

# PLANNING PERMIT

**Permit No:** PL-SP/05/0548/C

**Planning Scheme:** Pyrenees

**Responsible Authority for Administration and Enforcement of  
this Permit:** Pyrenees Shire Council

**ADDRESS OF THE LAND:**

The title details for this land are:

Volume 08274 Folio 012 Crown Allotment 2 Section A Parish of  
Nanimia

Volume 08350 Folio 829 Crown Allotment 5B Section A Parish of  
Nanimia

Volume 08451 Folio 358 Lot 1 on Title Plan TP330600V

Volume 08712 Folio 277 Crown Allotment 5 Section A Parish of  
Nanimia

Volume 10660 Folio 643 Lot 1 on Title Plan PS503079F

Volume 10660 Folio 644 Lot 2 on Title Plan PS503079F

Volume 10241 Folio 262 Crown Allotments 66B1 & 66B2 Parish of  
Trawalla

Volume 10241 Folio 261 Crown Allotments 65A1 & 65A2 Parish of  
Trawalla

Volume 06306 Folio 200 Lot 26 on Title Plan LP005158

Volume 07839 Folio 005 Lots 23 & 24 on Title Plan LP005158

Volume 07839 Folio 006 Lots 23 & 24 on Title Plan LP005158

Volume 10926 Folio 157 Lot 3 on Title Plan TP860886Q

Volume 10926 Folio 158 Lot 4 on Title Plan TP860886Q

Volume 10926 Folio 161 Lot 1 on Title Plan TP860886Q

Volume 10926 Folio 172 Lot 2 on Title Plan TP860886Q

Volume 10926 Folio 174 Lots 5, 7 & 8 on Title Plan TP860886Q

Volume 08250 Folio 270 Lots 1 & 6 on Title Plan TP749151N

Volume 05850 Folio 856 Crown Allotments 23A, 23B, 24A & 24B  
Parish of Eurambeen

Volume 05147 Folio 359 Crown Allotment 14D Parish of  
Eurambeen

Volume 08178 Folio 460 Lot 3 on Title Plan TP242371Y

Volume 09307 Folio 659 Lots 2, 3 & 4 on Title Plan TP173370J

Volume 08744 Folio 903 Lots 1, 2, 3, 4, 5, 6, 7, 8 & 9 on Title Plan  
TP406280R

Volume 09307 Folio 658 Lots 1, 2, 3, 4, 5, 6, 7 & 8 on Title Plan  
TP171660K

Volume 08654 Folio 072 Lots 5, 6, 7, 8, 9, 10, 11 & 12 on Title Plan  
TP366294X

Volume 11111 Folio 285 Lot 1 on Title Plan TP591474

Volume 01478 Folio 516 Lots 1 & 2 on Title Plan TP618390B

Volume 00761 Folio 190 Lots 1 & 2 on Title Plan TP628274W

Volume 02592 Folio 296 Crown Allotment 2 Section 14 Parish of  
Mahkwallok

Volume 11552 Folio 707 Lot 1 on Title Plan PS726750

Volume 11552 Folio 708 Lot 2 on Title Plan PS726750

Volume 11552 Folio 709 Lot 1 on Title Plan TP842125

Volume 01770 Folio 839 Crown Allotments 1 & 9 Section 12 Parish

of Yangerahwill  
Volume 06417 Folio 280 Crown Allotments 69B2 & 69B3 Parish of Trawalla  
Volume 08252 Folio 049 Lot 1 on Title Plan TP237012J  
Volume 08252 Folio 048 Lots 1 & 2 on Title Plan TP853330G  
Volume 08252 Folio 047 Lot 22 on Title Plan LP005158  
Volume 08130 Folio 056 Lot 1 on Title Plan TP336049G  
Volume 05644 Folio 686 Lot 1 on Title Plan TP556700F  
Volume 09007 Folio 719 Lots 1 & 2 on Title Plan TP551753K  
Volume 06094 Folio 739 Lots 1 & 2 on Title Plan TP445570L  
Volume 06412 Folio 386 Lot 2 on Title Plan TP853328S  
Volume 10269 Folio 808 Lots 2, 3, & 4 on Title Plan TP080285R  
Volume 10269 Folio 806 Lots 1 & 2 on Title Plan TP545337K  
Volume 10269 Folio 807 Lot 1 on Title Plan TP093283X  
Volume 10754 Folio 102 Lot 2 on Title Plan PS421069P  
Volume 3399 Folio 651 Lot 14 on Title Plan LP005158  
Volume 08304 Folio 394 Lot 2 on Title Plan TP246368Q  
Volume 11182 Folio 49 Lot 1 on Plan of Subdivision 622104U  
Volume 11182 Folio 50 Lot 2 on Plan of Subdivision 622104U  
Volume 08414 Folio 431 Lot 1 on Title Plan TP404637L  
Volume 08941 Folio 449 Crown Allotment 9 Section 28 Parish of Enucl  
Volume 09388 Folio 915 Crown Allotment 8 Section 28 Parish of Enucl  
Volume 10470 Folio 197 Lot 1 on Title Plan TP014622Y  
Volume 10470 Folio 200 Crown Allotment 73 Parish of Nanimia  
Volume 10470 Folio 201 Crown Allotment 74 Parish of Nanimia  
Volume 10470 Folio 203 Crown Allotment 78 Parish of Nanimia  
Volume 10470 Folio 204 Crown Allotment 79 Parish of Nanimia  
Volume 10470 Folio 205 Crown Allotment 80 Parish of Nanimia  
Volume 08617 Folio 843 Crown Allotment 5 Section 28 Parish of Enucl  
Volume 02208 Folio 567 Lot 1 on Title Plan TP436856S  
Volume 09429 Folio 286 Crown Allotment 6 Section A Parish of Nanimia  
Volume 05007 Folio 258 Lots 1, 2, 3 & 4 on Title Plan TP392377V  
Volume 11032 Folio 990 Lot 2 on Title Plan PS604561R  
Volume 10010 Folio 147 Crown Allotment 98 Parish of Woodnaggerak  
Volume 08458 Folio 533 Crown Allotment 3 Section 6 Parish of Yangerahwill  
Volume 08067 Folio 827 Crown Allotment 12 Section 28 Parish of Enucl  
Volume 08494 Folio 563 Lot 3 on Title Plan LP061492  
Volume 09388 Folio 784 Crown Allotment 97 Parish of Woodnaggerak  
Volume 09011 Folio 716 Crown Allotment 99 Parish of Woodnaggerak  
Volume 09637 Folio 763 Lot 2 on Title Plan LP126112  
Volume 08250 Folio 268 Lots 1, 3 & 4 on Title Plan TP244875H  
Volume 09019 Folio 711 Crown Allotment 1 Section 6 Parish of Yangerahwill  
Volume 08712 Folio 371 Crown Allotment 6 Section 28 Parish of Enucl

