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.:**2009012877

**Planning Scheme:** Moorabool Planning Scheme

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

**ADDRESS OF THE LAND:** The title details for this land are:

**Ballark Section**
Lots 1, 2, 3, 4 & 5 TP249737
Lot 1 TP551968
Crown Allotment 68O
Lot 1 LP217210
Lot 2 LP217210
Lot 3 LP217210
Lot 2 PS521826
Crown Allotments 65A, 65B, 66A, 66B, 67, 67A, 67B, 68K, 68K1, 68L, 68M, Parish of Bungeeltap
Lots 1, 2, & 3, TP375916
Lots 1, 2, 3, 4, 5 & 6 TP841547
Lot 1 TP741519
Lot 1 PS521826
Lot 1 TP326429
Lot 1 TP427675
Crown Allotment 19D Parish of Ballark
Lots 1, 2, 3 & 4 TP214503
Lots 1, 2, & 3 TP431757
Lots 1, 2, 3 & 4 TP943416
Crown Portion 1 Parish of Ballark
Crown Portion 6 Parish of Ballark
Crown Portion 7 Parish of Ballark
Crown Portion 18 Parish of Ballark
Crown Portion 21 Parish of Ballark
Crown Portion 22 Parish of Ballark
Lot 9 LP5646
Crown Allotment 66A Parish of Ballark
Crown Allotment 66B Parish of Ballark
Lot 10 LP5646

Lot 1 TP100451
Lots 1 & 2 TP133721
Lot 3 LP213701
Channel Reserve LP5646
Crown Land vested in Council for Ballan-Meredith Road
Crown Land vested in Council for Banks Road
Crown Land vested in Council for Bungeeltap Road South
Crown Land vested in Council for Egerton-Ballark Road
Crown Land vested in Council for Mount Wallace-Ballark Road
Unused Road Reserve Lot 1 TP612464
Unused Road Reserve Crown Allotment 19D Parish of Ballark
Unused Road Reserve Crown Allotment 8A Parish of Bungeeltap

**Bungeeltap Section**
Crown Allotment 8A Section 28 Parish of Gorong
Crown Allotments 8 & 9 Section 28 Parish of Gorong
Lot 1 TP132727
Lots 1, 2, 3 & 4 TP132738
Lot 1 PS519828
Lot 2 PS519828
Lot 1 TP322737
Lot 1 PS404971
Lot 2 PS404971
Lot 3 PS404971
Lot 4 PS404971
Lot 5 PS404971
Crown Allotment 76B Parish of Bungal
Lot 1 LP119479
Lot 2 LP119479
Crown Allotments 75 & 75A Parish of Bungal
Crown Allotments 52, 55, 67 & K Parish of Bungal
Crown Allotments 29 & J Parish of Bungal
Lot 1 TP884577
Lots 1, 2, & 3 TP884534
Lots 1 & 2 TP884532
Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 & 11 TP853292
Lot 6 PS404971
Barwon Water (Channel Reserve) Lots 7, 8, 9, 10, 11 & 12 TP671194 – Volume 8335 Folio 085
Crown Land vested in Council for Ballan-Egerton Road

| | |
|---|---|
| | Crown Land vested in Council for Ballan-Meredith Road<br>Crown Land vested in Council for Egans Road Crown Land vested in Council for McDonalds Lane<br>Crown Land vested in Council for Manleys Road<br>VicRoads road Geelong-Ballan Road. |
| **THE PERMIT ALLOWS:** | The use and development of a Wind energy facility comprising 107 generators and associated infrastructure and other works including: aviation safety lighting, substations, access tracks, underground and overhead cabling, permanent anemometers, amenities buildings, car parking and bicycle facilities, temporary construction facilities including concrete batching plant, buildings and works, removal of native vegetation, two business identification signs and alterations to an access point to a Road Zone Category 1. |

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

**DEVELOPMENT PLANS TO BE ENDORSED**

1. Before the development starts, development plans must be prepared to the satisfaction of the Minister for Planning. The plans must be drawn to scale with dimensions and three copies must be provided. The plans may be submitted for approval in stages or for a particular grouping of wind turbines within the subject land. When approved, the plans will be endorsed by the Minister for Planning and will then form part of this permit.

   The plans must show the location and layout of the wind turbines and all on-site buildings and works generally in accordance with the plans titled MWP_SM_0011, Version 4, 20 May 2010, except that turbines BUWT07, BAWT04 and BAWT49 must be deleted from the plans.

