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: 20092821

Corangamite **Planning Scheme:**

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

ADDRESS OF THE LAND:

Land generally described as:
In Berrybank bounded by the Boundary Road, to the north, Doyles Road, Hamilton Highway and Foxhow-Rokewood Road to the east, Berrybank-Wallinduc Road to the west and running down this road and Foxhow-Rokewood Road to the south. In addition the land straddles the Hamilton Highway from east to west for about 5 kilometres.

The title details for this land is:

Lots 4 and 5 (part) TP838279P Vol 06305 Fol 873

Lots 1, 2, 3, 4 and 5 (part) TP399098 Vol 04412 Fol 209

Lot 1 (part) TP011191R Vol 09363 Fol 528

Lots 1, 2, 3, 4, 5 and 8 TP330312B Vol 05670 Fol 942

Lots 6 and 7 (part) TP330312B Vol 05670 Fol 942

Lot 2 TP011191R Vol 09053 Fol 302

Lot 1 TP420584P Vol 03975 Fol 997

Lot 1 TP346103W Vol 02959 Fol 638

Lot 2 (part) PS120266 Vol 09007 Fol 399

Lot 1 (part) TP227484V Vol 03818 Fol 564

Lot 7 PS005482 Vol 03420 Fol 916

Allot. 85 Parish of Pariah North Vol 06407 Fol 255

Allot. 84 Parish of Pariah North Vol 06346 Fol 032

Lots 1, 2 and 3 TP212714P Vol 09013 Fol 033

Lots 1, 2, 3, 4, 5 and 6 TP394080K Vol 02959 Fol 638

Lot 9 TP887199K Vol 10204 Fol 515

Lots 1, 2, 3, 4, 5, 6, 7 and 8 TP887199K Vol 10204 Fol 514

Lots 19, 20, 23, 24 PS005146 Vol 05733 Fol 494

Lot 18 PS005146 Vol 05395 Fol 804

Lot 17 PS005146 Vol 07489 Fol 021

Lot 1 TP449416A Vol 05395 Fol 804

Lot 2 (part) TP449416A Vol 05395 Fol 804

Lots 1 (part) 2 and 3 TP298605K Vol 05283 Fol 562

Lot 1 (part) TP754901Q Vol 05395 Fol 804

Lot 2 PS317744H Vol 06242 Fol 307

Lot 28 PS005146 Vol 03386 Fol 024

Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9 TP365996T Vol 03391 Fol 032

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 TP391950W Vol 04951 Fol 151

Lots 1, 2, 3, 4, 5, 6, 7 and 8 TP170662L Vol 09345 Fol 177

THE PERMIT ALLOWS:

Use and development of land for a Wind Energy Facility (comprising up to 50 generators), including anemometers (wind monitoring masts), business identification signage including access roads, sub-station, water storage tanks and removal of native vegetation subject to conditions.

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. 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 (3) copies must be provided.

The plans must:

a) show the location, setbacks to property boundaries, layout and dimensions of all on-site buildings and works including all wind turbines, access tracks, underground cables, temporary concrete batching plant, the sub-station, the switchyard, landscaping, any designated car parking areas, and ancillary works, such as construction compounds, fire fighting infrastructure and water tanks, as well as off-site road works;
b) show global positioning system coordinates using WGS84 datum for each turbine;
c) show details of the model and capacity of the wind turbines to be installed;
d) show dimensions, elevations, materials and finishes of the wind turbines and other buildings and works;
e) show the location, size, type and intensity of any aviation lighting, including any directional screening;
f) show any directional signage and any required safety signage;
g) show business identification signage including dimensions, details, colours and graphics;
h) include any staging of development; and
i) be must be generally in accordance with the application plan (Access and Infrastructure reference 308298-PD AL-1 Revision 5), but modified to show:
   (i) no turbines are located closer than 1000 metres from any non stakeholder dwelling existing prior to the issue date of this permit;
   (ii) the deletion of turbine number 50;
   (iii) changes to track layouts as a result of fire planning.

Note: For the purpose of this condition, a non-stakeholder means the land holder of an abutting property without a contract for the installation of the permitted wind turbines on that person's property.