Volume 07803 Folio 001 Lots 1, 2, 3 & 8 on Title Plan TP601035S  
Volume 08250 Folio 269 Crown Allotments 20A, 20B, 21A, 21B & 22A Parish of Eurambeen  
Volume 04298 Folio 578 Lot 25 on Title Plan LP005158  
Volume 06461 Folio 160 Lot 1 & 3 on Title Plan LP005401  
Volume 05007 Folio 257 Lots 1, 2, 3 & 4 on Title Plan TP671274C  
Volume 02304 Folio 717 Crown Allotment 2 Section 14 Parish of Yangerahwill  
Volume 07430 Folio 889 Crown Allotment 3 Section 15 Parish of Yangerahwill  
Volume 10539 Folio 049 Lot Portion 41 on Title Plan TP019147B  
Volume 10539 Folio 050 Lot Portion 42 on Title Plan TP019147B  
Volume 10539 Folio 051 Lot Portion 43 on Title Plan TP019147B  
Volume 10539 Folio 052 Lot Portion 44 on Title Plan TP019147B  
Volume 10539 Folio 054 Lot Portion 55 on Title Plan TP019147B  
Volume 10539 Folio 055 Lot Portion 56 on Title Plan TP019147B  
Volume 10539 Folio 058 Lot Portion 57 on Title Plan TP019147B  
Volume 10539 Folio 059 Lot Portion 58 on Title Plan TP019147B  
Volume 10539 Folio 060 Lot Portion 59 on Title Plan TP019147B  
Volume 10539 Folio 061 Lot Portion 60 on Title Plan TP019147B  
Volume 10539 Folio 062 Lot Portion 61 on Title Plan TP019147B  
Volume 10539 Folio 063 Lot Portion 62 on Title Plan TP019147B  
Volume 10539 Folio 064 Lot Portion 63 on Title Plan TP019147B  
Volume 10539 Folio 065 Lot Portion 64 on Title Plan TP019147B  
Volume 11032 Folio 989 Lot 1 on Title Plan PS604561R  
Volume 08478 Folio 774 Lot 3 on Title Plan TP671365Y  
Volume 08983 Folio 002 Lot 2 on Title Plan LP087819  
Allotment 2004 on Title Plan PP3257 Parish of Nanima  
Volume 10826 Folio 008 Lot 1 on Title Plan TP620469  
Volume 10826 Folio 009 Lot 2 on Title Plan PS620469  
Volume 8252 Folio 671 Lot 1, 2, 3 and 4 on Title Plan TP663543  
Volume 11644 Folio 238 Crown Allotment 3A Section 8 Parish of Yangerahwill  
Volume 9558 Folio 918 Lot 2 on Title Plan PS145218  
Volume 10754 Folio 101 Lot 1 on Title Plan PS421069  
Volume 11111 Folio 284 Lot 1 on Title Plan 571312

All roads and road reserves that lie within the wind energy facility site boundary, as shown on indicative layout plan (Amended Indicative Layout Plan – 20160428 Rev 0A), including used public roads, and unused roads (licensed and unlicensed).

**THE PERMIT ALLOWS:**

Use and development (including earthworks) of land for a wind energy facility comprising a maximum of 149 wind turbines and associated buildings and works including access tracks, underground cabling, overhead powerlines (up to 132kV), not more than 4 substations/switchyards, temporary concrete batching plants, up to 8 permanent anemometers (monitoring masts), a maintenance facility, car parking, a business identification sign, removal of native vegetation and the creation or alteration of access to roads in a Road Zone Category 1

## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

### DEVELOPMENT PLANS

1. Before the development starts, development plans must be prepared to the satisfaction of the Minister for Planning. The plans may be submitted for approval in stages or for particular wind farm sectors shown on the indicative layout plan (Amended Indicative Layout Plan – 20160428 Rev 0A). When approved, the plans will be endorsed by the Minister for Planning 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 be generally in accordance with the revised indicative layout plan (Amended Indicative Layout Plan – 20160428 Rev 0A) but modified to show:

- a) the location, setbacks to property boundaries, layout and dimensions of all on-site buildings and works including all approved wind turbines, access tracks, underground cables, overhead powerlines, substations, permanent anemometers, the maintenance facility, designated car parking and bicycle facilities, the single business identification sign, landscaping, firefighting infrastructure and water tanks, and ancillary works, such as temporary construction compounds, staging areas as well as off-site road works, removal of native vegetation, and temporary concrete batching plants.
- b) the global positioning system coordinates, using an appropriate datum, for each turbine and anemometer.
- c) details of the model and capacity of the wind turbines to be installed.
- d) dimensions, elevations, materials and finishes of the wind turbines and other permanent buildings and works (e.g. substation facilities).
- e) any staging of development.
- f) the setting back of all turbines by at least 100 metres from boundaries to non-participating neighbouring properties and roads which are formed roads at the date of this permit (when measured from the centre of the base of the turbine at ground level).
- g) the collocation of the internal and external powerlines on common poles where their routes coincide.
- h) any additional works and facilities and any changes to the proposed layout required to meet conditions in this permit under Country Fire Authority.
- i) any further necessary adjustment to the layout:
  - i. to ensure that clearing of native vegetation is avoided or minimised.
  - ii. to ensure that ground disturbance associated with the construction of the wind energy facility does not adversely impact on drainage lines.
  - iii. to ensure that remnant indigenous grasslands, and any other areas of significant fauna habitat identified by a qualified ecologist engaged to inspect the micro-sited turbine and overhead powerline pole locations are avoided or minimised.
  - iv. to ensure that any indigenous or non-indigenous archaeological site identified by the on-site archaeological survey, and required to be protected, is avoided.
  - v. to accommodate road and intersection upgrades and access requirements.
  - vi. to meet the siting conditions required in other conditions of this permit.
- j) the display only of one permitted business sign. The siting, dimensions and other details of the sign must be generally as shown on Indicative Business Sign – Drawing No. 0106120\_02 and Amended Indicative Layout Plan – 20160428 Rev 0A. No company logos are permitted on any turbine.

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:
- no application can be made for consent to modify those matters specified in condition 4; and
  - the micro-siting of wind turbines and overhead powerlines, access tracks and underground cabling as defined below, does not require consent, and will be viewed as generally in accordance with the endorsed plans provided that:
    - i. the developer of the wind energy facility has written advice from appropriately qualified experts that the alteration or modification will not result in material adverse change in landscape, vegetation, cultural heritage, visual, shadow flicker, noise, fire risk or aviation impacts compared to the endorsed plans;
    - ii. no turbine located more than a kilometre from a dwelling is moved to within 1km of a dwelling that existed on 12 May 2016 which was not the subject of written consent of the owner as at that date, unless evidence has been provided to the satisfaction of the Minister for Planning that the owner of the dwelling has consented in writing to the location of the turbine; and
    - iii. the micro-siting does not result in the removal of any additional native vegetation unless that removal has been authorised by a planning permit.

For the purposes of this condition:

- the measurement of any distance between a dwelling and a turbine must be from the closest point of the turbine to the closest point of the dwelling.
- 'micro-siting of turbines' means:
  - an alteration to the siting of a turbine by not more than 100 metres; and
  - any consequential changes to access tracks, overhead powerlines, and underground cabling.

Plans and global positioning system coordinates of the relocated turbines and copies of the advice referred to in condition 2(i) must be provided to the Minister for Planning.

#### **FURTHER FLORA AND FAUNA SURVEYS**

3. Before plans are finalised and submitted for endorsement under condition 1, further field surveys must be undertaken in the spring season of areas which may be disturbed by wind energy facility works beyond the areas of native vegetation already identified, to ascertain the presence of any further areas of native grassland communities and the presence of any endangered species of flora and fauna.

The survey approach to identifying Natural Temperate Grassland of the Victorian Volcanic Plains remnants outlined in the Matters of National Environmental Significance peer review report (page 10) presented at the 2010 Panel hearing must be adopted in all surveys.

The survey must be undertaken to the satisfaction of the Minister for Planning upon the advice of DELWP Environment portfolio and a report of the survey results must be submitted to and be to the satisfaction of the Minister for Planning.

The results of this further survey work must be used to inform the preparation of the plans under condition 1 to the satisfaction of the Minister on the advice of DELWP Environment portfolio.

