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

PLANNING PERMIT

Permit No.:20060222

Planning Scheme: Moyne Planning Scheme

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

ADDRESS OF THE LAND:

RYAN CORNER, PORT FAIRY ON LAND GENERALLY BOUNDED BY THE HAMILTON - PORT FAIRY ROAD, FINGERBOARD ROAD AND SHAW RIVER, described as:

Lot 1 PS 342920W Vol 10246 Fol 739
Lot 3 PS 342920W Vol 10246 Fol 741
Lot 1 TP 583778M Vol 05985 Fol 855
Lot 2 TP 583778M Vol 05985 Fol 855
Lot 1 TP 739708U Vol 5985 Fol 856
Lot 4 PS 342920W Vol 10246 Fol 742
Lot 1 PS 533111T Vol 10922 Fol 363
Lot 2 PS 533111T Vol 10922 Fol 364
Lot 1 TP 020873M Vol 10588 Fol 322
Lot 2 TP 020873M Vol 10585 Fol 312
Lot 3 TP 020873M Vol 10585 Fol 315
Lot 4 TP 020873M Vol 10585 Fol 324
Lot 38 LP 004537 Vol 10585 Fol 323
Lot 57 LP 004537 Vol 10585 Fol 319
Lot 1 TP 189288D Vol 9495 Fol 250
Allot. 4 Sec. F Parish of Yambuk Vol 10842 Fol 693
Allot. 15 Sec. E Parish of Yambuk Vol 10586 Fol 664
Lot 1 TP 333255U Vol 8397 Fol 544
Lot 2 TP 333255U Vol 8397 Fol 544
Lot 3 TP 333255U Vol 8397 Fol 544
Lot 1 TP 674712N Vol 08898 Fol 020
Lot 2 TP 674712N Vol 08898 Fol 020
Lot 3 TP 674712N Vol 08898 Fol 020
Lot 4 TP 674712N Vol 08898 Fol 020
Lot 5 TP 674712N Vol 08898 Fol 020

Lot 6 TP 674712N Vol 08898 Fol 020
Lot 7 TP 674712N Vol 08898 Fol 020
Lot 1 LP 129285 Vol 9340 Fol 475
Lot 2 PS 129285 Vol 9340 Fol 476
Lot 1 LP 093264 Vol 08914 Fol 779
Lot 2 LP 093264 Vol 08914 Fol 780
Allot. 16 Sec. E Parish of Yambuk
Lot 1 TP 404726M Vol 04599 Fol 711
Lot 2 TP 404726M Vol 04599 Fol 711
Lot 4 LP 093264 Vol 08914 Fol 782
Lot 3 LP 093264 Vol 08914 Fol 781
Lot 1 PS 078617 Vol 05161 Fol 030

A small section of Riverside Road/Harris road that is controlled crown land reserve, for the purpose of overhead cabling and road access

~~*Off site substation*~~
~~Lot 2 TP 116527Y Vol 9753 Fol 536~~
~~Lot 1 TP 116525DY Vol 9753 Fol 533~~
~~Lot 2 TP 116525DY Vol 9753 Fol 533~~
~~Lot 2 TP 116526B Vol 9753 Fol 534~~
~~Allot. 3B Sec. 7 Parish of Willatook Vol 9753 Fol 537~~

THE PERMIT ALLOWS: Use and development of land for a Wind Energy Facility

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. The plans may be submitted for approval in stages or for a particular grouping of wind turbines within the site. 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 show the location, layout and dimensions of all on-site buildings and works including all wind turbines, access tracks, underground cables, overhead cables, any temporary concrete batching plant, the on-site sub-station, the off-site substation and high voltage switchyard, landscaping, any designated car parking areas, any signage, those turbines fitted with obstacle lighting for aviation safety 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 application plans as identified in Figure 4.1 (dated 20/02/07) of the *Ryan Corner Wind Farm Environment Effects Statement and Application for Planning Permit* (Gamesa Australia/TME Australia, October 2006), but modified to show:

a) any 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, Ritches Creek, Shaw River, Island Swamp or Duck Hole;
(iii) to ensure that ridges, rocky knolls, high quality grasslands, and any other areas of significant fauna habitat identified by a qualified ecologist engaged to inspect the micro-sited turbine locations are avoided; and
(iv) to ensure that any indigenous or non-indigenous archaeological site identified by any on-site archaeological survey, and required to be protected (including those identified in Figure 9.1 of the *Ryan Corner Wind Farm Environment Effects Statement and Application for Planning Permit* (Gamesa Australia/TME Australia, October 2006), is avoided.

