x. Incorporation of pollution control measures outlined in EPA Publication 1834: Civil construction building and demolition guide;
  - xi. Siting of concrete batching plant and any on-site wastewater and disposal and disposal treatment fields at least 100 metres from any watercourse;
  - xii. Appropriate capacity and an agreed program for annual inspection and regular maintenance of any on-site wastewater management system constructed to service staff, contractors or visitors; and
  - xiii. Immediate remediation of localised erosion with a specified response time.
- c. **A Blasting Plan.** This plan is only required if blasting is proposed to be undertaken at the site as part of the construction of the wind energy facility.

The plan must include:

- i. Name and qualification of the person responsible for blasting;

- ii. A description of the location of where the explosives will be used, and the location of every licensed bore on any property with an adjoining boundary within 1km of the location of the blasting;
- iii. A requirement for the 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 at such site;
- iv. The procedure for site clearance and post blast reoccupation;
- v. The procedure for the storage and handling of explosives;
- vi. A requirement that blasting only occur after at least 24 hours prior notification in writing of the intention to undertake blasting has been given to all adjoining neighbours of the proposal with a property boundary within 1km of the location of the proposed blasting; and
- vii. A requirement that blasting only be undertaken between the hours of 8am and 4pm.

d. **A Hydrocarbon and Hazardous Substances**

**Plan.** The plan must include:

- i. Procedures for any on-site storage of fuels, lubricants or waste oil to be in bunded areas; and
- ii. Contingency measures to ensure that any chemical or oil spills are contained on-site and cleaned up in accordance with EPA requirements.

e. **A Fire Emergency Response Plan** to the satisfaction of the Minister for Planning and prepared in consultation with the CFA, the DEECA and Moyne Shire Council.

The plan must include:

- i. The provision of 1 or 2 static water supply tank(s) solely for firefighting purposes with the minimum capacity specified in condition 3 to the satisfaction of the CFA;
- ii. The tank(s) must;
  - Be fitted with outlets of at least one 64mm, 3 thread/25mm by 50mm nominal bore British Standard Pipe (BSP), round male coupling;
  - Be signed to the satisfaction of CFA; and
  - Be able to be accessed to within 4 metres of the outlet, in all weather conditions, by firefighting vehicles of up to 15 tonnes with a minimum turning circle of 10 metres;
- iii. Procedures for vegetation management, fuel control and the provision of firefighting equipment during declared fire danger periods;
- iv. Minimum standards for access roads and tracks to allow access for fire fighting vehicles;
- v. The facilitation by the operator under the permit, before or within 3 months after the commencement of the operation of the wind energy facility, of a familiarisation visit to the site and explanation of emergency services procedures for the CFA, Rural Ambulance Victoria, Moyne Shire Council's Municipal Emergency Management Committee and Victoria Police;
- vi. Subsequent familiarisation sessions for new personnel of those organisations on a regular basis and/or as required; and
- vii. If requested, assist in the training of authority personnel in relation to suppression of wind energy facility fires.

f. **A Cultural Heritage and Archaeology Management Plan** to address Aboriginal cultural heritage.

This plan must include:

- i. Protocols for the management of archaeological and cultural heritage on the land during construction in order to manage and protect Aboriginal cultural heritage;
  - ii. Protocols for consultation with the Registered Aboriginal Party, or where no Registered Aboriginal Party exists, the traditional land owners for the area;
  - iii. Procedures for seeking and obtaining any necessary permits and for entering into any necessary agreements under the *Aboriginal Heritage Act 2006*; and
  - iv. Protocols for protecting and reporting the discovery of any human remains in accordance with the requirements of the Victoria Police, the Victorian State Coroner's Office and Aboriginal Affairs Victoria.
- g. A **Pest Animal Management Plan** to be prepared in consultation with the DEECA to the satisfaction of the Minister for Planning.

The plan must include procedures for the control of pest animals for all areas disturbed by wind farm works for a period of 2 years after completion of the development or, if staged of each stage; particularly by negating opportunities for the sheltering of pests.