#### **SPECIFICATIONS**

4. The wind energy facility must meet the following requirements:
- a) the wind energy facility must comprise no more than 149 wind turbines;
  - b) the overall maximum height of the wind turbines (to the tip of the rotor blade when vertical) must not exceed 180 metres above natural ground level;

- c) wind turbines must be mounted on a tubular tower with a hub-height of no greater than 120 metres;
- d) each wind turbine is to have not more than three rotor blades, with a rotor diameter of no greater than 142 metres;
- e) the ground clearance from the bottom of the blades to the ground level is not less than 32m;
- f) no aviation safety lighting is permitted on any turbine;
- g) the transformer associated with each wind generator must be located beside each tower and pad mounted, or be enclosed within the tower or nacelle structure;
- h) the wind turbine towers, nacelles and rotor blades must be of non-reflective finish and colour that blends within the landscape 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) access tracks within the site are to be sited and designed to minimise impacts on overland flows, soil erosion, the landscape value of the site, environmentally sensitive areas and, where appropriate, the farming activities on the land to the satisfaction of the Minister for Planning;
- k) all wind turbines must be set back at least 100 metres from boundaries to non-participating neighbouring properties and roads which are formed roads at the date of this permit;
- l) on-site firefighting infrastructure must be provided in accordance with conditions in this permit under the heading 'Country Fire Authority';
- m) lightning protection devices must be installed on each wind turbine;
- n) monitoring systems must be installed in each wind turbine tower, to detect temperature increases in the turbines and shut them down when a threshold temperature is reached; and
- o) no turbine shall be installed within 50 metres of a designated waterway.

## STAGING

5. 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. Any corresponding obligation arising under this permit (including the preparation and approval of plans) may be similarly completed in stages or parts.

## ENVIRONMENTAL MANAGEMENT PLAN

6. Before the development starts, an environmental management plan must be prepared to the satisfaction of the Minister for Planning, in consultation with the DELWP Environment portfolio, Pyrenees Shire Council, Country Fire Authority and other agencies as specified in this condition or as further directed by the Minister for Planning. The environmental management plan must be based on the approach outlined in Stockyard Hill Wind Farm, Wind Energy Facility Environmental Management Plan Framework (4 May 2016). The environmental management plan may be prepared in sections or stages. When approved, the plan will form part of this permit.

The environmental management plan must include the following:

- a) A **construction and site works management plan** which must include:
  - (i) procedures for access, noise control, dust emissions, spills, and leaks from the handling of fuels and other hazardous materials and pollution management. Such construction and site works procedures are to be in accordance with EPA requirements;
  - (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 891.3 Code of Practice – Onsite Wastewater Management;
  - (vii) a timetable, where practicable for the construction of turbine bases, access tracks and power cabling during warmer months to minimise impacts on ephemeral wetlands, local fauna and sediment mobilisation;
  - (viii) procedures to ensure that construction vehicles and equipment use designated tracks and works areas to avoid impacts on native vegetation;
  - (ix) procedures to prevent, as far as practicable, native fauna and domestic stock from being injured by or entrapped in excavations or trenches and to fill trenches as soon as practicable after excavation; and
  - (x) the removal of works, buildings, and staging area 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) procedures to ensure that silt from batters, cut-off drains, table drains and road works is retained on the site during and after construction and replaced as soon as possible. To this end:
    - all land disturbances must be confined to a minimum practical working area;
    - soil to be removed must be stockpiled and separate soil horizons must be retained in separate stockpiles and not mixed and replaced as soon as possible in sequence; and
    - stockpiles must be located away from drainage lines;
  - (ii) 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 EPA Publication 628 *Environmental Guidelines for the Concrete Batching Industry*;
  - (iii) 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;
  - (iv) procedures to suppress dust from construction-related activities. Appropriate measures may include water spraying of roads and stockpiles, stabilising surfaces, temporary screening and/or wind fences, modifying construction activities during periods of heightened winds and revegetating exposed areas as soon as practicable;
  - (v) procedures to ensure that steep batters are treated in accordance with EPA Publication 275 *Construction Techniques for Sediment Pollution Control*;
  - (vi) procedures for wastewater discharge management;
  - (vii) a process for overland flow management to prevent the concentration and diversion of waters onto steep or erosion prone slopes;
  - (viii) pollution management measures for stored and stockpiled materials including waste materials, litter, contaminated run-off and any other potential source of pollution to ground or surface waters;
  - (ix) incorporation of pollution control measures outlined in EPA Publication 480 *Environmental Guidelines for Major Construction Sites*;

- (x) siting of concrete batching plant and any on-site wastewater and disposal and disposal treatment fields at least 100 metres from any watercourse;
  - (xi) sediment control measures shall be put in place before construction commences. Appropriate measures shall be implemented to manage significant rain run-off from the site to minimise transport of sediment into waterways, consistent with EPA Publication 275 'Construction Techniques for Sediment Pollution Control'. Appropriate sediment control measures shall be employed in all drains adjacent to the access track network.
  - (xii) where silt fences are employed for sediment control, they shall be constructed with a centre section lower than the ground levels at the end of the silt fence to avoid outflanking during storm events.
  - (xiii) 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
  - (xiv) a program of inspection and remediation of localised erosion within a specified response time.
- c) A **blasting plan**. This plan is only required if blasting is proposed to be undertaken on site as part of the construction of the wind energy facility. The plan must include the following:
- (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 48 hours prior notification in writing of the intention to undertake blasting has been given to the occupants of the properties which are located in whole or in part 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, permanent post-construction 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 Environment Protection Authority requirements.
- e) A **fire prevention and emergency response plan** prepared in consultation with and to the satisfaction of the Country Fire Authority, DELWP Environment portfolio and Pyrenees Shire. This plan must take into consideration the CFA Emergency Management Guidelines for Wind Energy Facilities, May 2015, must meet the requirements of conditions 44, 45 and 46 and include:
- (i) criteria for the provision of static water supply tanks solely for firefighting purposes, including minimum capacities, appropriate connections and signage;
  - (ii) procedures for vegetation management, fuel control and the provision of fire fighting equipment during declared fire danger periods;
  - (iii) minimum standards for access roads and tracks to allow access for fire fighting vehicles including criteria for access to static water supply tanks for fire fighting vehicles;
  - (iv) the facilitation by the operator, no later than 1 month prior to 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 Country Fire Authority, Rural Ambulance Victoria,



State Emergency Services, the DELWP Environment portfolio, Pyrenees Shire Council's Municipal Emergency Management Committee and Victoria Police;

- (v) subsequent familiarisation sessions for new personnel of those organisations on a regular basis and/or as required; and
- (vi) if requested, training of authority personnel in relation to suppression of wind energy facility fires.

f) A **native vegetation management plan** to be prepared in consultation with the DELWP Environment portfolio. This plan must include:

- (i) a clear identification of the siting and extent of the native vegetation to be removed as specified in condition 13;
- (ii) procedures for the rehabilitation of construction zones with appropriate pasture species or, if in areas of native vegetation, appropriate indigenous revegetation;
- (iii) procedures for ensuring that native vegetation to be retained near turbines, access tracks, underground cabling and other wind farm infrastructure will not be adversely affected by construction and operation of the wind farm; and
- (iv) protocols to prevent inadvertent loss or disturbance of significant flora species (e.g. White Sunray, Matted Flax-lily, Plume Swamp Wallaby-grass, Golden Cowslips, Arching Flax-lily, Spiny Rice Flower if identified in surveys undertaken in accordance with condition 10 and fauna species (e.g. Golden Sun Moth, Tussock Skink)

g) A **fauna management plan** for Striped Legless Lizard and Fat Tailed Dunnart to be prepared in consultation with the DELWP Environment portfolio.

h) A **pest plant management plan** to be prepared in consultation with the DELWP Environment portfolio and the Secretary to the Department administering the Catchment and Land Protection Act 1994 to the satisfaction of these Departments. This plan must include:

- (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) measures to manage the spread of invasive weeds;
- (iii) revegetation of disturbed areas, as described in condition 6 (f)(ii); and
- (iv) 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.

j) An **incident management plan** that must include:

- (i) A procedure for the establishment and maintenance of an incident register for the recording of:
  - environmental incidents
  - non-conformances, and
  - corrective actions.
- (ii) The register must be available for inspection by the public during normal working hours and its contents should be reported to the Minister for Planning as required.

k) A **timetable for implementation** of all programs and works identified in the plans referred to in condition 6 (a) to (k) above.