2. The use and development as shown on the endorsed plans must not be altered or modified without the written consent of the Minister for Planning; except that the micro-siting of wind turbines and consequential micro-siting of associated tracks and reticulation lines as defined below,

does not require consent and will be viewed generally in accordance with the endorsed plans.

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

- is where the siting of a wind turbine is altered by not more than 100 metres but is not relocated closer to a nearby boundary of a non-stakeholder property than shown on the endorsed plans;
- includes any consequential changes to access tracks and electricity reticulation lines; and
- is only allowed where: ~~the Minister for Planning is satisfied that the relocation of the turbine(s) and associated access track(s) and reticulation lines(s) will not give rise to an adverse change to assessed landscape, vegetation, cultural heritage, visual amenity, shadow flicker, noise, fire risk or aviation impacts when compared to the site shown on the endorsed plans.~~

~~To this end any request for confirmation of the Minister's satisfaction must be accompanied by supporting material addressing the above matters as relevant~~.

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

3. The wind energy facility must meet the following requirements:

a) the wind energy facility must comprise no more than ~~50~~ 38 wind turbines;

b) the overall maximum height of the wind turbines (to the tip of the rotor blade when vertical) must not exceed ~~131~~ 180 metres above natural ground level;

c) wind turbines must be mounted on a tubular tower ~~with a height of no greater than 80 metres;~~

d) each wind turbine is to have not more than three rotor blades, ~~with each blade having a length of no greater than 49 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.

e) the transformer associated with each wind generator must be located beside each tower and pad mounted, or be enclosed within the tower structure;

f) the wind turbine towers, nacelles and rotor blades must be of a colour or have such markings that minimise ground level impact to the satisfaction of the Minister for Planning;

g) 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;

h) 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;

i) new on-site electricity reticulation lines associated with the wind energy facility must be placed under the ground;

j) non-site fire fighting infrastructure must be provided in accordance with Condition 13(e);

k) strategic fire breaks must be provided within the wind energy facility boundaries free of raised bed cropping to the satisfaction of the Minister for Planning on advice from the Country Fire Authority (CFA); and

l) where possible any new above ground power lines associated with the wind energy facility be oriented parallel to the prevailing wind direction.

LANDSCAPE/VISUAL AMENITY

4. Before the development starts, an on-site landscape plan must be prepared 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) landscaping to screen the substation, 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;

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.

5. ~~Within six (6) months of the date of endorsement of the development plan under Condition 1:~~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 ~~3~~ 4 kilometres of the nearest turbine and to the owners of dwellings 26, 38, 43, 75, 79 and 82 as identified on the Access and Infrastructure plan reference 308298_PD AL-01 Revision 5.

b) if a program of voluntary landscape mitigation works is accepted by one or more owners under Condition 5(a), 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. 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 their suitability in terms of;
- appropriateness for local conditions (may include indigenous and exotic species);
- fire safety (low combustibility); and
- impact on native vegetation (weed propensity, overshadowing of remnants on roadsides).

(ii) use of a mix of tubestock and advanced planting with good survival potential to provide immediate and long term screening;

(iii) reinforcement planting for existing senescent vegetation;

(iv) maintenance of landscaping for at least three years; and

(v) a timetable for implementation of the landscaping works.

The landscaping as shown on the endorsed off-site landscape plan required 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, at the cost of the operator under this permit and thereafter maintained to the satisfaction of the Corangamite Shire Council. .

LIGHTING INCLUDING AVIATION OBSTACLE LIGHTING

6. Except in the case of an emergency or any operational call-out, no external lighting of infrastructure associated with the wind energy facility, other than low-level, low-intensity security lighting and aviation lighting in accordance with Condition 8 below, may be installed or operated without the further written consent of the Minister for Planning.

~~**7.** Aviation obstacle lighting must not be installed unless the written consent of the Minister for Planning has been obtained.~~

~~**8.** If consent to install aviation obstacle lighting is obtained it must be installed under the following conditions:~~