- h. A **Pest Plant Management Plan** including:
- i. Procedures to prevent the spread of weeds and pathogens from earth moving equipment and associated machinery including the cleaning of all plant and equipment before transport to the site and the use of road making material comprising clean fill that is free of weeds;
  - ii. Sowing of disturbed areas with perennial grasses; and
  - iii. A protocol to ensure follow-up weed control is undertaken on all areas disturbed through construction of the wind energy facility for a minimum period of 2 years following completion of the works.
- i. 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 to the satisfaction of the Minister for Planning.
- j. A **Program for Reporting** including a register of environmental incidents, non-conformances, complaints and corrective actions.
- k. A **Timetable for Implementation** of all programs and works identified in a plan referred to in conditions (a) to (j) above.

#### **BATS AND AVIFAUNA**

14. Before the commissioning of any wind turbine starts, the operator under the permit must engage the services of a suitably qualified expert(s) to prepare an amended Bat and Avifauna Management Plan (BAM Plan) to the satisfaction of the Minister for Planning. It must be prepared in consultation with the DEECA Environment Portfolio, and must be submitted to and approved by the Minister for Planning. When approved the plan will be endorsed and will then form part of the permit. The use must thereafter accord with the endorsed plan.

The BAM Plan must include:

- a. An overall strategy for managing and mitigating any significant bird and bat strike arising from the wind energy facility operations;
- b. A bat and bird strike monitoring program specifying, at least, its duration, timing, data recorded, methodology, correction factors and reporting protocols;
- c. A Southern Bent-wing Bat monitoring program of at least two years duration to establish

utilisation of the site including monitoring of bat presence at different heights up to turbine hub height;

- d. Specification of mortality rates for the Southern Bent-wing Bat and bat and bird species listed under the EPBC Act or the FFG Act that would trigger the requirement for appropriate management and mitigation measures;
- e. Management and mitigation measures or offset measures that can be taken in response to monitoring results relative to relevant triggers and standards, including a description of the roles of the operator, DEECA Environment Portfolio and the responsible authority; and
- f. A draft curtailment plan including details of mitigation measures for immediate implementation after a reported mortality incident of a Southern Bent-wing Bat, including a description of the roles of the operator, DEECA Environment Portfolio and the responsible authority.
- g. A grey-headed flying fox monitoring and mitigation plan, in consultation with the DEECA Environment Portfolio.
- h. A white-throated needletail monitoring and mitigation plan, in consultation with the DEECA Environment Portfolio.

#### **NOISE STANDARD**

15. Except as provided below in this condition, the operation of the wind energy facility must comply with New Zealand Standard 6808:2010 Acoustics – Wind Farm Noise (the Standard) at any dwelling existing on land in the vicinity of the wind energy facility as at 8 July 2022 (excluding any receptor which is an associated land owner or does not meet the definition of a ‘noise sensitive location’ under the Standard), to the satisfaction of the responsible authority.

In determining compliance, the following apply:

- a. The operator must ensure that at any wind speed, wind farm sound levels at noise sensitive locations do not exceed a noise limit of 40dB LA90 (10 min), provided that where the circumstances specified in condition 15 (b) apply, the noise limit of 40dB LA90 (10 min) will be modified as specified in condition 15 (b).
- b. At the specified assessment positions referred to in condition 15 the noise limit of 40dB LA90 (10 min) referred to in condition 15 (a) will be modified in the following way when the following circumstances exist:
  - i. Where the background sound level is greater than 35 dB LA90 (10 min), the noise limit will be the background sound level LA90 (10 min) plus 5 dB;
  - ii. Where special audible characteristics, including tonality, impulsive sound or amplitude modulation occur, 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.

This condition does not apply if an agreement has been reached with a landowner through which the landowner accepts predicted noise levels and acknowledges that the operation of the wind energy facility may still generate noise in outdoor areas at the noise sensitive residence (s) which may from time to time exceed the Standard.

In such circumstances, the operator under this permit must, as soon as practicable, enter into an agreement with Moyne Shire Council and the registered proprietor of the affected land pursuant to Section 173 of the Planning and Environment Act 1987 (Section 173 Agreement) to provide that, except with the written consent of Moyne Shire Council, any noise sensitive residence on the land should not be occupied by persons other than:

- i. Those with an interest in ownership and management of land on which the wind energy facility is located and their families, or
- ii. Persons who otherwise receive a financial benefit as a result of the location of the wind

energy facility on the land;

and 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.