7. The environmental management plan must be reviewed and if necessary amended in consultation with the Pyrenees Shire Council, Corangamite Shire, the CFA, Glenelg Hopkins CMA and the DELWP

Environment portfolio to the satisfaction of the Minister for Planning every 5 years to reflect operational experience and changes in environmental management standards and techniques and must be submitted to the Minister for Planning for re-endorsement.

8. The use and development must be carried out in accordance with the endorsed environmental management plan to the satisfaction of the Minister for Planning.

#### **FLORA AND GROUND FAUNA**

9. Before the development begins, further habitat and flora surveys and assessments of potentially disturbed areas must be undertaken to the satisfaction of the Minister for Planning upon the advice of DELWP Environment portfolio. (Note: this may be met in whole or in part by meeting the requirements of condition 3). This must include areas outside previously identified remnant grassland that are likely to be disturbed during development.

The survey approach to identifying Natural Temperate Grassland of the Victorian Volcanic Plains remnants outlined in the Flora and Fauna Matters of National Environmental Significance peer review report by Biosis Research Pty Ltd (February 2010) at page 10 (Exhibit A47 at the 2010 panel hearing) must be adopted in all preconstruction habitat surveys.

The results of the pre-construction surveys required by this condition must be used to inform detailed design of the wind farm and micro-siting including in areas of non-indigenous grassland linked to remnant native grassland habitat and are to be presented in compliance with the requirements of condition 2.

10. Before development begins, a further survey for Spiny Rice flower (*Pimelea spinescens* subsp. *spinescens*) must be undertaken to the satisfaction of the Minister for Planning on the advice of DELWP Environment portfolio, by a qualified ecologist, between April and August (flowering season) to ensure no impacts to this species occur. Should Spiny Rice flower be identified, the wind farm infrastructure layout must be micro-sited to avoid these plants and appropriate environmental management measures adopted to prevent inadvertent loss or disturbance to the satisfaction of the Minister for Planning on the advice of DELWP Environment portfolio.
11. Before development begins, a survey to identify the exact extent of non-indigenous habitat for the Striped Legless Lizard must be undertaken by a qualified ecologist, to the satisfaction of the Minister for Planning upon the advice of DELWP Environment portfolio. Should suitable non-indigenous habitat for the Striped Legless Lizard be identified, the wind farm infrastructure layout must be micro-sited to avoid these areas to the satisfaction of the Minister for Planning.
12. The siting of wind farm infrastructure must be informed by the advice of a qualified botanist and zoologist and areas that are to be avoided and not disturbed, must be clearly demarcated on the ground in advance of construction activities.

#### **REMOVAL OF NATIVE VEGETATION**

13. This permit allows for the removal of up to 43.383 hectares of native vegetation, unless varied with written consent from the Minister for Planning.

#### **DELWP ENVIRONMENT PORTFOLIO CONDITIONS – REMOVAL OF NATIVE VEGETATION**

14. Before works start, the permit holder must advise all persons undertaking the vegetation removal or works on site of all relevant permit conditions and associated statutory requirements or approvals.
15. Protection of Native Vegetation

Before any permitted clearing of native vegetation starts, a report to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning detailing the measures to be implemented to protect the native vegetation to be retained during construction works, and the person/s responsible for implementation and compliance

## 16. Protection of remnant vegetation and trees

Before works start, a native vegetation protection fence must be erected around all remnant patches and trees to be retained on site. This fence must be erected around the remnant patch at a minimum distance of 15 metres from retained native vegetation. The fence must be constructed to the satisfaction of the Minister for Planning. The fence must remain in place until all works are completed.

Except with the written consent of the Minister for Planning within the area of native vegetation to be retained and any tree protection zone associated with the permitted use and/or development, the following is prohibited:

- a) vehicular or pedestrian access
- b) trenching or soil excavation
- c) storage or dumping of any soils, materials, equipment, vehicles, machinery, or waste products
- d) entry and exit pits for underground services
- e) any other actions or activities that may result in adverse impacts to retained native vegetation.

## 17. Protection of scattered trees

Before works start, a fence must be erected around all scattered trees to be retained on site. This fence will protect the tree by demarcating the tree protection zone and must be erected at a radius of 12 x the diameter at a height of 1.3 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the tree. The fence must be constructed of star pickets, flagging or similar to the satisfaction of the Minister for Planning. The fence must remain in place until all works are completed to the satisfaction of the Minister for Planning.

## 18. Native vegetation offsets

### a. *Offset requirement - Wind Energy Facility*

To offset the removal of 32.657 hectares of native vegetation and 25 scattered trees the permit holder must secure a native vegetation offset, in accordance with the Permitted clearing of native vegetation - Biodiversity assessment guidelines (DEP 1 2013) and Native vegetation gain scoring manual (DEP 1 2013) as specified below:

#### General offset

A general offset of 5.176 general biodiversity equivalence units with the following attributes:

- be located within the Glenelg Hopkins Catchment Management Authority boundary or Pyrenees Shire Council municipal district
- have a strategic biodiversity score of at least 0.296.

### b. *Offset requirement - Road and Intersection Upgrade*

To offset the removal of 2.587 hectares of native vegetation and 18 scattered trees the permit holder must secure a native vegetation offset, in accordance with the Permitted clearing of native vegetation — Biodiversity assessment guidelines (DEPI 2013) and Native vegetation gain scoring manual (DEP 1 2013) as specified below:

#### General offset

A general offset of 0.261 general biodiversity equivalence units with the following attributes:

- be located within the Glenelg Hopkins Catchment Management Authority boundary or Pyrenees Shire Council municipal district have a strategic biodiversity score of at least 0.191

#### Specific offset

A specific offset of 0.202 specific biodiversity equivalence units for species number 502982, Button Wrinklewort, *Rutidosis leptorhynchoides*.

### c. *Offset evidence and timing*

Before any native vegetation is removed, evidence that the required offset for the project has been secured must be provided to the satisfaction of the relevant authority. The offset evidence can be:

- a security agreement signed by both parties, to the required standard, for the offset site or sites, including a 10-year offset management plan and/or
- an allocated credit extract from the Native Vegetation Credit Register.

A copy of the offset evidence will be endorsed by the Minister for Planning and form part of this permit. Within 30 days of endorsement of the offset evidence by the Minister for Planning, a copy of the endorsed offset evidence must be provided to the Department of Environment, Land, Water and Planning.

The offsets may be varied with the written consent of the Minister for Planning, if the Minister for Planning is satisfied that:

- following detailed design the extent of native vegetation removal will be less than described in this condition; or
- upon the completion of development an audit of the final quantity of native vegetation removed identifies that it is less than the amount already secured.

