

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

**PERMIT NO:** 2006/0220/B

**PLANNING SCHEME:** Moyne Planning Scheme

[PROPOSED PERMIT CONDITION CHANGES – July 2022](#)

**ADVERTISED  
PLAN**

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**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 10129; Folio 252

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

Lots 3, 4, 5, 6, 7, 8, 9, 10 & 11 on TP005031A; Vol 10129; Folio 256

Road reserve abutting Woolsthorpe-Heywood Road

**Commented [KN1]:** Update land description to reflect current description

**THE PERMIT ALLOWS:** Use and development of land for a Wind Energy Facility and to alter access to a road in Road Zone, Category 1 and associated removal of native vegetation

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

**DEVELOPMENT PLANS**

1. Before the development starts, development plans to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning. When approved, the plans will be endorsed by the Minister 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, with the exception of Turbine 14 which may encroach in this setback;
  - to ensure the habitat setback requirements in condition 3(e) are met;

**Commented [KN2]:** Turbine 14 no longer proposed. No turbine within 100 m of a waterway.

- 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);
  - 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 32;
    - 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 DELWP 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 supplementary flora surveys of any areas not surveyed in accordance with condition 4 which have been prepared in consultation with DELWP 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 20 wind turbines;
  - b) The overall maximum height of the wind turbines (to the tip of the rotor blade when vertical) must not exceed ~~230.468~~ 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 35 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 as suitable habitat for the Southern Bent-wing Bat by a qualified ecologist;
  - 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).

#### **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 DELWP 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 DELWP 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 7 June 2016 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:
  - Details of planting or other treatments that will be used to reduce the visual impact of the wind turbines at 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 VicRoads 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 VicRoads.

#### **TRAFFIC MANAGEMENT**

- 9. Before the development starts, a Traffic Management Plan must be prepared in consultation with VicRoads to the satisfaction of the Minister for Planning for submission to and approval by the Minister for Planning. When approved, the Plan will be endorsed and will then form part of this permit.

The plan must include:

- a) An existing conditions survey of public roads on designated construction transport vehicle routes and in the vicinity of the wind energy facility that may be used for access, including details of the suitability, design, construction standard and condition of the roads;
- b) The designation of appropriate construction transport vehicle routes to the wind energy facility site;
- c) The designation of operating hours and speed limits for trucks on routes accessing the site so as to avoid the time and routes of passage of school buses where relevant, and to provide for resident safety;
- 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) Recommendations on the need for road and intersection upgrades to accommodate any additional traffic or site access requirements, whether temporary or on-going and the timing of when these upgrades are to be undertaken;
- h) Measures to be used to manage traffic impacts associated with the ongoing operation of the wind energy facility on the traffic volumes and flows on surrounding roads;

- i) Engineering plans demonstrating how truck movements can be accommodated must be prepared for any intersection with the Princes Highway that will be utilised by trucks travelling to or from the site. The plan must include details of any required road construction works;
- 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) A program of regular inspections to be carried out during the construction period to identify maintenance works necessary as a result of construction traffic;
- l) A program to rehabilitate roads to the condition identified by the surveys required by condition 9(a) above within 3 months of the need for such rehabilitation being identified by the regular inspections required by condition 9(k) above.

Note: VicRoads approval for the movement of Over Dimensional loads is required. VicRoads contact officer is Mr Paul Frost – Team Leader Safety Services (Tel: 03 5225 2578 or mobile 0417 483 421). Contact at an early date is recommended.

- 10. The traffic management and road upgrade and maintenance works associated with the wind energy facility must be carried out in accordance with the traffic management plan and the cost of any works including maintenance are to be at the expense of the permit holder.

#### **VICROADS CONDITIONS**

- 11. Alterations to the crossovers and driveways are to be constructed generally in accordance with VicRoads SD2065 (attached) at a minimum, taking into consideration the necessity for access by over-dimensional vehicles, to the satisfaction of, and at no cost to, VicRoads prior to the commencement of the use hereby approved.
- 12. At least 10 working days prior to commencing work within the declared road, the developer must contact Mr Mark McDonald, Senior Surveillance Officer, on telephone number 0400 051670, 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 480 *Environmental Guidelines for Major Construction Sites* 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 *Septic Tanks Code of Practice*;
  - vii. Procedures, where practical, to construct turbine bases, access tracks and power cabling during warmer months 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 628 *Environmental Guidelines for the Concrete Batching 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 480 *Environmental Guidelines for Major Construction Sites*;
  - 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 DELWP 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:

- Protocols for the management of archaeological and cultural heritage on the land during construction in order to manage and protect Aboriginal cultural heritage;
- Protocols for consultation with the Registered Aboriginal Party, or where no Registered Aboriginal Party exists, the traditional land owners for the area;
- Procedures for seeking and obtaining any necessary permits and for entering into any necessary agreements under the *Aboriginal Heritage Act 2006*; and

- 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 DELWP and the DEDJTR to the satisfaction of the DEDJTR.