#### **PRE-CONSTRUCTION NOISE ASSESSMENT**

16. Before development starts, a pre-construction noise 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 that the wind energy facility will comply with the relevant noise limits specified in this permit, to the satisfaction of the Minister for Planning.
17. Condition deleted
18. Condition deleted

#### **NOISE COMPLAINTS EVALUATION**

19. Condition deleted

#### **COMPLAINT INVESTIGATION AND RESPONSE PLAN**

20. Before the development starts, the permit holder must prepare a Complaint Investigation and Response Plan 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 complaint investigation and response plan will be designed to respond to all aspects of the wind farm, except noise associated with the operation of the wind turbines, including (but not limited to): construction noise, construction impacts, traffic, shadow flicker.
21. The endorsed complaints investigation and response plan must be publicly available on the wind farm operator's website.
22. The plan must be prepared in accordance with *Australian/New Zealand Standard AS/NZS 10002:2014 – Guidelines for Complaint Management in Organisations* and shall include:
  - a. A process of investigation to resolve a complaint
  - b. A requirement that all complaints will be recorded in an incident register
  - c. How contact details will be communicated to the public
  - d. A toll-free telephone number and email contact for complaints and queries
  - e. Details of the appropriate council contact telephone number and email address (where available)
  - f. A table outlining complaint information for each complaint received, including:
    - i. The complainant's name.
    - ii. Any applicable property reference number if connected to a noise background testing location.
    - iii. The complainant's address.
    - iv. A receipt number for each complaint which is to be communicated to the complainant.
    - v. The time, prevailing conditions and description of the complainant's concerns including the potential incidence of special audible characteristics (for a noise complaint).
    - vi. The processes of investigation to resolve the complaint.
23. A report including a reference map of complaint locations, and outlining complaints, investigation and remediation actions is to be provided on an annual basis to the satisfaction of the responsible authority.

24. 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.
25. The owner of the wind energy facility must implement and comply with the approved Complaint Investigation and Response Plan for the duration of the operation of the wind energy facility.

#### **PRELIMINARY INVESTIGATIVE WORKS**

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

#### **BLADE SHADOW FLICKER**

27. Shadow flicker from the wind energy facility must not exceed 30 hours per annum at any dwelling existing at 8 July 2022.

This condition does not apply to any dwelling on land on which part of the wind energy facility is erected. Any required exemption must be given effect by an agreement with the landowner which is registered on the title to the land and will apply to any occupant of the dwelling. The agreement must be entered into before the use commences.

Note: inclusion of the exemption as part of any agreement made under condition 15 will be one way to satisfy this condition.

28. Condition deleted

#### **TELEVISION AND RADIO RECEPTION AND INTERFERENCE**

29. Prior to commencement of works, a pre-construction survey must be carried out to the satisfaction of the Minister for Planning to determine television and radio reception strength at selected locations approved by the Minister for Planning up to 3kms from all wind turbines. The location of such monitoring is to be determined by an independent television and radio monitoring specialist appointed by the operator under this permit.
30. 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 the any dwelling in the area which existed at the date of the pre-construction survey, a post-construction survey must be carried out at the dwelling.
31. If the post-construction survey establishes any increase in interference to reception as a result of the wind energy facility operations, the wind energy facility operator must undertake measures to mitigate the interference and return the affected reception to pre-construction quality at the cost of the operator and to the satisfaction of the responsible authority.

#### **SECURITY**

32. All site entries and wind turbine access points and electrical equipment must be locked and made inaccessible to the general public to the satisfaction of the responsible authority. Public safety warning signs must be located on all towers and all spare parts and other equipment and materials associated with the wind energy facility must be located in screened, locked storage areas that are inaccessible to the public to the satisfaction of the responsible authority.

#### **AVIATION SAFETY CLEARANCES**

33. Copies of the approved development plans must be provided to CASA, the Department of Defence, CFA State Aircraft Unit and to any organisation responsible for providing air ambulance services in the area, to enable details of the wind energy facility to be shown on aeronautical charts of the area.
- 33A. Copies of the approved development plans must be provided to Airservices Australia within 30 days of them being endorsed.

- 33B. Any anemometer on the site for more than three years must be marked in accordance with the *National Airports Safeguarding Framework Guideline D: Managing the Risk of Wind Turbine Farms as Physical Obstacles to Air Navigation*, and on the base around the outer guy wires to the satisfaction of the responsible authority.