*Note: See conditions 50-53 for additional offset requirements*

## **BATS AND AVIFAUNA**

19. Before the development starts, a Bat and Avifauna Management Plan (BAM Plan) must be prepared in consultation with DELWP Environment portfolio to the satisfaction of the 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 to the satisfaction of the Minister for Planning on the advice of the DELWP Environment portfolio.

The BAM Plan must include:

- a) a statement of the objectives and overall strategy for managing and mitigating significant impact on bird and bat taxa listed as threatened under the EPBC Act or the FFG Act due to collisions arising from the wind energy facility operations. Definition of 'significant impact' will be to the satisfaction of the DELWP Environment portfolio and in accordance with policies published by the Australian Government for the EPBC Act.
- b) a comprehensive science-based monitoring program designed to detect and document collisions/mortalities associated with turbines and other WEF infrastructure including internal power lines by bird and bat taxa listed as threatened under the EPBC Act or the FFG Act & Wedge-tailed eagle must be developed to the satisfaction of the Minister for Planning upon the advice of the DELWP Environment portfolio. Threshold levels for mortality of bird and bat species listed as threatened under the EPBC Act or the FFG Act should also be established for the wind farm and if exceeded agreed mitigation measures are to be put in place. Threshold levels will be determined in accordance with the criteria for identifying significant impacts established under condition 19a. The monitoring must commence at the time of commissioning of the last turbine of the first stage and continue for 5 years from commissioning of the last turbine of the project, unless varied with the written consent of the Minister for Planning.
- c) procedures for the reporting of strikes/mortalities of birds and bats listed threatened or migratory under the EPBC Act or the FFG Act & wedge-tailed eagle to the DELWP Environment portfolio within 7 days of becoming aware of any strike, all other species of bird and bat strikes/mortalities are to be recorded and provided quarterly to DELWP.
- d) information on the efficacy of searches for carcasses of birds and bats, and, where practicable, information on the rate of removal of carcasses by scavengers, so that correction factors can be determined to enable quantified estimates to be made of the total number of mortalities.
- e) procedures for the regular removal of carcasses likely to attract raptors to areas near turbines.

- f) procedures for periodic reporting, within agreed timeframes, of the findings of the monitoring to the DELWP Environment portfolio and the local community.
- g) measures to avoid brolga collision with internal power lines. such as marking the upper most wires of sections of the power line that pass within 3km of all breeding sites known to have been occupied by brolgas within the past 20 years.
- h) the development of a contingency turbine shut down protocol in the event of a major migration of shorebirds to and from Lake Goldsmith to the satisfaction of the Minister for Planning on the advice of the DELWP Environment portfolio. Definition of 'major migration' will be to the satisfaction of the DELWP Environment portfolio.
- i) an evaluation of the likely effects of the wind farm on the Sharp-tailed Sandpiper to be undertaken in accordance with EPBC Act Policy Statement 3.21.
- j) a comprehensive science-based program for monitoring the use of the wind farm site by listed threatened and migratory bats and bird taxa must commence at the time of commissioning of the last turbine of the first stage and continue for 5 years from commissioning of the last turbine of the project, unless varied with the written consent of the Minister for Planning. The monitoring program must be to the satisfaction of the Minister for Planning upon the advice of the DELWP Environment portfolio .

The monitoring program must include surveys during breeding and migratory seasons to ascertain:

- the location of potentially at-risk Brolga breeding, migration and flocking activities;
  - the species, number, age, sex (if possible) and date of any listed threatened and migratory bird or bat strike;
  - any seasonal and yearly variation in the number of listed threatened and migratory bird and bat strikes;
  - whether further detailed investigations of any potential impacts on listed threatened and migratory birds and bats are warranted.
- k) a mitigation plan for Brolga to the satisfaction of the Minister for Planning on the advice of the DELWP Environment portfolio that includes a program which develops metrics to enable the assessment of the contribution of all mitigation and offset measures that are proposed for implementation.

Following the completion of the monitoring program of at least 5 years duration as specified in condition 19(j), a report must be prepared by the operator of the wind energy facility setting out the findings of the program to the satisfaction of the Minister for Planning. If, after consideration of this report, the Minister for Planning directs that further investigation of potential or actual impacts on birds and bats listed threatened and migratory under the EPBC Act or the FFG Act is to be undertaken, the extent and details of the further investigation must be to the satisfaction of the DELWP Environment portfolio and the investigation must be carried out to the satisfaction of the Minister for Planning.

## **BLADE SHADOW FLICKER**

- 20. Shadow flicker from the wind energy facility must not exceed 30 hours per annum at any dwelling existing at the date of this permit.

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

## **PERFORMANCE REQUIREMENT**

21. The operation of the wind energy facility must comply with New Zealand Standard 6808:2010, Acoustics – Wind Farm Noise (the Standard) or as modified by this condition to the satisfaction of the Minister for Planning. The following requirements apply:
- a) The operator must ensure that at any hub height integer wind speed, wind farm sound levels at non-participant dwellings existing on 12 May 2016 do not exceed a noise limit of 40dB LA90(10 min), provided that where the circumstances specified in condition 21(b) apply, the noise limit of 40dB LA90(10 min) will be modified as specified in condition 21(b).
  - b) At the specified non-participant dwelling assessment positions referred to in condition 28(b), the noise limit of 40dB LA90(10min) referred to in condition 21(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 a high amenity noise limit has been found to be justified, as defined by section 5.3 of the Standard, for specific locations determined to be high amenity areas following procedures outlined in clause C5.3.1 of the Standard.
  - c) At the specified non-participant assessment positions referred to in condition 28(b), the wind farm sound level at dwellings will be modified in the following way when the following circumstances exist:
    - i. where special audible characteristics, including tonality, impulsive sound or amplitude modulation occur, the sound level will be modified by applying a penalty of up to + 6 dB L90 in accordance with section 5.4 of the Standard;
  - d) The operator must ensure that at any hub height integer wind speed, wind farm sound levels at participant dwellings do not exceed a noise limit of 45dB LA90(10 min), provided that where the circumstances specified in condition 21(e) apply, the noise limit of 45dB LA90(10 min) will be modified as specified in 21(e).
  - e) At the specified participant dwelling assessment positions referred to in condition 28(b), the noise limit of 45dB LA90(10min) referred to in condition 21(c) will be modified where the background sound level is greater than 40 dB LA90(10 min), the noise limit will be the background sound level LA90(10 min) plus 5 dB.
  - f) For the purpose of this condition, a participant dwelling means a dwelling on land listed in the Address of the Land in this permit or where the landowner has a written agreement relating to a dwelling on their land which addresses noise from the permitted wind turbines. A non-participant dwelling means any dwelling that is not a participant dwelling. Evidence of the agreement must be provided to the satisfaction of the Minister for Planning upon request and must be in a form that applies to the land for the life of the wind energy facility.

## **BACKGROUND NOISE TESTING**

22. The background noise testing must be carried out in accordance with the New Zealand Standard 6808:2010, Acoustics – Wind Farm Noise.

## **NOISE MODELLING**

23. Before the development starts a noise modelling assessment must be prepared to the satisfaction of the Minister for Planning meeting the following requirements:
- a) noise modelling must be undertaken by a suitably qualified and experienced acoustics expert;

- b) if the wind energy facility is to be constructed in stages noise modelling may be carried out for each stage before the development of that stage commences and those results submitted successively to the Minister for Planning for approval provided that where a dwelling might be affected by noise from more than one stage that is accounted for;
- c) the modelling must include;
  - i. the wind energy facility noise contours; and
  - ii. modelling of only the noise generated by the wind energy facility at those dwellings for which acceptable noise limit curves have been prepared;
- d) the assessment must be accompanied by a report from an environmental auditor appointed under the Environmental Protection Act 1970 with their opinion on the methodology and results contained in the noise modelling, 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 modelling instead.