b) global positioning system coordinates for each turbine;

c) details of the model and capacity of the wind turbines to be installed;

d) elevations, materials and finishes of the wind turbines and other buildings and works;

e) the location, size, type and intensity of any aviation safety lighting including any impact minimisation features as required by Condition 9;

f) details of any signage.

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; ~~where the siting of a wind turbine is altered by no more than 100 metres, will be regarded as generally in accordance with the endorsed plans, if the Minister for Planning is satisfied that the micro siting will not give rise to a material change to assessed landscape, flora and fauna, cultural heritage, visual amenity, shadow flicker, noise or aviation impacts when compared to those of the endorsed plans.~~ (as defined in this condition) is permitted provided that:

a) the developer of the wind energy facility has written advice from appropriately qualified experts that the alteration or modification will not result in a material adverse change in landscape, flora and fauna, cultural heritage, visual amenity, shadow flicker, noise fire risk or aviation impacts compared to the endorsed plans;

b) the turbine is not relocated so that it is within 1 km of a dwelling that existed on [insert date] unless evidence has been provided to the satisfaction of the responsible authority that the owner of the dwelling has consented in writing to the location of the turbine;

c) the turbine is not relocated so that it results in the removal of any additional remnant native vegetation, unless that removal has been authorised by a planning permit; and

d) no turbine base is located within:
(i) 100 metres from a Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road;
(ii) 40 metres from a Road Zone Category 2;
(iii) 20 metres from any other road;
(iv) 5 metres from the site boundary;
(v) 50 metres from a waterway, wetlands or designated flood plain; or
(vi) within an exclusion zone of any licensed communications link.

Any micro-siting of turbines in accordance with this condition will be regarded as being in accordance with

the endorsed plans, and no consent under condition 2 will be required to reflect the micro-siting of turbines in compliance with this condition.

For the purpose of this condition, micro-siting of turbines means an alteration to the siting of a turbine by not more than 100 metres.

For the purposes of this condition, micro-siting of turbines includes any consequential changes to access tracks and electricity reticulation lines and the measurement of any distance between a dwelling and a turbine must be from the centre of the tower of the turbine (at ground level) to the closest point of the dwelling.

Copies of the written advice referred to in this condition must be provided to the Minister for Planning.

SPECIFICATIONS

~~2.~~3. Except with the written consent of the Minister for Planning, the wind energy facility must meet the following requirements to the satisfaction of the Minister for Planning:

a) the wind energy facility must comprise no more than ~~68~~56 wind turbines;

~~b) the maximum wind energy facility capacity must not exceed 136MW;~~

~~c)~~b) the overall maximum height of the wind turbines (to the tip of the rotor blade when vertical) must not exceed ~~121.5~~180 metres above natural ground level;

~~d)~~c) wind turbines must be mounted on a tubular steel and/or concrete tower; ~~with a height of no greater than 78 metres;~~

~~e)~~d) each wind turbine is to have not more than three rotor blades~~, with each blade having a length of no greater than 43.5 metres;~~ and the lowest point of a sweep of the rotor blade tip must not be less than 40 metres above ground level at the turbine base for all turbines except for turbine B35 that must not be less than 30 metres above ground level at the turbine base;

~~f)~~e) the wind turbine towers, nacelles and rotor blades must be pale grey, off white, or other colour that blends with the landscape, and must be of a non-reflective finish;

~~g)~~f) the colours and finishes of all other buildings and ancillary equipment must be such as to minimise the impact of the development on landscape;

~~h)~~g) the transfomler associated with each wind generator must be located beside each tower and pad mounted, or be enclosed within the tower structure;

~~i)~~h) 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, cultural heritage places, native flora and fauna and, where appropriate, the farming activities on the land;

~~j)~~i) all new electricity cabling associated with the collector network within the wind energy facility must be placed under the ground, excepting for overhead cabling across Riverside Road/Harris Road as shown on Figure 4.1(dated 20/02/07) of the *Ryan Corner Wind Farm Environment Effects Statement and Application for Planning Permit* (Gamesa Australia/TME Australia, October 2006);

~~k)~~j) all wind turbines must be set back at least 50 metres from boundaries to neighbouring properties and roads which are formed roads at the date of this permit.