   The plans must also include:

   a) A list of map coordinates for each wind turbine;

   b) The distance of each wind turbine from the nearest point on the boundary of the subject land;

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

   d) Elevation drawings, showing dimensions, of the wind turbines and other permanent on-site buildings (e.g. substation facilities);

   e) Drawings, showing the key physical dimensions, of all on-site buildings and works including:

      (i) Wind turbines;

(ii) Access tracks;

(iii) Internal collector network trenches;

(iv) Any temporary concrete batching plant(s);

(v) The substations (including designated car parking areas, signage and landscaping); and

(vi) Any ancillary works (e.g. construction compounds and water tanks).

f) A description of the materials and finishes of the wind turbines and other permanent on-site buildings;

g) A description of the location, type and intensity of any aviation obstacle lighting to be installed;

h) The locations of scattered native trees and the boundaries of any patches of native vegetation in relation to all buildings and works, in all cases where such trees and patches are within 25 metres of the buildings or works; and

i) Turbine exclusion zones:

(i) Centred on the transmission vectors for fixed licences of point to point transmissions to which there is a possibility of electromagnetic interference with a width equal or greater than twice the sum of the blade length and 60% of the radius of the first Fresnel zone of any licensed link. The transmission vectors and the widths of the first Fresnel zones will be determined by a suitably qualified telecommunications expert; and

(ii) Including all land within 300 metres of the escarpment of the Moorabool River East Branch.

**SPECIFICATIONS**

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

a) The wind energy facility must comprise no more than 107 wind turbines with no more than:

(i) 50 wind turbines on the land known as the Bungeeltap section; and

(ii) 57 wind turbines on the land known as the Ballark section.

b) The overall maximum height of the wind turbines (to the zenith of the sweep of the rotor blade tip) must not exceed 150 metres above foundation level;

c) The wind turbines must be mounted on tubular steel and/or concrete towers;

d) The rotor of the wind turbines must have only three rotor blades;

e) The wind turbine towers, nacelles and rotor blades must be of a non-reflective finish and colour that blends with the landscape to the satisfaction of the Minister for Planning;

f) The colours and finishes of all other buildings and ancillary equipment on-site must be non-reflective to minimise the impact of the development on the landscape to the satisfaction of the Minister for Planning;

g) Access tracks within the subject land must, to the satisfaction of the Minister for Planning:

   (i) have a surface material that will not unduly contrast with the landscape,

   (ii) be designed to minimise impact on the farming activities on the land, and

   (iii) have an effective trafficable width of not less than 4 metres.

h) The transformer associated with each wind turbine must be enclosed within the tower;

i) All new electricity cabling associated with the internal collector network within the wind energy facility must be placed under the ground except as set out in condition 2j) or with the further written consent of the Minister for Planning;

j) Overhead cabling may be used within the river valley of the Moorabool River east branch between turbines BUWT34 and BUWT29 as shown on the plans referred to in condition 1 and must be marked with an appropriate product to improve its visibility to birds;

k) Except in the case of an emergency, no external lighting of infrastructure associated with the wind energy facility, other than low level security lighting and/or aviation obstacle lighting may be installed or operated without the further written consent of the Minister for Planning;

l) All spare parts and other equipment and materials associated with the use of 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;

m) All turbines must be located outside the turbine exclusion zones shown on the endorsed development plan(s); and

n) Aviation obstacle lighting may be installed but only if they meet the following requirements, except with the further written consent of the Minister for Planning:

   (i) They are restricted to a pair of red medium intensity, intermittent obstacle lights on any wind turbine;

   (ii) The lights are to be baffled so as to restrict the vertical spread of light to not more than three degrees (approximately) with not more than one degree (approximately) below the horizontal;

   (iii) All lights within each section or stage of the wind energy facility must be designed to illuminate in unison; and

   (iv) The lights may be not be activated unless the Minister for Planning is satisfied that they are required:

      - As a result of a CASA requirement; or
      - By the results of a risk assessment completed by a Member of the Risk Management Institution of Australasia accredited as a Certified Risk

Manager demonstrating that operation without lighting creates an unacceptable public risk.

**STAGING**

3. The use and development authorised by this permit may be completed in stages as shown on the endorsed development plan(s) to the satisfaction of the Minister for Planning. Any corresponding obligation arising under this permit (including the preparation and approval of plans) may be similarly completed in stages or parts.