#### **DECOMMISSIONING**

34. The operator under the permit must, no later than 2 months after all the wind turbines have permanently ceased to generate electricity, notify the responsible authority in writing of the cessation of use. Within a further 12 months of this date, the operator under the permit, or in the absence of the operator under the permit, the owner of the land on which the relevant turbines are located, must undertake the following to the satisfaction of the responsible authority within such timeframe as may be specified by the responsible authority:
- a. Remove all above ground non-operational equipment;
  - b. Remove and clean up any residual spills;
  - c. Clean up and restore all storage, construction and other areas associated with the use, development and decommissioning of the wind energy facility, if not otherwise useful to the on-going management of the land;
  - d. Restore all access tracks and other areas affected by the project closure or decommissioning, if not otherwise useful to the on-going management of the land;
  - e. Submit a decommissioning traffic management plan to the responsible authority and, when approved by the responsible authority, implement that plan; and
  - f. Submit a post-decommissioning revegetation management plan to the responsible authority and, when approved by the responsible authority, implement that plan.
35. In the event that one or more turbines have permanently ceased to generate electricity prior to cessation of operation of the whole wind energy facility, the operator under the permit must, within 2 months of that event, notify the Minister for Planning. Within a further 6 months of this date, the operator under the permit must undertake the following to the satisfaction of the Minister for Planning:
- a. Remove the turbine including the rotor, nacelle and tower;
  - b. Remove and clean up any residual spills;
  - c. Submit a Traffic Management Plan to the Minister for Planning for the removal of that turbine(s) and, when approved by the Minister for Planning, implement that plan.

#### **STAGING**

36. The use and development authorised by this permit may be completed in stages as shown on the endorsed development plan(s) to the satisfaction of the Minister for Planning, and any corresponding obligation arising under this permit (except the preparation and approval of the development plan under condition 1 may be similarly completed in stages or parts.

#### **SETBACKS**

37. Unless stated otherwise, setbacks for wind farm turbines are to be measured from the centre of the tower at ground level to the closest point on any other feature.

#### **NATIVE VEGETATION REMOVAL**

38. Before works start, the permit holder must advise all persons undertaking the vegetation removal/works on site of all relevant conditions of this permit.

#### **Offset requirement**

39. In order to offset the removal of 0.083 hectares of native vegetation approved as part of this permit, the applicant must provide a native vegetation offset that meets the following requirements and is in accordance with Clause 52.17.

### **General offset**

40. To offset the permitted clearing in accordance with Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017), the permit holder must secure general offsets. The offset must:
  - a. Contribute a gain of 0.056 general habitat units.
  - b. Be located within the Glenelg Hopkins Catchment Management Authority boundary or Moyne Shire Council municipal district.
  - c. Have a strategic biodiversity score of at least 0.368.
  - d. Contain at least 0 large old trees.

### **Offset evidence**

41. Before any native vegetation is removed, evidence that an offset has been secured must be provided to the satisfaction of the responsible authority. This offset must meet the offset requirements set out in this permit and be in accordance with the requirements of Guidelines for the removal destruction or lopping of native vegetation.
42. Offset evidence can be either:
  - a. A security agreement, to the required standard, for the offset site or sites, including a 10-year offset management plan.
  - b. A credit register extract from the Native Vegetation Credit Register.
43. 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, a copy of the endorsed offset evidence must be provided to Planning Approvals at the Department of Environment, Land, Water and Planning, relevant regional office.
44. Within 6 months of the conclusion of the permitted clearing of native vegetation under this permit, the offset requirements can be reconciled with the written agreement of the responsible authority and the Department of Environment, Land, Water and Planning.

### **EMERGENCY SERVICES**

- 44A. Before development starts, the permit holder must provide spatial information data to Land Use Victoria via email [vicmap@delwp.vic.gov.au](mailto:vicmap@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 facility extents polygon(s);
  - b. all access entry points onto private property;
  - c. all internal roads; and
  - d. the locations of site compound, substations, batteries, and maintenance facilities.
- 44B. If there are any subsequent changes to infrastructure 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@delwp.vic.gov.au](mailto:vicmap@delwp.vic.gov.au) within 30 days of the change, to enable details of any changes to the facility to be known to emergency services dispatchers.

### **GENERAL**

- 44C. A copy of this permit and all endorsed plans under the permit must be displayed on the operator's website.