LANDSCAPE/VISUAL AMENITY

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4. Before the development starts, an on-site landscape plan to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning. When approved, the plan will be endorsed and will then form part of this permit. The plan must show:

   a) landscaping to screen the onsite and offsite substation and switchyard, and associated 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; and

   d) a maintenance and monitoring program.

5. Before any turbine is commissioned:

   a) a program of voluntary landscape mitigation works to the satisfaction of the Minister for Planning must be made available to the owners of dwellings within ~~1.5~~4.0 kilometres of the nearest turbine, to the owners of dwellings 4, 5, 104 and 105 as identified in Figure 20.46 of the *Ryan Corner Wind Farm Environment Effects Statement and Application for Planning Permit* (Gamesa Australia/TME Australia, October 2006) and to the Collins property at 800 Fingerboard Road, Yambuk.

   b) as part of that program, an **off-site landscaping plan** must be prepared in consultation with the landowners specified in Condition 5(a) 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 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.

   The off-site landscape plan must include:
   (i) details of the plant species to be used, including the height and spread of plants at maturity; and
   (ii) a timetable for implementation of the landscaping works.

6. The landscaping as shown on the endorsed on-site and off-site landscape plans required by Conditions 4 and 5 must be completed to the satisfaction of the Minister for Planning within 12 months of the completion of the development or any relevant stage of it; or to such other timetable as agreed with the landowner and approved by the Minister for Planning, at the cost of the operator under this permit.

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.

LIGHTING

8. Except in the case of an emergency, no external lighting of infrastructure, other than low level security lighting may be installed or operated without the further written consent of the Minister for Planning.

9. Obstacle lighting for aviation safety must meet the following requirements, to the satisfaction of the Minister for Planning:

   a) The number of lit turbines are kept to the minimum required, such that the wind farm is not declared a hazard to aviation.

   b) The individual lighting installations must be in accordance with the CASA Advisory Circular

139-18(0) and the CASA *Manual of Standards*, particularly Chapter 9.

~~b)~~c) The obstacle lighting should be generally in accordance with the 'Ryan Corner Wind Farm Obstacle Lighting Design V1.1' prepared by Aviation Projects;

~~c)~~d) The impact minimisation features allowed under the documents in 9(b) must be installed including, but not limited to:

(i) Treatment of the rear of the blade to avoid reflection of aviation lights;

(ii) Shielding of the lights on the top and bottom such that the maximum intensity of light is limited to a beam of 3 degrees, with only 0.5 degrees of this beam width below the horizon; and

(iii) All lights on the wind farm synchronised to flash in unison.

~~d)~~e) Within the guidance of 9(b) above, advice must be sought from a suitably qualified wildlife ecologist to ensure the light flashing period minimises any impact on bats or night flying birds.

TRAFFIC MANAGEMENT

10. Before the development starts, a traffic management plan must be prepared in consultation with Moyne Shire Council and VicRoads to the satisfaction of 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 in the vicinity of the wind energy facility that may be used for access, including details of the suitability, design and construction standard of the roads;

b) the designation of appropriate construction and 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) identify any areas of indigenous roadside vegetation that may require removal or pruning, the pruning practices to be followed and the planning permit requirements for removal of native vegetation;

e) the identification and timetabling of any required pre-construction works;

f) the designation of principal and other 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 fully consider desirable standards to ensure safe site distances, turning movements, and potential through traffic conflicts;

g) 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 Vic Roads;

h) 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;

i) 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;

j) engineering plans demonstrating how truck movements can be accommodated on sealed roadways and turned without encroaching onto the incorrect side of the road must be prepared for the Princess Highway/Youls Road intersection. The plan must include details of any required road construction works;

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 above by condition 9 (a) ;

m) a protocol that bans the use of Riverside Road north of the newly constructed access track for trucks or heavy vehicles and provides that other vehicles avoid the vegetated areas by using the formed road surface and designated turning sites; and

n) if required by Moyne Shire Council, the payment of a security deposit or bond for a maintenance period of 12 months in respect of works covered by the Traffic Management Plan, such security deposit or bond to be released at the end of that period.