**LAYOUT NOT ALTERED**

4. The use and development as shown on the endorsed development plan(s) or other plans to the satisfaction of the responsible authority must not be altered or modified save that the micro-siting of turbines and the related tracks and reticulation lines will be regarded as generally in accordance with the endorsed development plan(s) if the Minister for Planning is satisfied that it will not give rise to any material adverse change in landscape, vegetation, cultural, visual, shadow or noise impacts compared to the endorsed development plan(s) and:

a) A turbine within 1 kilometre of any non-host dwelling is not moved closer to that dwelling;

b) The turbine location is altered by no more than 100 metres;

c) No turbine 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 any other boundary;

   (v) 100 metres from a dwelling not in the same ownership;

   (vi) 100 metres from a designated natural waterway, wetlands or flood plain or;

   (vii) a turbine exclusion zone

d) Surveys are carried out by an appropriately qualified ecological specialist at an appropriate time of the year before development starts to confirm that the construction footprint does not have an adverse impact on native vegetation; and

e) Faunal habitat values are considered.

**VEGETATION REMOVAL WORKS**

5. Prior to commencement of the native vegetation removal a report by a suitably qualified ecological specialist must be submitted to the Minister for Planning and the Department of Sustainability and Environment that sets out the findings of a

targeted survey for the Spiny Rice Flower, carried out between April and August within the development footprint of the project. If any occurrence of the species is identified, measures to avoid or minimise adverse impacts on it must be set out. The report must also review the net gain offset requirements in accordance with *Native Vegetation Management: A Framework for Action (DSE 2002)*.

6. If it is proposed to remove or destroy vegetation identified in the survey required by condition 5 of this permit, further consent in writing must be obtained from the Department of Sustainability and Environment.
7. Before works start, temporary fencing or tape must be installed around areas of native vegetation to be retained, to the satisfaction of the responsible authority.
8. Works must not cause damage to native vegetation stands to be retained and vehicular access beneath large trees and habitat trees must be prevented.
9. Tree trimming operations must be undertaken using the natural target pruning 'three cut method' as described in the 'Roadside Handbook: An Environmental Guide for Road Construction and Maintenance' (VicRoads 2006).

**NET GAIN OFFSET PLAN**

10. Before removal of native vegetation starts, a net gain offset plan must be prepared by a suitably qualified ecological specialist, in consultation with the Department of Sustainability and Environment, and submitted to and approved by the Minister for Planning. Once approved, the plan will be endorsed and will then form part of the permit. The offset plan must include the following:
    a) Details of the proposed offsets which will achieve a net gain in quality and quantity of native vegetation in accordance with the principles and guidelines associated with the *Native Vegetation Management: A Framework for Action (DSE 2002)* or as otherwise approved by the Department of Sustainability and Environment;
    b) Fully dimensioned plans (drawn to an appropriate scale), which clearly show the locations, boundaries and title details of all offset sites. The plans must also clearly show the boundaries of any different management zones and the location of any proposed fencing;
    c) Type of offsets to be provided at each location;
    d) Details of revegetation including number of trees, shrubs and other plants, species mix and density (consistent with the characteristics of the relevant ecological vegetation class);
    e) Methods of managing and restoring the vegetation, including revegetation, such as fencing, weed control, enhancement planting and other habitat management actions;
    f) Pest plant and animal control methods;
    g) A statement of the need to source local seed stock and options available for sourcing of local seed;

h) A statement of the need for revegetation works to be carried out by a suitably qualified ecological specialist;

i) Methods of permanent protection for the offsets, such as the registration on title of an agreement under Section 173 of the *Planning and Environment Act 1987*, an agreement under Section 69 of the *Conservation Forests and Lands Act 1987*, or a covenant under section 3A of the *Victorian Conservation Trust Act 1972;*

j) Persons responsible for implementing and monitoring the offset plan; and

k) A schedule of management actions, which documents how the net gain outcomes will be achieved within a 10 year timeframe.

11. Prior to the commencement of native vegetation removal, all offset sites must be legally secured by means of the registration of an on-title agreement or covenant to the satisfaction of the Department of Sustainability and Environment and the responsible authority

12. All actions specified in the endorsed offset plan must be completed within the specified timeframes, to the satisfaction of the Department of Sustainability and Environment and the responsible authority.