~~a) The aviation lighting must be installed such that it is activated only:~~
~~i. If a night, when an aircraft is in the immediate vicinity of the wind energy facility; and~~
~~ii. During low visibility daytime conditions such as the existence of smoke and fog;~~
~~b) for each lit turbine, the lighting must consist of a pair of lights mounted above the nacelle so that one is visible from an aircraft approaching from any direction;~~
~~c) each light must be a red medium intensity, flashing light as defined by Civil Aviation Safety Authority (CASA). Each light must be shielded so as to restrict the vertical spread of light to not more than 3 degrees and light spread below the horizontal to not more than 1.0 degree;~~
~~d) all lights must flash in unison;~~
~~e) the duration of the light flash must be the minimum period recommended by CASA and the duration of the period between the flashes must be the maximum period recommended by CASA;~~
~~f) before the wind farm is commissioned, a lighting maintenance plan must be prepared to the satisfaction of the Minister for Planning.~~

8. 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, and generally in accordance with the Obstacle Lighting Design V0.3

151019 included in the 'Berrybank Wind Farm Aeronautical Impact Assessment' (Ref. 100402-02 V1.0 dated 22 February 2016) prepared by Aviation Projects. The lighting design herein is subject to confirmation of the final turbine layout as any changes to the layout could potentially affect which turbines should be lit in accordance with the 900 metres interval consideration such that the wind farm is not declared a hazard aviation.

b) The turbines referred to in 8a) are to be lit with two steady red low intensity lighting at night as per Section 9.4 of the CASA Manual of Standards Part 139.

c) The impact minimisation features allowed that should be installed including, but not limited to:

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

(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.

d) The frequency range of the LED light emitted should fall within the range of wavelengths 655 to 930 nanometres to comply with requirements from Department of Defence to enable the lighting to be visible to persons using night vision devices.

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AVIATION SAFETY CLEARANCES

~~8.~~**9.** Within 14 days of approval, copies of the endorsed development plans must be provided to CASA, the Department of Defence (RAAF Aeronautical Information Service), Airservices Australia, any aerodrome operator within 15 km, the Aerial Agriculture Association of Australia 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.

TRAFFIC MANAGEMENT

~~9.~~**10.** Prior to the development of a traffic management plan an accurate reassessment of vehicle numbers for over dimensional, heavy duty and light vehicles must be undertaken in consultation with Corangamite Shire Council and VicRoads, to the satisfaction of the Minister for Planning.

~~10.~~11. Before the development starts, a traffic management plan must be prepared in consultation with Corangamite 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) separate components for construction and operation of the wind energy facility;

b) an existing conditions survey of public roads in consultation with Corangamite Shire Council and VicRoads 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;

c) the designation of appropriate construction and transport vehicle routes to the wind energy facility site;

d) 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;

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

f) 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;

g) recommendations on the need for road and intersection upgrades to accommodate any additional traffic or site access requirements, whether temporary or on-going and the timing of when these upgrades are to be undertaken. This is to include engineering plans demonstrating how truck movements can be accommodated on sealed roadways and turned where possible without encroaching onto the incorrect side of the road for the Hamilton Highway and Berrybank-Wallinduc Road intersection. The plan must include details of any required road construction works;

h) measures to be used to manage traffic impacts associated with the ongoing operation of the wind energy facility on the traffic volumes and flows on surrounding roads;

i) a program of regular inspections to be carried out during the construction period to identify maintenance works necessary as a result of construction traffic to the satisfaction of Corangamite Shire Council and VicRoads (as relevant);

j) a program to rehabilitate roads to the condition identified by the surveys required above by Condition 11(b) above in consultation with Corangamite Shire Council and Vicroads (as relevant); and

k) if required by Corangamite 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 is to be applied to roadwork not completed under the Traffic Management Plan or to be released at the end of that period.

~~11.~~12. 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 to the satisfaction of the Minister for Planning on advice from Corangamite Shire Council and VicRoads (as relevant) and the cost of any works including maintenance are to be at the expense of the permit holder.

ENVIRONMENTAL MANAGEMENT PLAN

~~12.~~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, Corangamite 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 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 other hazardous materials

and pollution management. Such construction and work site procedures are to be in accordance with EPA requirements;

(ii) procedures for identifying and reporting the presence of Aboriginal artefacts;

(iii) the identification of all potential contaminants stored on site;

(iv) the identification of all construction and operational processes that could potentially lead to water contamination;

(v) the identification of appropriate storage, construction and operational methods to control any identified contamination risks;

(vi) the identification of waste re-use, recycling and disposal procedures;

(vii) appropriate sanitary facilities for construction and maintenance staff in accordance with the EPA Publication 891.1 *Septic Tanks Code of Practice*;