11. 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 to the satisfaction of the Minister for Planning.

NOTE: *Any native vegetation removal required as a result of implementation of the traffic management plan may require separate planning permission.*

CONDITIONS REQUIRED BY VICROADS

12. The intersection of the Princes Highway West and Youls Road intersection must be upgraded to a "Type B" treatment. All works associated with the design and construction of the intersection must be designed to standards specified in AUSTROADS publication "Guide to Traffic Engineering Practice, Intersection at Grade, Part 5".

NOTES:
VicRoads' approval for the movement of Over Dimensional loads is required. VicRoads' contact officer is Mr Paul Frost - Team Leader Traffic Safety Services (Tel: 03 5225 2578 or mobile 0417 483 421). Contact should be made from an early date.

Any proposed transmission lines located within an Arterial Road under the Road Management Act 2005, must be approved in writing by VicRoads. Prior to commencing work within the declared road, the developer must contact Mr Tony Bull, Senior Works Manager on telephone number 5561 9255

ENVIRONMENTAL MANAGEMENT PLAN

13. Before the development starts, an environmental management plan must be prepared to the satisfaction of the Minister for Planning, in consultation with the Department of Sustainability and Environment, Moyne 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 Chapter 23 of the *Ryan Corner Wind Farm Environment Effects Statement and Application for Planning Permit* (Gamesa Australia/TME Australia, October 2006).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 by the Minister for Planning and will then form part of this permit.
The environmental management plan must include the following:

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;*

(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 for construction vehicles and equipment to use designated tracks and works areas to avoid impacts on native vegetation;

(viii) procedures to cover trenches and holes at night time and to fill trenches as soon as practical after excavation, to protect native fauna; and

(ix) procedures for 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:

(ii) 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.

NOTE: *Works on waterways permit should be obtained from the Glenelg- Hopkins CMA for the construction of all waterways crossings for access tracks and utilities conduits prior to works commencing.*

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 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 lkm 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 lkm 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:

(viii) procedures for any on-site storage of fuels, lubricants or waste oil to be in bunded areas; and
(ix) contingency measures to ensure that any chemical or oil spi1ls are contained on-site and cleaned up in accordance with Environment Protection Authority requirements.

e) A **wildfire prevention and emergency response plan** prepared in consultation with and to the satisfaction of the Country Fire Authority, the Department of Sustainability and Environment, and Moyne Shire. This plan must include:

(i) criteria for the provision of static water supply tanks solely for fire fighting purposes, including minimum capacities, appropriate connections and signage,
(ii) criteria for access to static water supply tanks for fire fighting vehicles;
(iii) procedures for vegetation management, fuel control and the provision of fire fighting 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, 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 Country Fire Authority, 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, training of authority personnel in relation to suppression of wind energy facility fires.

f) **An archaeological management plan.** This plan must include:

(i) procedures to ensure that before any buildings or works commence in association with the development, the identified non-Aboriginal heritage locations identified in the Archaeological/Cultural Heritage Assessment undertaken by ERM, August 2006 in Supplementary Reports, Volume 2 of the *Ryan Corner Wind Farm Environment Effects Statement and Application for Planning Permit* (Gamesa Australia/TME Australia, October 2006), are protected from any buildings and works in accordance with the recommendations contained in the Cultural Heritage Assessment; and
(ii) protocols for the activities of construction contractors on site, which have been identified to have potential effects on sites of cultural significance.

g) **A pest animal management plan** to be prepared in consultation with the Department of

Sustainability and Environment and the Department of Primary Industries. This plan must include:

(i) procedures for the control of pest animals, particularly by negating opportunities for the sheltering of pests; and

(ii) follow-up pest animal control for all areas disturbed by the wind energy facility construction works for a period of two years following the completion of the wind energy facility.

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 transp01i 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.

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 13 (a) to j) above.