13. The disturbed roadside areas shall be revegetated as soon as practicable to minimise soil erosion.

**UPDATE OF AERONAUTICAL CHARTS**

14. Not less than thirty days before the construction of any of the wind turbines starts, copies of the endorsed development plan(s) must be provided to the Royal Australian Air Force's Aeronautical Information Service to enable details of the wind energy facility to be shown on aeronautical charts of the area.

**ENVIRONMENTAL MANAGEMENT PLAN**

15. Before the development starts, an environmental management plan must be prepared to the satisfaction of the Minister for Planning by the wind energy facility operator in consultation with the relevant authorities including at least EPA, DSE, DPI, Corangamite CMA, Barwon Water, Moorabool Shire Council, and the relevant waste management authority.

    The environmental management plan should be based on the approach outlined in Attachment 11 of the exhibited planning application report dated January 2010.

    The environmental management plan may be prepared in sections or stages.

    The environmental management plan must include a copy of the development layout plans as endorsed by the Minister for Planning.

    When approved, the environmental management plan will be endorsed by the Minister for Planning and will then form part of this permit.

The environmental management plan must, where appropriate, address and include:

**a) Hazardous materials**

(i) The identification of all hazardous materials used and or stored on-site in connection with the development and use;

(ii) Procedures for the proper handling and storage of hazardous materials on-site;

(iii) Design criteria for any hazardous materials storage facilities on-site; and

(iv) Contingency measures to ensure that any spills or leaks of hazardous materials are contained on-site and cleaned up in accordance with Environment Protection Authority requirements.

**b) Water contamination, sediment and erosion control**

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

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

(iii) Procedures for the management of contaminated waste water;

(iv) Procedures for the discharge of collected runoff;

(v) Procedures 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.

(vi) The installation of geotextile silt fences (with sedimentation basins where appropriate) on all drainage lines from the site which are likely to receive runoff from disturbed areas;

(vii) Procedures to ensure that steep batters are treated appropriately for sediment pollution control;

(viii) A process for overland flow management to prevent the concentration and diversion of waters onto steep or erosion prone slopes; and

(ix) A requirement for immediate remediation of localised erosion (specifying a response time).

**c) Waste control**

(i) The identification of waste reuse, recycling and disposal procedures; and

(ii) Pollution management measures for stored and stockpiled materials including waste materials, litter and any other potential source of water pollution.

**d) Sanitation and wastewater**

(i) Appropriate sanitary facilities and management of the wastewater at the temporary construction compound and permanent facilities for construction works, maintenance staff, operations personnel and visitors.

**e) Construction practices**

(i) Procedures, where practical, to construct wind turbine bases, access tracks and power cabling during warmer months to minimise impacts on ephemeral wetlands, local fauna and sediment mobilisation;

(ii) Procedures to protect, as far as practicable, native fauna and domestic stock from being injured by or entrapped in excavations or trenches and to fill trenches as soon as practical after excavation; and

(iii) Procedures for the removal of works, buildings and staging areas on completion of construction of the development.

**f) Concrete batching plants**

(i) Criteria for the design of the temporary concrete batching plants;

(ii) Management procedures to prevent pollution of the local waterways, particularly from wash water and waste concrete materials; and

(iii) Procedures for the operation and removal of any temporary concrete batching plants and for the reinstatement of the site once its use finishes.

**g) Dust**

Procedures to suppress dust from construction related activities.

**h) Pest management**

(i) A pest animal and carrion management plan to be prepared in consultation with the Department of Sustainability and Environment and the Department of Primary Industries.

This plan must include:

- a program of early identification and eradication of pest animal populations (e.g. rabbits); and
- procedures for the ongoing management of pest animal populations and regular removal of carrion (including livestock, native animals and pest animals), to lessen the availability of potential prey for raptors within the wind energy facility site.

(ii) A weed and pathogen management plan developed in consultation with the owners of the relevant land that includes:

- procedures to prevent the spread of weeds and pathogens from earth moving equipment and associated machinery including the cleaning

- sowing of disturbed areas with perennial grasses or returned to cropping; and
- 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) Training**

A training program for construction workers, permanent employees and 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) Complaints management**

(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. The register must 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.

**k) Incident management**

(i) A procedure for the establishment and maintenance of an incident register for the recording of:

- Environmental incidents
- Non-conformances, and
- Corrective actions.