24. The results of the noise modelling for each dwelling must:

- be overlaid on the acceptable noise limit curve for that dwelling;
- together with the comparison against the acceptable noise limit, be submitted to the Minister for Planning for approval as having demonstrated that noise compliance can be expected; and
- when approved by the Minister for Planning, be made available publicly.

25. Should the modelling required above not be done with the turbine finally selected for the wind energy facility that modelling must be repeated once the final turbine type is selected and resubmitted to the Minister for approval.

#### **NOISE COMPLIANCE TESTING PLAN**

26. Before the wind energy facility is commissioned, a noise compliance testing plan must be prepared to the satisfaction of the Minister for Planning meeting the following requirements:

- a) the noise compliance testing plan must be prepared by a suitably qualified and experienced acoustics expert;
- b) the noise compliance testing plan must include a plan for noise monitoring to assess noise levels after construction of the wind energy facility and a plan for concurrent assessment of the presence or otherwise of special audible characteristics;
- c) the noise compliance testing plan must include advice on timing of the assessment including defining when commissioning of the wind energy facility, or an identified stage of it, will occur, and when the compliance noise monitoring results will be provided to the Minister for Planning. That time must not be more than 120 days after commissioning unless with the further consent of the Minister for Planning;
- d) if the Wind Energy Facility is to be constructed in stages a noise compliance testing plan may be prepared for each stage before the development of that stage commences and those plans submitted to the Minister for Planning for approval provided that where a dwelling might be affected by noise from more than one stage that is accounted for;
- e) the noise compliance testing must be carried out at locations defined in accordance with the Standard, including consideration for alternative locations for assessment (if locations become inaccessible in future).
- f) When approved, the plan will be endorsed by the Minister for Planning and will then form part of this permit.
- g) The noise compliance testing plan must be accompanied by a report from an environmental auditor appointed under the Environment Protection Act 1970 with their opinion on the

methodology and 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 compliance testing plan instead.

27. The noise compliance testing shall be carried out by a suitably qualified and experienced acoustics expert in accordance with the approved testing plan under condition 26, this testing must be:

- generally in accordance with the Standard with the variations described in this permit; or
- subject to approval by the Minister for Planning by an 'on/off' or 'shutdown' method as referred to in sections 7.1.2 and 7.7.1 of the Standard.

If this method is used, it must have been earlier approved by the Minister for Planning as a part of the noise compliance testing plan and must be designed by a suitably qualified and experienced acoustics expert;

The presence or otherwise of special audible characteristics must be assessed concurrently at all the subject dwellings over a range of operational and meteorological conditions.

### **NOISE COMPLIANCE ASSESSMENT**

28. 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) Noise assessment positions must be located according to the Standard and shown on a map. The map shall clearly identify each noise assessment position as either a participant or non-participant dwellings.
- c) 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 has commenced (following completion of construction and commissioning).
- d) A final compliance report must be submitted to the Minister for Planning after a 12-month period following the commencement of full operation of the facility.
- e) Compliance reports must be publicly available.
- f) Following facility commissioning, all complaints shall be managed following procedures set out in condition 29 and any plan endorsed under condition 30.
- g) All noise 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. 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 compliance testing report instead.

### **NOISE COMPLAINTS EVALUATION**

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

- a) Post installation sound levels shall, where practical, be selected from 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 21 is detected, or an acoustic investigation is required under the Complaint Investigation and Response Plan endorsed under condition 30 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; and
- submit a remediation plan to the satisfaction of the Minister for Planning 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 Minister for Planning may request an independent peer review at the cost of the permit holder and on/off shut down testing to resolve uncertainty.

- c) Following the initial post-construction reporting process, additional independent assessment may be requested by the Minister for Planning at any time, where complaints are received and are considered to reasonably warrant investigation.
- 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**

30. Before the development starts, the permit holder must prepare a Complaint Investigation and Response plan to the satisfaction of the Minister for Planning. When approved, the plan will be endorsed by the Minister for Planning and will then form part of this permit. The 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.
31. The endorsed complaints investigation and response plan must be publicly available on the wind farm operator's website.
32. 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 incidents register
  - c) how contact details will be communicated to the public
  - d) a toll-free telephone number and email contact for complaints and queries
  - e) details of the appropriate council contact telephone number and email address (where available)
  - f) a table outlining complaint information for each complaint received, including:
    - the complainant's name
    - any applicable property reference number if connected to a noise background testing location
    - the complainant's address
    - a receipt number for each complaint which is to be communicated to the complainant
    - the time, prevailing conditions and description of the complainant's concerns including the potential incidence of special audible characteristics (for a noise complaint)
    - the processes of investigation to resolve the complaint.
    - A report including a reference map of complaint locations, and outlining complaints, investigation and remediation actions is to be provided on an annual basis to the satisfaction of the Minister for Planning.
33. 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 Minister for Planning periodically as stated within the Complaint Investigation and Response plan on request by the Minister for Planning.

34. 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.

#### **ON SITE LANDSCAPING PLAN**

35. Before the development starts, on-site landscape plans must be prepared for the substations and maintenance facility to the satisfaction of the Minister for Planning. When approved, the plans will be endorsed and will then form part of this permit. The plans must include:
- a) landscaping to screen the substation, maintenance facility and associated permanent buildings other than the turbines;
  - b) details of plant species proposed to be used in the landscaping, including height and spread at maturity;
  - c) a timetable for implementation of all landscaping works;
  - d) a maintenance and monitoring program; and
  - e) surfacing of access tracks in a manner which does not unduly contrast with the landscape.

The landscaping as shown on the endorsed on-site landscaping plan must be completed to the satisfaction of the Minister for Planning in accordance with the implementation timetable.

#### **OFF-SITE LANDSCAPING PLAN**

36. Within 6 months of the date of endorsement of development plans under condition 1, an Off-site Landscaping Program must be submitted to and approved by the Minister for Planning. When endorsed the Program will form part of this permit.

The Off-site Landscaping Program must:

- a) Provide for off-site landscaping for dwellings within 4km of a turbine, where a turbine is visible.
- b) Include a methodology for determining:
  - i. Potential participants of the Program, i.e., dwellings within 4km of a turbine, where a turbine is visible.
  - ii. The viewsheds or viewpoints that require treatment for participating dwellings.
  - iii. The details of the planting and other treatments necessary to mitigate visual impacts of the wind turbines at each participating dwelling, including plant species to be used and expected height and spread of plants at maturity.
  - iv. A timetable for establishing and maintaining the landscaping for at least two years.
- c) Include a process for making offers to affected landowners to:
  - i. Undertake landscaping on the landowner's land; or
  - ii. Make a cash contribution in lieu (which must be sufficient to cover the cost of the landowner establishing and maintaining the landscaping for a period of at least two years).

The process of making offers must remain available up until 12 months after installation of the last wind turbine of the development or relevant stage of development.
- d) Include a process of recording:
  - i. Offers that have been made to landowners.
  - ii. Whether or not the offers are accepted.
  - iii. When and how offers are actioned following acceptance.

The endorsed Off-site Landscaping Program must be implemented to the satisfaction of the Minister for Planning. Progress reports regarding the implementation of the endorsed Off-site Landscaping Program must be provided to the Minister for Planning on each anniversary of the date of the

endorsed plan, and at other times on request, concluding after 24 months after installation of the last wind turbine.

The endorsed Off-site Landscaping Program must not be altered or modified without the written consent of the Minister for Planning.