13. The environmental management plan must be reviewed and if necessary amended, in consultation with the Moyne Shire Council and Department of Sustainability and Environment 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.

14. The use and development must be carried out in accordance with the endorsed environmental management plan.

BATS AND AVIFAUNA

15. Before the development starts, a Bat and Avifauna Management Plan (BAM Plan) must be prepared, to the satisfaction of the Minister for Planning, in consultation with the Department of Sustainability and Environment, 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 be carried out in accordance with the endorsed plan. The BAM Plan must include:

a) A statement of the objectives and overall strategy for managing and mitigating any significant bird and bat strike arising from the wind energy facility operations.

b) A monitoring program of at least two years duration from the commissioning of the last turbine including surveys during the breeding and migratory seasons to ascertain:

(i) the presence, behaviour, levels of activity and movements of any Brolga, especially breeding pairs in the vicinity of the wind energy facility;

(ii) the presence, and levels of activity of any Southern Bent wing Bat in the vicinity of the wind energy facility;

(iii) where possible, the species, number, age, sex and date of birds and bat strikes;

(iv) whether bird and bat strikes were at lit or unlit turbines (if aviation safety lighting is installed);

(v) procedures for the reporting of any bird and bat strikes to the Department of Sustainability and Environment within 7 days of becoming aware of any strike;

(vi) seasonal and yearly variation in the number of birds and bat strikes:

(vii) the efficacy of searches for carcases of bird s and bats, and where practical, inforn1ation on the rate of removal of carcases by scavengers, so that correction factors can be determined to enable calculations of the total number of moralities;

(viii) procedures for the regular removal of carcasses likely to attract raptors to areas near turbines; and;

(ix) requirement s for periodic reporting, within agreed timeframes of the findings of the monitoring to the Department of Sustainability and the local community;

c) recommendation s in relation to a mortality rate for specified species which would trigger the requirement for respon sive mitigation measures to be undertaken by the proponent to the satisfaction of the Minister for Planning; and

d) a strategy to offset any impacts detected during monitoring. Measures to offset the impact may include management or improvement of habitat or breeding sites away from the wind farm in the region to improve breeding productivity, or other offsets as may be approved to the satisfaction of the Minister for Planning.

16. Following consideration of the monitoring program required in condition 16, the Minister for Planning will detemline whether any further investigation of any potential impacts on birds and bats is warranted and the extent of such investigation, such further detailed investigation s are to be undertaken in consultation with the Department of Sustainability and Environment to the satisfaction of the Minister for Planning.

NOISE STANDARD

17. Except as provided below in this condition, the operation of the wind energy facility must comply with New Zealand Standard 6808:~~1998~~ 2010 *The Assessment and Measurement of Sound from Wind Turbine Generators* in relation to any dwelling existing on land in the vicinity of the wind energy facility as at 11 April 2007, to the satisfaction of the Minister of Planning. ~~In determining compliance with the standard, the following requirements apply:~~

~~a) The sound level from the wind energy facility, when measured outdoors within 10 metres of a dwelling at any relevant nominated wind speed, must not exceed the background level (L95) by more than 5dBA or a level of 40dBA L95, whichever is the greater.~~

~~b) Compliance at night must be separately assessed with regard to night time data. For these purposes the night is defined as 10.00pm to 7.00am.~~

This condition does not apply if an agreement has been reached with an owner of land to which this permit applies through which the landowner accepts predicted noise levels or otherwise agrees to implement appropriate acoustic attenuation measures to ensure a reasonable level of acoustic amenity in relation to the indoor habitable areas of their dwelling(s), and acknowledges that the operation of the wind energy facility may still generate noise in outdoor areas at the dwelling(s) which may from time to time exceed the standard.

NOISE COMPLIANCE ASSESSMENT

18. An independent post-construction noise monitoring program must be commissioned by the proponent within 2 months from the commissioning of the first turbine and continue for 12 months after the commissioning of the last turbine, to the satisfaction of the Minister for Planning. The independent expert must have experience in acoustic measurement and analysis of wind turbine noise. The program must be carried out in accordance with New Zealand Standard 6808:2010 ~~1998~~ as varied by Condition 18 above. The operator under this permit must pay the reasonable costs of the monitoring program .