(ii) The register must be available for inspection by the public during normal working hours and its contents should be reported to the responsible authority as required.

**REVIEW OF THE ENVIRONMENTAL MANAGEMENT PLAN**

16. The environmental management plan must be reviewed at least once every 5 years, and if necessary amended, in consultation with the responsible authority, to reflect operational experience and changes in environmental management standards and techniques. Any amendment of the environmental management plan must be submitted to the Minister for Planning for re-endorsement.

**COMPLIANCE WITH ENVIRONMENTAL MANAGEMENT PLAN**

17. The use and development must be carried out in accordance with the endorsed environmental management plan described in condition 15 above to the satisfaction of the Responsible Authority.

**BARWON WATER REQUIREMENTS**

18. The waste treatment system for the amenities facilities and any temporary facilities provided during construction phases should not exceed the following maximum limits:

    - 20mg/L BOD; 30 mg/L suspended solids; if subsurface irrigation systems; and
    - 20 mg/L BOD; 30 mg/L suspended solids 10 E coli organisms / 100 ml for surface irrigation systems.

19. All effluent must be restricted to and disposed of within the 100 metres of the treatment facility and or within the boundary of any land title in accordance with the "*State Environment Protection Policy – Waters of Victoria*" and the *Victorian EPA Code of Practice for onsite Wastewater Management*.

**ON-SITE LANDSCAPING PLAN**

20. Within six months of the endorsement of the development plan referred to in Condition 1 and before the development starts, an on-site landscaping plan must be prepared and approved by the Minister for Planning. When approved, the on-site landscaping plan will be endorsed and will then form part of this permit.

    The on-site landscaping plan must:

    a) Include plans drawn to scale showing the extent and layout of any landscape plantings to be used to visually screen or otherwise beautify any on-site buildings or works other than the wind turbines;

    b) Provide details of plant species proposed to be used in the landscape plantings, including height and spread at maturity;

    c) Provide a timetable for implementation of all landscape plantings; and

    d) Provide for maintenance and monitoring program.

**OFF-SITE LANDSCAPING PLAN**

21. Within six months of the endorsement of the development plans under Condition 1 of this permit, offers to carry out landscape works to mitigate the visual impact of turbines must be made available to the owners of all dwellings within 3 km of a turbine where a turbine is visible. Every reasonable effort, to the satisfaction of the Minister of Planning must be made to contact the relevant owners.

    The offers must be available up until 12 months after the commissioning of the last wind turbine of the development or relevant stage.

22. If an offer of landscape mitigation works is accepted, an off-site landscaping plan must be prepared for the particular dwelling, by a suitably qualified person, in consultation with the owner of the property 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 and other treatments that will be used including:

    a) Evidence and explanation of the consultation that has occurred with the owners of the affected property to which the plan relates;

    b) Details of the landscaping necessary to mitigate visual impacts of the wind energy facility, including plant species to be used and the expected height and spread of plants at maturity;

    c) A schedule of fencing, weed maintenance and other works necessary to facilitate the landscaping;

    d) A schedule of recommended maintenance of landscaping to be undertaken for a period of two years. Such maintenance should be the responsibility of the WEF operator unless otherwise agreed by the land owner; and

    e) A timetable for implementation of the landscaping works.

    The landscaping as shown on the endorsed off-site landscape plans must be completed within 12 months of the endorsement of the particular plan unless otherwise agreed by the landowner.

    The wind energy facility operator or developer must pay the full cost for design and implementation of the off-site landscaping plans, including fencing if required, and the cost of the recommended two year maintenance but any of these tasks may be undertaken or arranged by the landowner. The cost must first be agreed between the wind energy facility operator and the relevant landowner.

**TRAFFIC MANAGEMENT PLAN**

23. Before the development starts a traffic management plan must be prepared, in consultation with Moorabool Shire Council and VicRoads, for submission to and approval by the Minister for Planning. When approved, the plan will form part of this permit.