#### **TRAFFIC AND ASSET MANAGEMENT PLAN**

37. Before the development starts, a **traffic and asset management plan** must be prepared by a suitably qualified and experienced road and traffic engineer in consultation with Corangamite Shire Council and to the satisfaction of Pyrenees Shire Council and VicRoads. 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, using a suitable asset management system to the satisfaction of the relevant road authority, that may be used for access and designated construction transport vehicle routes in the vicinity of the wind energy facility, including details of the suitability, design, condition and construction standard of the roads;
  - b) the designation of appropriate construction and transport vehicle routes to the wind energy facility site;
  - c) details of the road works required to upgrade all roads identified in condition 37(b) to a standard suitable to cater for the movement of heavy and over-dimensioned vehicles. All upgrade works identified in the plan can be completed in stages before construction works on the wind farm site begin, to the satisfaction of the relevant road authority;
  - d) the identification and timetabling of any required construction works;
  - e) the designation of all vehicle access points to the wind energy facility from surrounding roads. The location and detailed design of the connection between the internal access tracks and the public roads must ensure safe sight distances, turning movements, and avoid potential through traffic conflicts;
  - f) 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. This is to include engineering plans demonstrating how truck movements can be accommodated on roadways and turned where possible without encroaching onto the incorrect side of the road;
  - g) measures to be used to manage traffic impacts associated with the ongoing operation of the wind energy facility and quarry approved under planning permit PA2499/16 on the traffic volumes and flows on surrounding roads, including the designation of operating hours and speed limits for trucks on routes accessing the site so as to avoid school bus routes and school bus times where relevant, and to provide for resident safety;
  - h) a program of regular inspections to be carried out during the construction period in line with the requirements of the relevant road authority to identify maintenance works necessary as a result of construction traffic;
  - i) a program to rehabilitate roads to the condition identified by the surveys required above by condition 37(a) above; and
  - j) a program to rehabilitate roads after construction to ensure the condition of roads is sufficient to accommodate traffic movements associated with the ongoing operation of the wind energy facility after it is constructed;
  - k) prior to the completion of the traffic management plan a site visit between Pyrenees Shire Council, VicRoads and the wind energy facility operator must be undertaken.
  - l) if required by Pyrenees Shire, Corangamite Shire Council and/or VicRoads, the payment of (a) security deposit(s) or bond(s) for a maintenance period of 24 months in respect of works covered

by the traffic management plan in their respective shires. Such security deposit(s) or bond(s) is/are to be applied to roadworks not completed under the traffic management plan or to be released at the end of that period.

- m) The condition of the roads must be maintained at all times to a standard which enables service levels to be maintained on the local road network to the satisfaction of Pyrenees Shire Council.

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 using approved road materials to the satisfaction of Pyrenees Shire Council and VicRoads and the cost of any works including maintenance are to be at the expense of the wind energy facility operator.

All heavy and over-dimensioned vehicles are to be restricted to the haul routes identified in the traffic management plan unless with the prior written consent of VicRoads and the Shire of Pyrenees or Shire of Corangamite as relevant.

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

- 38. 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 within 5km of any wind turbine including non-participant dwellings. The location of such monitoring is to be determined to the satisfaction of the Minister for Planning by an independent television and radio monitoring specialist appointed by the operator under this permit.
- 39. 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 site of 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.
- 40. 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 wind energy facility operator and to the satisfaction of the Minister for Planning.

#### **SECURITY**

- 41. All site and wind turbine access points and electrical equipment must be locked when not in use and made inaccessible to the general public to the satisfaction of the Minister for Planning. 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 Minister for Planning.

#### **PRELIMINARY INVESTIGATIVE WORKS**

- 42. 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.

#### **DECOMMISSIONING**

- 43. The wind energy facility operator must, no later than 1 month after all wind turbines have permanently ceased to generate electricity, notify the Minister for Planning in writing of the cessation of the use. Within a further 6 months of this notification (or in the absence of notification, unless with the consent of the Minister for Planning, within 12 months of all turbines ceasing to operate), the wind energy facility operator, or in the absence of the operator, the owner of the land on which the relevant

turbine(s) is/are located, must prepare a decommissioning plan to the satisfaction of the Minister for Planning.

The decommissioning plan must provide for the following:

- a) the removal of all above ground non-operational equipment;
- b) the removal and clean up any residual spills or contamination;
- c) the rehabilitation of all storage, construction, access tracks and other areas affected by the project closure or decommissioning, if not otherwise useful to the on-going management of the subject land;
- d) a decommissioning traffic management plan to the satisfaction of the Minister for Planning; and
- e) a post-decommissioning revegetation management plan, including a timetable of works to the satisfaction of the Minister for Planning.

The decommissioning plan must be implemented to the satisfaction of the Minister for Planning within 24 months of approval of the plan or within such other timeframe as may be specified by the Minister for Planning.

## **COUNTRY FIRE AUTHORITY**

### 44. Access

- a) Constructed roads must be a minimum of four (4) metres in trafficable width.
- b) There must be no fixed obstructions within 1 metre of the formed edge of the road width and a four (4) metre vertical clearance over the trafficable width to allow access by a fire truck.
- c) Roads must be constructed to a standard so that they are accessible in all weather conditions and capable of accommodating a vehicle of 15 tonnes for the trafficable road width.
- d) The average grade must be no more than 1 in 7 (14.4%) (8.1 deg.) with a maximum of no more than 1 in 5 (20%) (11.3 deg.) for no more than 50 metres. Dips must have no more than a 1 in 8 (12.5%) (7.1 deg.) entry and exit angle.
- e) Bridges and culverts must comply with the *Australian Bridge Design Code* and live load must be SM1600 traffic design loading.
- f) All roads must have a maximum cross fall alignment of 1 in 33 (3%) and a minimum of curves.
- g) Curves should have a minimum inner radius of 10 metres.
- h) Constructed roads more than 200 metres in length must have passing bays provided every 200 metres. Passing bays must be a minimum six (6) metres in trafficable width and twenty (20) metres long.

### 45. Water Supply

- a) A static water supply solely dedicated for firefighting is to be provided and maintained at the concrete batching plant(s).
- b) Static water supply tanks for firefighting must be fitted with at least one, preferably two 64mm, 3 thread / 25mm x 50mm nominal bore British Standard Pipe (BSP), round male coupling.
- c) Static water supply tanks for firefighting must be readily identifiable with red 300mm x 400mm x 400mm triangular water markers with the letter W in white and a reflective blue marker.
- d) Fire brigade vehicles must be able to get within four (4) metres of the outlet(s) on a hard standing and turning area which:
  - is accessible in all weather conditions;
  - is capable of accommodating a vehicle of 15 tonnes; and

- has a minimum radius of ten (10) metres.

#### 46. Fuel/Vegetation Management

- During the declared Fire Danger Period, grass must be no more than 100mm in height and leaf litter no more than 10mm deep for a distance of thirty (30) metres around constructed buildings and viewing platforms.
- During the declared Fire Danger Period, a fuel reduced area of four (4) metres width must be maintained around the perimeter of Electricity Compounds and Substation type facilities.
- During the declared Fire Danger Period, there must be no long grass or deep leaf litter in areas where plant and heavy equipment will be working.
- During the declared Fire Danger Period, all plant and heavy equipment must carry at least one 9.0 litre Water Stored Pressure fire extinguisher with a minimum rating of 3A, when conducting work activities onsite and obtain a permit for work on days of total fire ban.