19. The results of the post-construction noise monitoring program , data and details of compliance and non-compliance with the New Zealand Standard must be forwarded to the Minister for Planning within 45 days of the end of the monitoring period. The results must be written in plain English and formatted for ·reading by laypeople.

20. Before the use begins, the proponent must prepare a detailed noise complaint evaluation and response

plan in consultation with the Department of Planning and Community Development, the Environment Protection Authority and the Moyne Shire Council. The plan must be submitted to, and approved by, the Minister for Planning. This plan must include the following elements:

a) a toll free noise complaint telephone service;

b) the erection of a small sign on site advising of the complaints telephone number;

c) minimum recording requirements for noise complaints (that is: date, time, noise description and weather conditions at the receptor);

d) a process for determination of whether the noise complaint is a breach of Condition 18 or not;

e) a response protocol for confim1ed breaches including, but not limited to:
   (i) determination of the meteorological circumstances at the time of the breach and the operational status of the turbine(s) at that time;
   (ii) noise optimisation of the relevant wind turbine(s) under the same meteorological circumstances as occurred at the time of the breach;
   (iii) in the event of a further breach the selective shut down of the relevant wind turbine(s) or turbines in the same meteorologi cal circumstances: and
   (iv) where under the same meteorological conditions subsequent confirmed noise breaches occur, the decommissioning of the relevant turbine(s).

f) a register of complaints, responses and rectifications which may be inspected by the Minister for Planning; and

g) provision for review of the complaint and evaluation process, including review of the process 12 months after commencement of the operation of the wind energy facility.

BLADE SHADOW FLICKER

22. Shadow flicker from the wind energy facility must not exceed 30 hours per annum at any dwelling existing at 6 August 2007.

This condition does not apply ~~to any dwelling on land on which part of the wind energy facility is erected. This exemption will be given affect through an agreement with an owner of land to which this permit applies that will apply to any occupant of the dwelling.~~ if the operator of the wind energy facility has entered into an agreement with a landowner under which the landowner acknowledges and accepts that show flicker may exceed 30 hours per annum at the landowner's dwelling. Evidence of the agreement must be provided to the satisfaction of the responsible authority.

23. 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 22.

TELEVISION AND RADIO RECEPTION AND INTERFERENCE

24. 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 up to 5 kms from all wind turbines. The location of such monitoring is to be detem1ined by an independent television and radio monitoring specialist appointed by the operator under this permit.

25. 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.

26. 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 reasonable and feasible 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

27. All site and wind turbine access points and electrical equipment must be locked 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.

AVIATION SAFETY CLEARANCES

28. Within 14 days of approval, copies of the endorsed plans must be provided to CASA, the Department of Defence (Royal Australian Air Force Aeronautical Information Service) 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

29. The wind energy facility operator must, without delay, notify the Minister for Planning in writing as soon as all of the wind turbines have permanently ceased to generate electricity. Within 12 months of this date, 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 undertake the following to the satisfaction of the Minister for Planning within such timeframe as may be specified by the Minister:

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 Minister for Planning and, when approved by the Minister for Planning, implement that plan; and

f) submit a post-decommissioning revegetation management plan to the Minister for Planning and, when approved by the Minister for Planning, implement that plan.

STAGING

30. 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 (including the preparation and approval of plans) may be similarly completed in stages or parts.

PRELIMINARY INVESTIGATIVE WORKS

31. 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.

EXPIRY

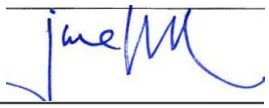
32. This permit will expire if one of the following circumstances applies:

(i) the development is not started within 3 years of the date of this permit:

(ii) 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 writing before the permit expires, or within 3 months afterwards.

Date Issued: 21/08/2008



Signature for the Responsible Authority

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of amendment	Brief description of amendment
15 November 2011	Pursuant to Section 69 of the *Planning and Environment Act 1987* this permit was extended so that development must start no later then 15 March 2012.
31 October 2013	Pursuant to Section 69 of the *Planning and Environment Act 1987* this permit was extended so that the permit will expire if the development is not completed by February 2016.

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 Ministers decision is final.