    The traffic management plan must:

a) Identify all public roads and access points that will be used in the construction and operation of the wind energy facility;

b) Provide for an existing conditions survey of public roads that will be used in the construction and operation of the wind energy facility including details of the suitability, design, construction standards and condition of the roads to enable, for sealed roads, the calculation of Total ESA (Equivalent Standard Axles) loading for comparison with the appropriate Austroads pavement design guide;

c) Establish the appropriate existing equivalent renewal pavement design and associated costs in conjunction with Moorabool Shire Council and VicRoads and establish the calculated damage (if any) directly attributable to the wind energy facility and the amount (if any) to be reimbursed to Moorabool Shire Council;

d) Include the designation of routes and speed limits for oversize vehicles and other heavy vehicles on routes accessing the site so as to avoid interference with the passage of school buses, and to provide for resident safety and the safe management of stock;

e) Limit construction traffic, except sedans and light commercial vehicles, to operating hours during daylight hours Monday to Saturday inclusive;

f) Provide details of any large over dimensional vehicles to be used (such as those used for the transport of the nacelles, blades and tower sections) and details of the routes to be taken, the proposed escort arrangements and requirements for over dimensional permits from VicRoads;

g) Identify local roads that will be used to exit onto the arterial roads. These roads must be constructed to allow for the vehicle path and sealed back a minimum of 20 metres from edge of seal of the arterial road;

h) Specify the need for road and intersection upgrades including signage to accommodate any additional traffic or site access requirements, whether temporary or ongoing, and the timing of when these upgrades are to be undertaken;

i) Include measures to be used to manage traffic impacts associated with the construction and ongoing operation of the wind energy facility (including temporary speed zones and times of operation in accordance with VicRoads 'Roadworks Signing Code of Practice') on the traffic volumes and flows on surrounding roads;

j) Identify any areas of roadside native vegetation which need removal or pruning and the pruning practices to be followed;

k) Include identification and timing of any pre-construction works;

l) Include a program of regular inspections, to be carried out during the construction period, to identify the need for maintenance works necessary as a result of construction traffic;

m) Include agreed criteria that will trigger repair and maintenance works; and

n) Include a program to rehabilitate roads to the pre-existing condition identified by the above surveys.

**ROADWORKS REQUIREMENTS (VICROADS)**

24. Prior to the start of the development the developer must:

    a) Submit final detailed construction drawings of the altered intersections including line marking to be approved by VicRoads

    b) Prepare a specification for the works in accordance with the relevant sections of the VicRoads' Standard Specification For Roadworks

    c) Submit construction drawings and location of the new access (GB1) from the Geelong-Ballan Rd for approval

25. Prior to commencing any works in, on, under or over the arterial road reserve, the developer must first apply for, and receive written consent from VicRoads for those works in accordance with section 63 of the *Road Management Act 2004*.

26. All roadworks to intersections and access point GB1 must be completed to the satisfaction of VicRoads prior to the commencement of construction works.

27. All works to intersections and access point GB1 must be at the developer's cost.

28. The contractor must be VicRoads approved or prequalified at R1 level.

**COMPLIANCE WITH TRAFFIC MANAGEMENT PLAN**

29. 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. The cost of any works including maintenance attributed to the wind energy facility are to be at the expense of the wind energy facility operator.

**EMERGENCY RESPONSE PLAN**

30. Before the development starts an emergency response plan must be prepared and approved by the Minister for Planning. When approved the emergency response plan will be endorsed and will then form part of this permit.

    The emergency response plan must be generally in accordance with "*Emergency Management Guidelines for Wind Farms*" (Country Fire Authority April 2007).

    The emergency response plan must be prepared in consultation with:

    - Country Fire Authority
    - Victoria Police
    - Rural Ambulance Victoria

- State Emergency Service, and
- Any other relevant members of the Moorabool Shire's Municipal Emergency Response Management Committee.

The emergency response plan should generally conform to "*AS 3745-2002 Emergency control organization and procedures for buildings, structures and workplaces*", or any subsequent replacement or amendment.

The emergency response plan must include:

a) Criteria for the provision of static water supply tanks, solely for fire fighting purposes, including minimum capacities, appropriate connections and signage;

b) Procedures for vegetation management, fuel control and the provision of fire fighting equipment during declared fire danger periods;

c) Minimum standards for access roads and tracks, to allow access for fire fighting vehicles, including access to static water supply tanks;

d) The facilitation by the wind energy facility operator, before or within 3 months after the commencement of operation, of a familiarisation visit to the site and explanation of emergency services procedures for the relevant members of the Country Fire Authority, Rural Ambulance Victoria, Victoria Police, State Emergency Service and Moorabool Shire's Emergency Response Management Committee;

e) Subsequent familiarisation sessions for new personnel of those organisations as required; and

f) If requested, training of Country Fire Authority personnel in relation to suppression of wind energy facility fires.