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 development starts, the operator under the permit must engage the services of a suitably qualified expert(s) to prepare a Bat and Avifauna Management Plan (BAM Plan) to the satisfaction of the Minister for Planning. It must be prepared in consultation with the DELWP 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 168m;
- d) Specification of mortality rates for the Southern Bent-wing Bat and bird species listed under the EPBC Act or the FFG Act that would trigger the requirement for appropriate ameliorative measures; and

- e) Management and mitigation measures or offset measures that can be taken in response to monitoring results relative to relevant triggers and standards.

#### **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 7 June 2016 (excluding any receptor which is an associated land owner or does not meet the definition of a ‘noise sensitive location’ under the New Zealand 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 the Minister for Planning 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 the Minister for Planning, 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.

#### **NOISE COMPLIANCE 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.~~

**Commented [KN3]:** Request deletion – this matter is now prescribed under the Environment Protection Regulations 2021

17. ~~A post-construction noise monitoring program must be carried out in accordance with the New Zealand Standard NZS6808:2010 – Acoustics – Wind Farm Noise.~~

18. ~~For the purposes of determining compliance, the following requirements apply:~~

- ~~a) Acoustic compliance reports shall be prepared by a suitably qualified and experienced independent acoustic engineer to demonstrate compliance with the noise limits specified in the Standard.~~
- ~~b) All acoustic compliance reports must be accompanied by a report from an environmental auditor appointed under the *Environment Protection Act 1970* with their opinion on the methodology and results contained in the noise compliance testing plan. If a suitable auditor cannot be engaged, the proponent may seek the written consent of the Minister for Planning to obtain an independent peer review of the noise report instead.~~
- ~~c) Noise assessment positions must be located as close as possible to previous locations or according to the Standard, and shown on a map.~~
- ~~d) An initial acoustic compliance report must be submitted within six months of the commissioning of the first turbine, and at six monthly intervals thereafter until full operation (following completion of construction and commissioning).~~
- ~~e) A final compliance report must be submitted to the responsible authority after a 12 month period following full operation of the wind energy facility.~~
- ~~f) Compliance reports should be publicly available.~~

#### **NOISE COMPLAINTS EVALUATION**

19. ~~For the purposes of complaints evaluation, the following requirements apply:~~

- ~~a) Post installation sound levels shall, where practical, be measured at the same locations where the background sound levels were determined (GPS coordinates and a map showing these locations is to be provided).~~
- ~~b) If a non compliance with condition 15 is detected, or an acoustic investigation is required under the complaints investigation and response plan endorsed under condition 20, an independent assessment report must be prepared by a suitably qualified and experienced independent acoustic engineer to:~~
  - ~~• Identify the weather or operational conditions associated with the complaint / breach;~~
  - ~~• Analyse the uncertainty and confidence levels in the monitoring, and the steps taken to reduce uncertainty;~~
  - ~~• Target assessment to identify the cause and remediation actions;~~
  - ~~• Submit a remediation plan to the satisfaction of the responsible authority outlining, the investigation process, complainant communications, actions and timelines to resolve the complaint/breach.~~

~~If the complaint is not resolved through the processes outlined above, the responsible authority may request an independent peer review at the cost of the operator under the permit and on/off shut down testing to resolve uncertainty.~~

- ~~e) Following the initial post construction reporting process, additional independent assessment may be requested by the responsible authority at any time, where complaints are received and are considered to reasonably warrant investigation.~~

**Commented [KN4]:** Request deletion – this matter is now prescribed under the Environment Protection Regulations 2021

~~d) If investigations indicate special audible characteristics are potentially occurring, procedures outlined in Appendix B of the Standard should be applied.~~

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

16. 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 including (but not limited to): operation noise, construction noise, construction impacts, traffic, shadow flicker.
17. The endorsed complaints investigation and response plan must be publicly available on the wind farm operator's website.
18. 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.
19. 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.
20. 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.
21. 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**

22. 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**

23. Shadow flicker from the wind energy facility must not exceed 30 hours per annum at any dwelling existing at 7 June 2016.

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.

24. Before the use starts, details of a complaint evaluation and response process must be submitted to and approved by the Minister for Planning to assess any alleged breach of condition 27.

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

25. 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.
26. 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.
27. 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**

28. 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**

29. 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.

#### **DECOMMISSIONING**

30. 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.
31. 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**

32. 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**

33. 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**

34. 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**

35. In order to offset the removal of 0.06483 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.

**Commented [KN5]:** Amend to reflect the additional vegetation to be removed to accommodate the swept path

#### **General offset**

36. 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 0.04556 general habitat units.

**Commented [KN6]:** As per the above



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- 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

- 37. 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.
- 38. 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.
- 39. 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.
- 40. 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.

## EXPIRY

- 41. 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.

## Notes:

Post construction noise assessment and associated ongoing noise monitoring requirements are now prescribed under Division 5 of the Environment Protection Regulations 2021.

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<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.
18.10.19	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.

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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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