(viii) 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;

(ix) procedures to ensure that construction vehicles and equipment use designated tracks and works areas to avoid impacts on native vegetation;

(x) the covering of trenches and holes at night time and to fill trenches as soon as practical after excavation, to protect native fauna; and

(xi) 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 Corangamite Catchment Management Authority, EPA 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 Environment Protection Authority 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 Environmental Protection Authority Publication 275 *Construction Techniques for Sediment Pollution Control*;

(vi) procedures for waste water 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) 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

(xii) 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 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 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 **wildfire prevention and emergency response plan** prepared to the satisfaction of the Minister for Planning in consultation with the Country Fire Authority, the Department of Sustainability and Environment and Corangamite Shire Council. This plan must include and consider:
(i) the provision of strategic fire suppression and access areas through the wind farm clear of raised bed cropping.
(ii) constructed roads should be a minimum of (4) four metres trafficable width a with a four metre (4m) vertical clearance for the width of the formed road;
(iii) roads should 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.
(iv) the average grade of should be no more than 1 in 7 (14.4%) (8.1◦) with a maximum of no more than 1 in 5 (20%) (11.3◦) for no more than 50 metres;

(v) dips in the road should have no more than a 1 in 8 (12.5%) (7.1 ◦) entry and exit angle;
(vi) water access points shall be located in safe easily identifiable areas, accessible in all weather conditions.
(vii) water access points should be designed, constructed and maintained for a load limit of at least 15 tonnes.
(viii) a turning point with a minimum radius of 10 metres is required for fire appliances at all water access points;
(ix) Fire brigade appliances should be able to park within four (4) metres of the water supply outlet on a hard standing area.
(x) bulk static water storages (22,500 Litre) should be provided adjacent to main access tracks for fire fighting. Locations should be determined in consultation with CFA Fire safety officers and with operational staff;
(xi) all tanks should be manufactured with at least one (preferably two) 64mm, 3 thread/25mm x 60 mm nominal bore British Standard Pipe (BSP) round male coupling 50 mm from their base. Outlets should be a minimum of two (2) metres apart;
(xii) water access points are to be marked by appropriate signage as per CFA's *Guidelines for Identification of Street Hydrants for Fire Fighting Purposes;*
(xiii) grass should be no more than 100mm in height and leaf litter no more than 10mm deep for a distance of (30) thirty metres around constructed buildings and viewing platforms;
(xiv) a fuel reduced area of (4) four metres should be maintained around the perimeter of electricity compounds and sub station type facilities;
(xv) there should be no long grass or deep leaf litter in areas where plant and heavy equipment will be working;
(xvi) all plant and heavy equipment should carry at least one 9 Litre Water Stored pressure fire extinguisher with a minimum rating of 3A;
(xvii) internal fire protection systems, where appropriate, to assist with fire suppression;
(xviii) lighting protection devices, where appropriate, installed on each wind farm;
(xix) dedicated monitoring systems within each wind turbine that detect temperature increases in turbines and shuts them down when the threshold temperature is reached;
(xx) construction of the wind farm outside the fire season where possible;
(xxi) a program of training of volunteer and paid CFA personnel in fire suppression in and around the wind energy facility.

Note: For the purpose of this condition, consultation with the CFA must include CFA at headquarters level, the CFA Regional Office and local volunteer brigades on and surrounding the wind energy facility.

f) A **native vegetation management** plan to be prepared in consultation with the Department of Sustainability and Environment. This plan must include:
   (i) A report by a suitably qualified person after the completion of a target spring survey of native vegetation in the vicinity of access points where a Vegetation Protection Overlay exists. The report should set out the findings of the targeted spring survey and, if vegetation listed under the *Flora and Fauna Guarantee Act* 1988 or the *Environment Protection and Biodiversity Conservation Act* 1999 is identified, set out how impacts on that vegetation is to be avoided or minimised;
   (ii) requirements for consultation with the Department of Sustainability and Environment the Corangamite Shire Council in the preparation of any offset plan;
   (iii) identification of offsets prior to native vegetation removal;
   (iv) explanation of how vegetation removal has been minimised by project design;
   (v) a detailed and thorough description of how the native vegetation management framework~~'s three-step approach has been applied~~ meets the requirements of the Biodiversity Assessment Guidelines (DEPI 2013);
   (vi) protocols so that net gains will be undertaken if native vegetation disturbance and removal cannot be avoided for the construction, operation and decommissioning stages of the project; and
   (vii) a protocol for the protection of native vegetation on the wind farm site during the construction phase; procedures for the rehabilitation of construction zones with appropriate pasture species.