**BAT AND BIRD MANAGEMENT PLAN**

31. Before the development starts a bat and bird management plan (BBMP) to the satisfaction of the Minister for Planning must be prepared in consultation with the Department of Sustainability and Environment. When approved, the plan will be endorsed and form part of the permit.

    The BBMP 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 that starts when 30% of the total number of turbines are in operation and continues for two years from the commissioning of the last turbine in each stage, including surveys during the breeding, non-breeding and migratory seasons to ascertain:

        (i) The presence, behaviour and movements of any Wedge-tailed Eagles, especially breeding pairs in the vicinity of the wind energy

facility, or other avifauna species listed under the *Flora and Fauna Guarantee Act 1988* or the *Environment Protection and Biodiversity Conservation Act 1999;*

(ii) The species, number, age, sex (if possible) and date of bird and bat strikes;

(iii) Procedures for the reporting of any bird or bat strikes to the Department of Sustainability and Environment. Any bird strikes affecting the priority species identified in condition 25(b)(i) must be reported to the DSE within 7 days of becoming aware of any strike;

(iv) Seasonal and yearly variation in the number of bird and bat strikes; and

(v) The efficacy of searches for carcases of birds and bats, and where practical, 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.

c) Requirements for periodic reporting, within agreed timeframes, of the findings of the monitoring to the Department of Sustainability and Environment;

d) Recommendations in relation to a mortality rate for specified species which would trigger the requirement for responsive mitigation measures to be undertaken by the proponent to the satisfaction of the Minister for Planning; and

e) Details of any responsive mitigation measures which may be implemented if the trigger mortality rate for a specified species is exceeded.

32. Following the completion of the monitoring program in accordance with the BBMP, a bat and bird monitoring report must be prepared by the applicant setting out the findings of the monitoring program to the satisfaction of the Minister for Planning.

**STRATEGY FOR MONITORING AND MITIGATION MEASURES FOR IMPACTS ON ECOLOGICALLY SIGNIFICANT BATS AND BIRDS**

33. In the event that impacts detected during the BBMP's monitoring program are considered by the Minister for Planning to be ecologically significant, a monitoring and mitigation measures strategy must be prepared in consultation with the Department of Sustainability and Environment to the satisfaction of the Minister for Planning. When approved the monitoring and mitigation measures strategy will be endorsed and will then form part of this permit.

    The monitoring and mitigation measures strategy must include, for each species for which ecologically significant impacts have been detected:

    a) Further monitoring of the 'targeted' species, and

b) Mitigation measures for 'targeted' species.

all to be implemented to the satisfaction of the Department of Sustainability and Environment.

**TELEVISION, RADIO AND TELEPHONE RECEPTION INTERFERENCE**

34. Before the development starts a television, radio and telephone reception plan must be prepared to the satisfaction of the Minister for Planning. When approved, the plan will be endorsed and form part of the permit.

The television, radio and telephone reception plan must include:

a) A definition of the area to be covered by the television, radio and telephone reception plan (the defined area) based on the recommendations of a suitably qualified expert;

b) A pre-construction survey to determine television, radio and telephone reception strength at selected locations within the defined area, completed prior to the commissioning of any turbine. The location of such monitoring will include non-host dwellings as defined below and other locations to be determined by an independent television and radio monitoring specialist appointed by the wind energy facility operator;

c) A procedure for a post-construction survey at any dwelling in the defined area that existed at the date of the pre-construction survey in response to any complaint received regarding the wind energy facility having an adverse effect on television or radio or telephone reception; and

d) A procedure for the implementation of mitigation measures at any dwelling in the defined area that existed at the date of the pre-construction survey if the post-construction survey establishes any increase in interference to reception as a result of the wind energy facility operations. The mitigation measures shall return the affected reception to pre-construction quality and be undertaken at the cost of the wind energy facility operator, all to the satisfaction of the responsible authority.

**BLADE SHADOW FLICKER**

35. Shadow flicker from the wind energy facility must not exceed 30 hours per annum at any dwelling existing as at the date of this permit to the satisfaction of the Minister for Planning.

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

**PRE-DEVELOPMENT NOISE ASSESSMENTS**

36. Before the development starts a pre-development noise assessment of the wind energy facility must be completed to the satisfaction of the Minister for Planning.