### **EXPIRY**

45. This permit will expire if one of the following circumstances applies:
  - The development is not started within 3 years of the date of this permit;



- The development is not completed within 6 years of the date of this permit.

The Minister for Planning as responsible authority may extend the periods referred to if a request is made in accordance with the Planning and Environment Act 1987.



**Date issued 17 April 2008**

**Signature for the Minister**

<i>Date of amendment</i>	<i>Brief description of amendment</i>
15 November 2011	Pursuant to section 69 of the <i>Planning and Environment Act 1987</i> this permit was extended so that development must start no later than 15 March 2012.
31 October 2013	Pursuant to section 69 of the <i>Planning and Environment Act 1987</i> this permit was extended so that development will expire if the development is not completed by 12 March 2016.
4 June 2015	Pursuant to section 69 of the <i>Planning and Environment Act 1987</i> this permit was extended so that development will expire if the development is not completed by 12 March 2018.
21 May 2017	Permit amended under section 97J of the <i>Planning and Environment Act 1987</i> - to increase turbine height, increase tower height, increase the blade length, provide a new site entrance, introduce a secondary consent mechanism, and require noise to be compliant with the 2010 version of the New Zealand noise standard, and other minor changes.
9 January 2018	Pursuant to section 69 of the <i>Planning and Environment Act 1987</i> this permit was extended so that development will expire if the development is not completed by 12 March 2020.
9 October 2018	Pursuant to section 69 of the <i>Planning and Environment Act 1987</i> this permit was extended so that development will expire if the development is not completed by 12 March 2022.
20 September 2019	Permit amended under section 97J of the <i>Planning and Environment Act 1987</i> - to correctly identify the 'Address of the Land' and add a road reserve at the site entrance; remove 0.064 hectares of native vegetation in road reserve; change conditions 1, 3, 4, 5, 11, 15, 18, 37 and 41 for development plans, specifications, flora surveys, off-site landscaping, the traffic management plan, the environmental management plan, noise, aviation safety and expiry; delete conditions 1(h), 3(n), 8, 9, 10, 16 and 36 for aviation lighting, lighting and review of the environmental management plan; and add new conditions 36-43 relating to a setback definition and native vegetation removal, including offset requirements.
18 October 2019	Pursuant to section 71 of the <i>Planning and Environment Act 1987</i> this permit was corrected to resolve clerical mistakes with cross-referencing of conditions.
15 September 2023	Permit amended under section 97J of the <i>Planning and Environment Act 1987</i> to amend the description of the land to which the permit applies to reflect the change in the location of approved turbines. The permit also approves a reduction in the number of turbines from 20 to 13, increased turbine height and deletion of operational noise conditions. The approval includes amendments to permit conditions 1, 2, 3, 5, 14, 20, 27, the deletion of permit conditions 17, 18, 19 and 28, and the addition of new permit conditions 33A, 33B, 45A, 45B, and 45C. Head, Transport for Victoria conditions 9, 10 and 12 were amended and new Head, Transport for Victoria conditions 9A, 9B, 9C, 9D, 9E, 9F and 10A added.
18 October 2023	Pursuant to section 69 of the <i>Planning and Environment Act 1987</i> this permit was extended so that development will expire if the development is not completed by 12 March 2027.
25 January 2024	Pursuant to section 71 of the <i>Planning and Environment Act 1987</i> this permit was corrected to resolve clerical mistakes associated with the description of land and the cross-referencing of condition 13f.
25 January 2024	Permit amended under section 97J of the <i>Planning and Environment Act 1987</i> to amend condition 14 to require the approval and endorsement of the Bat and Avifauna Management Plan before the first turbine is commissioned.

**Notes:****EPA note**

The amended *Environment Protection Act 2017* came into effect on 1 July 2021. The *Environment Protection Act 2017* imposes new duties on individuals and businesses undertaking the activity permitted by this permit. If your business engages in activities that may give rise to a risk to human health or the environment from pollution or waste, you must understand those risks and take action to minimise them as far as reasonably practicable.

**Wind Energy Facility - Operator's Compliance**

The Operator of the wind energy facility is required to comply with Division 5 of Part 5.3 of the *Environment Protection Regulations 2021*. This provides for post-construction noise assessment and associated ongoing noise monitoring requirements. Please refer to regulations 131A-131J.

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#### IMPORTANT INFORMATION ABOUT THIS PERMIT 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 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.

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