### **CORANGAMITE SHIRE**

- A publicly accessible information shelter displaying information about the wind farm and designed in consultation with the Corangamite Shire Council and VicRoads must be constructed in Skipton.
- The permit holder must develop and implement a Construction Workforce Accommodation Strategy, in consultation with affected councils and to the satisfaction of the Minister for Planning with the objectives of:
  - minimising housing stress for low income households in rental accommodation in nearby townships;
  - creating new housing including short term worker accommodation within township boundaries;
  - minimising the need for new physical and social infrastructure; and
  - minimising any adverse effect on community cohesion

### **PARTICIPANTS AND NON-PARTICIPANTS**

- For the purpose of these conditions, a participant means a landowner whose land is listed in the Address of the Land in this permit or has written agreement relating to their land dealing with noise, shadow flicker or television and radio reception and interference from the permitted wind turbines. Evidence of the agreement must be provided to the satisfaction of the Minister for Planning upon request and must be in a form that applies to the land for the life of the wind energy facility. A non-participant means any landowner who is not a participating landowner.

### **NATIVE VEGETATION REMOVAL CONDITIONS – MAY 2022 AMENDMENT**

- Within six months of the issue of the amended permit in May 2022, to offset the removal of 30.320 hectares of native vegetation, identified in Biodiversity impact and offset requirements report, dated 19/11/2020, with DELWP reference GOL\_2020\_001, the permit holder must secure a native vegetation offset in accordance with Guidelines for the removal, destruction or lopping of native vegetation (DELWP 2017), being:
  - A general offset of 4.652 general habitat units:
    - located within the Glenelg Hopkins Catchment Management boundary or Pyrenees Shire Council municipal area;
    - with a minimum strategic biodiversity value of at least 0.332.

*See notes for more information.*

### *Offset evidence (May 2022 Amendment)*

51. Evidence that the required offset for native vegetation clearance specified in condition 50 of the permit is secured must be provided to the satisfaction of DELWP Grampians Region. This evidence must be one or both of the following:
  - a. an established first party offset site including a security agreement signed by both parties, and a management plan detailing the 10-year management actions and ongoing management of the site, and/or
  - b. credit extract(s) allocated to the permit from the Native Vegetation Credit Register.
52. Evidence of the required offsets specified in condition 51 of the permit must be provided before 19 November 2022, or by alternative agreement by the Minister for Planning.
53. 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 and Approvals at the DELWP Grampians regional office by email to [Grampians.Planning@delwp.vic.gov.au](mailto:Grampians.Planning@delwp.vic.gov.au)

### **EXPIRY**

54. This permit will expire if one of the following circumstances applies:
  - i. the development is not started within 5 years of the date of this permit;
  - ii. the development is not completed within 10 years of the date of this permit.
55. The Minister for Planning may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

### **PERMIT NOTES**

1. For the purpose of condition 6(e), consultation with the CFA must include CFA at headquarters level, the CFA Regional Office and the local volunteer brigades.
2. Prior to the removal, destruction or lopping of any vegetation listed under the *Flora and Fauna Guarantee Act 1988* from Crown land, a permit under that Act must be obtained from the Department administering the *Flora and Fauna Guarantee Act 1988*.
3. Prior to works commencing, a Works on Waterways Permit must be obtained from Glenelg Hopkins CMA for construction of all proposed waterway crossings for vehicles and utility conduits. Unless electrical conduit crossings are aligned with access tracks, otherwise separate permission will be required for these.
4. Where surface water or groundwater is to be used for construction purposes, before commencement of works, permits will need to be obtained from Southern Rural Water.

### DELWP Environment Portfolio notes

5. Works or other activities on public land, which may impact on protected plants, will require a Protected Flora Licence or Permit under the *Flora and Fauna Guarantee Act 1988* (FFG). All native vegetation likely to be impacted should be checked against the Protected Flora List (DELWP2015) to determine whether FFG approvals are required.
6. To assist applicants meet native vegetation permit condition requirements, Meeting permit conditions - third party offsets Fact sheet (DEPI 2013) and First party general offset kit (DEPI 2013) are available, please visit [www.depi.vic.gov.au/nativevegetation](http://www.depi.vic.gov.au/nativevegetation) for further information.
7. The additional native vegetation permitted to be removed, destroyed or lopped under the amendment of 18 May 2022 amendment permit is 30.320 hectares of native vegetation, comprised of:

- a. 29.406 hectares of remnant native vegetation with a strategic biodiversity value of 0.415
  - b. 13 scattered trees.
8. The DELWP 2017 Guideline for the removal, destruction or lopping of Native vegetation and the Biodiversity assessment handbook – Permitted clearing of native vegetation (DELWP 2015) (BAH) do not provide a process for swapping areas of native vegetation clearing across a development area.
  9. The permit holder can apply to reconcile any native vegetation credits that have been purchased in excess for their requirements through a separate process. The proponent would be required to identify areas that were permitted to be cleared as part of the development, provide evidence that these areas were not impacted or disturbed during construction activities or due to future uses of the site, and provide data and shapefiles through to the Native Vegetation support team, who will calculate the amount of credits that have been purchased in excess. A field inspection by the Grampians region is likely to be required to support any such claim. Any excess credits can be unallocated and banked or sold once the project requirements have been finalised. This can only occur after the offset evidence requirements have been provided for both the original permit and the extra native vegetation removal added in the amended permit. Any excess offset credits can be traded or allocated towards future projects.
  10. The Native Vegetation policy team can convert offset credits issued under the BAH into the relevant current offset units. The reconciliation process cannot include:
    - a. Areas that have been cleared and then the vegetation allowed to regrow
    - b. Areas that will be needed for future management, maintenance or construction
    - c. Easements for underground infrastructure, such as electrical cables and waterpipes
    - d. Drainage areas associated with roads, or other infrastructure
    - e. Other areas that have been impacted by the construction of the windfarm

VicRoads notes

11. With regard to the proposed development and potential works identified in the Traffic and Asset Management Plan, separate approval under the Road Management Act for these activities may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.



**Date Issued: 26 October 2010**

**Signature of Michael Juttner, Manager, Development Approvals and Design, as delegate for the Minister for Planning**

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

Date of amendment	Brief description of amendment
<b>8 June 2017</b>	Permit amended under section 97J of the Planning and Environment Act 1987 – to increase turbine size, reduce the number of turbines, increase the amount of native vegetation to be removed, require compliance with the 2010 version of the New Zealand Noise Standard, update the BAM Plan and Native Vegetation offset



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conditions, and other changes.

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**23 July 2018**

Permit amended under Section 97J of the Planning and Environment Act 1987 – to amend Condition 36 (Off-site Landscaping Plan) of the permit so that is consistent with example Conditions 9, 10 and 11 in the *Policy and Planning Guidelines: Development of Wind Energy Facilities in Victoria (November 2017)*.

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**18 May 2022**

Permit amended under Section 97J of the Planning and Environment Act 1987 – to increase the permitted amount of native vegetation as part of the project. The amendment includes the adjustment to Condition 13 and the inclusion of 4 additional conditions (50-53) to reflect the additional vegetation removal. The remaining conditions are renumbered.

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Planning and Environment Regulations 2005 Form 11  
Section 97F  
PLANNING PERMIT GRANTED BY THE MINISTER UNDER  
DIVISION 6 OF PART 4 OF THE PLANNING AND ENVIRONMENT ACT 1987

**IMPORTANT INFORMATION ABOUT THIS PERMIT**

**WHAT HAS BEEN DECIDED?**

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

**WHEN DOES A PERMIT BEGIN?**

A permit operates—

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

**WHEN DOES A PERMIT EXPIRE?**

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

**WHAT ABOUT APPEALS?**

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