The pre-development noise assessment must be completed in accordance with the noise criteria specified in the noise standard referenced in the '*Policy and planning guidelines for development of wind energy facilities in Victoria''*.

All aspects of the assessment must be conducted by a suitably qualified and experienced acoustic expert.

**NOISE STANDARD**

37. Except as provided below in this condition, the operation of the wind energy facility must comply with the noise criteria specified in the noise standard referenced in the '*Policy and planning guidelines for development of wind energy facilities in Victoria''* 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 responsible authority. 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 36 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 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 COMPLIANCE ASSESSMENT**

38. 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 by 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 37 of this permit for all non-stakeholder dwellings at or above the noise level of 35dBA predicted from Condition 36 above.

   Compliance testing will be carried out according to:

   (i) the method described in NZS6808:1998 '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 shut down that, when operating, influence the noise level at the dwelling, 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 38(c) of this permit;

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

**NOISE COMPLIANCE ENFORCEMENT**

39. Before the use begins the proponent must prepare a detailed noise complaint evaluation and response plan in consultation with the Environment Protection

Authority and the Moorabool Shire Council and to the satisfaction of 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 determining whether the noise complaint identifies a breach of permit conditions;

e) a response protocol for confirmed breaches including, but not limited to:

(iii) determination of the meteorological circumstances at the time of the breach and the operational status of the turbine(s) at that time;

(iv) noise optimisation of the relevant wind turbine(s) under the same meteorological circumstances as occurred at the time of the breach;

(v) in the event of a further breach the selective shut down of the relevant wind turbine(s) or turbines in the same meteorological circumstances;

(vi) 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 the Moorabool Shire Council; and

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

**DECOMMISSIONING**

40. The wind energy facility operator must, no later than one month after all wind turbines have permanently ceased to generate electricity, notify the Minister for Planning in writing of the cessation of the use. Within a further six 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 turbines(s) is/are located, must prepare a decommissioning plan to the satisfaction of the Minister for Planning. When approved, the decommissioning plan will become part of this permit.

41. The decommissioning plan must provide for the following:

a) The removal of all above ground operational equipment;

b) The removal and clean up of any residual spills or contamination;

c) The rehabilitation of all storage, construction, access tracks and other areas affected by the project closure or decommissioning, if not otherwise useful to the on-going management of the subject land;

d) A decommissioning traffic management plan; and

e) A post decommissioning revegetation management plan;

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

**BUSINESS IDENTIFICATION SIGNS**

42. The total advertisement area to each business identification sign must not exceed 3 square metres

**EXPIRY**

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

(i) the development is not started within 5 years of the date of this permit;

(ii) the development is not completed within 10 years of the date of this permit.

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.

**Notes:**

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.

For the purpose of this permit, a host means the land holder of a property within the subject land with a contract in respect of the installation and operation of the wind energy facility.

29 OCT 2010

**Date Issued:**

**Signature for the Minister**

**Date Issued:**

**Signature for the Minister**

**IMPORTANT INFORMATION ABOUT THIS PERMIT**

**WHAT HAS BEEN DECIDED?**

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

**WHEN DOES A PERMIT BEGIN?**

A permit operates—

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

**WHEN DOES A PERMIT EXPIRE?**

1. A permit for the development of land expires if—

   the development or any stage of it does not start within the time specified in the permit; or

   the development requires the certification of a plan of subdivision or consolidation under the Subdivision Act 1988 and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or

   the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the Subdivision Act 1988.

2. A permit for the use of land expires if—
   - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
   - the use is discontinued for a period of two years.

3. A permit for the development and use of land expires if—
   - the development or any stage of it does not start within the time specified in the permit; or
   - the development or any stage of it is not completed within the time
   - specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
   - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
   - the use is discontinued for a period of two years.

4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the Planning and Environment Act 1987, or to any combination of use, development or any of those circumstances requires the certification of a plan under the Subdivision Act 1988, unless the permit contains a different provision—
   - the use or development of any stage is to be taken to have started when the plan is certified; and
   - the permit expires if the plan is not certified within two years of the issue of the permit.

5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

6. In accordance with section 97H of the Planning and Environment Act 1987, the Minister is the responsible authority in respect to any extension of time under section 69 in relation to this permit.

**WHAT ABOUT APPEALS?**

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