g) A **terrestrial fauna management plan** that includes:
   (i) training of construction staff in the recognition of the Striped Legless Lizard and the Fat-tailed Dunnart;
   (ii) development of a protocol, in consultation with the Department of Sustainability and Environment, that outlines actions to be taken if Striped Legless Lizard and the Fat-tailed Dunnart are detected during construction;

(iii) development of a salvage protocol for the Striped Legless Lizard and the Fat-tailed Dunnart in consultation with the Department of Sustainability and Environment.

h) **A pest animal management plan** to be prepared in consultation with the Department of Sustainability and Environment and the Department of Primary Industries to the satisfaction of the Minister for Planning. This plan must include:
   (i) procedures for the control of pest animals, particularly by avoiding 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.

i) **A pest plant management plan** to be prepared in consultation with the Department of Sustainability and Environment and the Department of Primary Industries to the Minister for Planning. 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 and weed seed;
   (ii) revegetation of disturbed areas; 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.

j) **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.

k) **A program for reporting** including a register of environmental incidents, non-conformances, complaints, corrective actions and advice on to whom the reports should be made.

l) A **complaints management plan** designed in accordance with Australian Standard *Customer satisfaction – Guidelines for complaints handling in organizations (ISO 1002:2006)* having regard to the guidance provided in *The why and how of complaints handling HB 299-2006.*
The complaints management plan will include procedures for:

(i) readily accessible information on how complaints can be made free of cost to complainants;
(ii) immediate acknowledgement of complaints and regular and comprehensive feedback to complainants on actions proposed, their implementation and success or otherwise;
(iii) closure of complaints by agreement with complainants;
(iv) establishment and maintenance of a complaint register for the recording of receipt and acknowledgement of complaints, actions taken, success or otherwise of actions and complaint closure and for the register to be available to the public during normal working hours;
(v) reporting of the contents of the complaint register to the responsible authority as required, and
(vi) regular, at least annual, auditing of the implementation of the complaints management plan with audit results being reported to the responsible authority.

m) **A timetable for implementation** of all programs and works identified in a plan referred to in Conditions 13 (a) to 12 (l) above.

~~13.~~14. The Environmental Management Plan must be reviewed and if necessary amended in consultation with the Corangamite Shire Council to the satisfaction of the Minister for Planning every five (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.~~15. The use and development must be carried out in accordance with the endorsed Environmental Management Plan to the satisfaction of the Minister for Planning.

BATS AND AVIFAUNA

~~15.~~16. Before the development starts, a Bat and Avifauna Management Plan (BAM Plan) must be prepared in consultation with the Department of Sustainability and Environment 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.

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 2 years duration, either commencing upon the commissioning of the last turbine of the first stage of the approved development and use (if any) or alternatively such other time of commencement as is to the satisfaction of the Minister for Planning.

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

   - the species, number, age and sex (if possible) and date of any bird or bat strike;
   - the number and species of birds and bats struck at lit versus unlit turbines;
   - any seasonal and yearly variation in the number of bird and bat strikes;
   - whether further detailed investigations of any potential impacts on birds and bats are warranted.

   Any such required further detailed investigations are to be undertaken in consultation with the Department of Sustainability and Environment and to the satisfaction of the Minister for Planning;
c) 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 identifying where possible whether the strike was by a lit or unlit turbine;
d) information on the efficacy of searches for carcasses of birds and bats, and, where practicable, information on the rate of removal of carcases by scavengers, so that correction factors can be determined to enable calculations 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 Department of Sustainability and Environment and the local community;
g) recommendations in relation to a mortality rate for specified species which would trigger the requirement for responsive mitigation measures to be undertaken by the operator of the wind energy facility to the satisfaction of the Minister for Planning; and
h) implementation measures developed in consultation with the Department of Sustainability and Environment to offset any impacts detected during monitoring including turbine operation management and on-site or off-site habitat enhancement (including management or improvement of habitat or breeding sites).

i) In relation to Brolga the plan must also include:

a) a thorough assessment developed in consultation with the Department of Sustainability and Environment of the two Brolga sites and their significance to the wind farm layout with reference to the *Guidelines for Assessment of Potential Wind farm Impacts on Brolga* (DSE 2009). The first site is approximately 1km east of the project near Wilgul – Werneth Road and between Urchs Road and Boundary W whilst the second site is at the intersection of the Hamilton Highway and Foxhow – Rokewood Road. Fieldwork is to be undertaken during flocking and/or breading season agreed with the Department of Sustainability and Environment;

b) implementation of measures to increase power line visibility through marking to mitigate bird collisions;

c) if further sites are found these must be reported to the Department of Sustainability and Environment; and

d) based on the above, if additional Brolga sites are found within 5 kilometres of the site, develop a mitigation program in consultation with of the Department of Sustainability and Environment and to the satisfaction of the Minister for Planning.

Note: Consultation with the Lismore Land Protection Group and local community members is encouraged to be undertaken to inform the plan of any further known Brolga sites within 5 km of the proposed wind energy facility.

~~16.~~17. Following the completion of the monitoring program of at least 2 years duration as specified in condition 16(b), 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 is to be undertaken, the extent and details of the further investigation must be to the satisfaction of the Department of Sustainability and Environment and the investigation must be carried out to the satisfaction of the Minister for Planning.

NOISE STANDARD

~~17.~~18. Except as provided below in this condition, the operation of the wind energy facility must comply with New Zealand Standard 6808:~~1998~~ 2010 *The 'Acoustics - Assessment and Measurement of Sound from Wind Turbine Generators'* at any dwelling existing on land in the vicinity of the proposed wind energy facility as at the date of the issue of this permit, to the

satisfaction of the Minister for Planning. ~~In determining compliance with the standard, the following requirements apply:~~

~~a) The sound level from the wind energy facility within 20 metres of any dwelling must not exceed a level of 40DBA (L95 or where the relation between background noise levels and wind speed has been determined by the method specified in Condition 20 of this permit, the background noise level by more than 5dBA or a level of 40dBA L95, whichever is the greater;~~

~~b) compliance must be separately assessed for all time and night time. For the purpose of this requirement, night time is defined as 10.00pm to 7.00am; and~~

~~c) if the noise has a special audible characteristic the measured sound level must have a penalty of 5dBA applied.~~

Any dwelling on or off the subject land may be exempt from this condition. This exemption will be given effect through an agreement with the landowner that must apply to any occupant of the dwelling and must be registered on title. Such dwellings will be known as 'host dwellings'.

NOISE ASSESSMENT

~~18.~~**19.** When a final turbine type is selected the noise assessment must be repeated other than background noise monitoring. The results of this must demonstrate compliance with the noise limits described in Condition 18 without operation in noise management mode and be submitted to and approved by the Minister for Planning.

NOISE COMPLIANCE ASSESSMENT

~~19.~~**20.** Before the development starts a noise compliance testing plan must be prepared by a suitably qualified acoustics expert to the satisfaction of the Minister for Planning.

When approved, the noise compliance testing plan will be endorsed be the Minister for Planning and will then form part of this permit.

The use must be carried out in accordance with the noise compliance testing plan to the satisfaction of the responsible authority.

The noise compliance testing plan must include:

a) a determination of the noise limits to be applied during construction using the methodology prescribed in the *Interim Guidelines for the Control of Noise from Industry in Country Victoria,* N3/89;

b) a program of compliance testing to be implemented during the construction of the wind energy facility that:

(i) Is designed by a suitably qualified acoustic expert, and

(ii) Utilises the methodology prescribed in *State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No N-1*, to demonstrate compliance with the limits determined in (a) above;

c) a method or methods of testing compliance with the noise limits prescribed in Condition 19 of this permit for all non-stakeholder dwellings at or above the predicted noise level of 35dBA predicted from Condition 20 above.

Compliance testing will be carried out according to:

(i) The method described in *NZS6808:~~1998~~ 2010 'Acoustics – the Assessment and Measurement of Sound from Wind Turbine Generators'*; or

(ii) A method, designed by a suitably qualified acoustics expert, in which measurements of operating and background noise levels are measured with:

- background noise levels being measured with all turbines that, when operating, influence the noise level at the dwelling, shut down, and
- the wind in the direction from the wind energy facility to the dwelling for at least 50% of the measurement period.

d) for each dwelling at which compliance testing is to be performed, determination of the maximum monthly proportions of the wind direction distribution that is from the wind energy facility to the dwelling, plus or minus 22.5 degrees.

e) a schedule for compliance testing under which compliance testing at all identified dwellings for which consent for such testing has been obtained is performed in the 14 months following the commissioning of the last turbine in a section of the wind energy facility or a stage of the wind energy facility, if the development is in stages, and repeated between 10 and 14 months after the first compliance test.

f) a procedure for the assessment, by a suitably qualified acoustics expert, of the characteristics of the noise from the wind energy facility to determine if that noise has any special audible characteristics that

require the addition of 5dBA to the measured operating noise levels as shown in Condition 18(c) of this permit.

g) a procedure under which all results of compliance testing conducted in any month are reported to the Corangamite Shire and Minister for Planning every six months.

~~20.~~21. Before the use begins the proponent must prepare a detailed noise compliant evaluation and response plan in consultation with the Environment Protection Authority and the Corangamite 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 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 whether the noise complaint is a breach of Condition 18;

e) a response protocol for confirmed 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 meteorological circumstances;

(iv) where under the same meteorological conditions subsequent confirmed noise breaches occur, the decommissioning of the relevant turbine(s).

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

g) provision for review of the complaints, any necessary improvements and an evaluation process 12 months after commencement of the operation of the wind energy facility.

~~21.~~22. A detailed noise assessment be carried out in consultation with the owners of Lot 2 TP1324239C, Crown Allotment 16-21 Poliah South to determine an appropriate dwelling location.

BLADE SHADOW FLICKER

~~22.~~23. Shadow flicker from the wind energy facility must not exceed 30 hours per annum at the surroundings of any dwelling existing prior to the issue date of this permit.

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 effect through an agreement with the landowner 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 shadow flicker may exceed 30 hours per annum at the landowner's dwelling. (This exemption will be given affect through an agreement with the landowner that will apply to any occupant of the dwelling).

~~23.~~24. A detailed shadow flicker assessment must be carried out in consultation with the owners of Lot 2 TP1324239C Crown Allotment 16-21 Poliah South to determine an appropriate dwelling location.

TELEVISION AND RADIO RECEPTION AND INTERFERENCE

~~24.~~25. 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 5kms of any wind turbine including non-stakeholder 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.

Note: For the purpose of this condition, a non-stakeholder means the land holder of an abutting property without a contract in respect of the installation of associated wind turbines on that person's property.

~~25.~~26. If, following commencement of the operation of the wind energy facility, a complaint is received regarding the wind energy facility having an adverse effect on television or radio reception at the 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.

~~26.~~27. If the post-construction survey establishes any increase in interference to reception as a result of the wind energy facility operations, the wind energy facility operator must undertake measures to mitigate the interference and return the affected reception to pre-construction quality at the cost of the wind energy facility operator and to the satisfaction of the Minister for Planning.

SECURITY

~~27.~~28. 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 responsible authority. Public safety warning signs must be located on all towers and all spare parts and other equipment and materials associated with the wind energy facility must be located in screened, locked storage areas that are inaccessible to the public to the satisfaction of the responsible authority.

PRELIMINARY INVESTIGATIVE WORKS

~~28.~~29. 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

~~29.~~30. The wind energy facility operator must, no later than 2 months after any or 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 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 or contamination;

c) rehabilitate 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 land associated with the use, development and decommissioning of the wind energy facility;

d) submit a decommissioning traffic management plan to the Minister for Planning and, when approved by the Minister for Planning, implement that plan; and

e) submit a post-decommissioning revegetation management plan, including a timetable of works to the Minister for Planning and, when approved by the Minister for Planning, implement that plan.

STAGING

~~30.~~**31.** 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 compliance with plans or other requirements including noise monitoring, but not including the preparation and approval of the development plan under Condition 1) may be similarly completed in stages or parts.

EXPIRY

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 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. This permit should be read in conjunction with Golden Plains Planning Permit No 20092820 which applies to the Berrybank wind energy facility within the Golden Plains Shire municipality.

Date Issued:

Signature for the Minister