

PLANNING PERMIT

Permit No: 2008/0538

Planning Scheme: Moyne

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

ADDRESS OF THE LAND:

Land generally described south of
Mortlake as:

The land bounded by Mortlake
Framlingham Road to the west, Hinkleys
Lane and Terang-Mortlake Road to the
north, Tapers Lane to the east and
Londrigans Lane to the south, inclusive
of:

Allotment 57A, Parish of Kolora

Allotment 47A, Parish of Kolora

Lot 1 PS 405742

Lot 2 PS 405742

Lot 45 LP4049

Lot 44 LP 4049

Lot 1 LP 94549

Lot 2 LP 94549

Lot 1 TP 535872

Lot 1 TP 118582

Lot 2 TP 395362

Lot 1 TP 395362

Lot 2 LP 209050

Lot 1 TP 341828

Allotment 17, Parish of Kolora

Allotment 18, Parish of Kolora

Lot 1 TP 173596

Lot 2 TP 173596

Lot 1 TP 173678

Allotment 18A, Parish of Kolora

Allotment 76, Parish of Kolora

Lot 1 LP 89265

Allotment 1B, Section 21 (pt) Parish of
Kolora

Lot 1 PS 412947

Lot 2 PS 412947

Lot 3 PS 412947

Lot 4 PS 412947

Lot 1 TP 204033

Lot 16B LP 4049

Allotment 19A, Parish of Kolora

Allotment 20A, Parish of Kolora

Allotment 7A, Section 3, Parish of Kolora

Allotment 1A, Section 2, Parish of Kolora

Allotment 2A, Section 2, Parish of Kolora

Lot 1 TP 741556

Lot 1 TP 338652

Lot 1 TP 868762

Lot 1 TP 126572

Lot 1 TP 128301

Lot 1 TP 412906

Lot 1 TP 376172

Lot 1 TP 761875

Lot 2 Section 2 LP 80636

Lot 1 Section 2 LP 80636 (Pt).

THE PERMIT ALLOWS:

Use and development of land for a wind energy facility, comprising 51 wind turbines and associated infrastructure (including the construction of access tracks, electrical cabling, two substations, control and maintenance facility, three permanent anemometers, temporary construction facilities, business identification signage, car parking and bicycle facilities) as described in those portions of the "Mortlake Wind Farm" planning permit application report relating to the "Mortlake South" component.

Alterations to an existing access point to a Road Zone Category 1 (Terang – Mortlake Road).

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 show:

- a) 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(s), 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) at least a 50 metre setback of turbines from designated waterways;
- c) global positioning system coordinates using WGS84 datum for each turbine;
- d) details of the model and capacity of the wind turbines to be installed;
- e) dimensions, elevations, materials and finishes of the wind turbines and other buildings and works;
- f) any directional signage and any required safety signage;
- g) business identification signage including dimensions, details, colours and graphics; and
- h) any staging of development.

The plans must be generally in accordance with the Mortlake South Planning Panel Layout Plan 1D (file reference \MOR_PLP_004_01A) dated 26/02/10 as tabled at the Directions Hearing.

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.

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;
- ensures any micro-siting does not move a turbine closer than 1,005 metres to a non-stakeholder dwelling;
- ensures no turbine is located within 50 metres of a title boundary of a non-stakeholder or a public road;
- 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.

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.

SPECIFICATIONS

3. The wind energy facility must meet the following requirements:
 - a) the wind energy facility must comprise no more than 51 wind turbines;
 - b) the overall maximum height of the wind turbines (to the tip of the rotor blade when vertical) must not exceed 141 metres above natural ground level;
 - c) wind turbines must be mounted on a tubular tower with a height of no greater than 100 metres;
 - d) each wind turbine is to have not more than three rotor blades, with each blade having a length of no greater than 41 metres;

- 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, except, with the written consent of the Minister for Planning;
- j) on-site fire fighting infrastructure must be provided in accordance with Condition 13(f); and
- k) business identification signage on the wind farm must not exceed 3m² in total.

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 may be submitted in stages, if required. The plan must include:
- a) a statement outlining the design intentions of the plan;
 - b) landscaping or building works to screen the substation, switchyard and associated buildings other than the turbines;
 - c) details of plant species proposed to be used in the landscaping, including installation size, numbers, height and spread at maturity;
 - d) a timetable for implementation of all landscaping works;
 - e) a maintenance, replacement and monitoring program; and

- f) arrangements for surfacing of access tracks in a manner which does not unduly contrast with the landscape and the rehabilitation of track margins.

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 6 months of the date of endorsement of the development plan under Condition 1:

- 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 3.0 kilometres of the nearest turbine;
- 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) the design intention of the plan;
- (ii) 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) and fire safety (low combustibility)
 - impact on native vegetation (weed propensity, overshadowing of remnants on roadsides)
- (iii) use of a mix of tubestock and advanced planting with good survival potential to provide immediate and long term screening;
- (iv) reinforcement planting for existing senescent vegetation likely to die within the project lifespan;
- (v) maintenance of landscaping for at least three years; and

- (vi) a timetable for implementation of the landscaping works to ensure planting is undertaken at a seasonally appropriate time.
- c) The availability of offsite landscaping to those owners identified in Condition 5(a) must remain in place until 12 months after the commissioning of the last turbine.
- d) The landscape works as shown on the endorsed off-site landscape plan must be completed to the satisfaction of the responsible authority within the timetable provided in the plan.

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 obstacle lighting must be installed such that it is activated only:
 - (i) if at night, when an aircraft is in the immediate vicinity of the wind energy facility;
 - (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) the lights are to switch on and off at times of ambient lighting conditions as recommended by CASA; and
- g) before the wind farm is commissioned, a lighting maintenance plan must be prepared to the satisfaction of the Minister for Planning.

AVIATION SAFETY CLEARANCES

- 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

- 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 Moyne Shire Council, Corangamite Shire Council and VicRoads to the satisfaction of the Minister for Planning.
- 11. Before the development starts, a traffic management plan must be prepared in consultation with Moyne Shire Council, 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) an existing conditions survey of public roads to the satisfaction of Moyne Shire Council, Corangamite Shire Council and VicRoads (as relevant) that may be used for access and designated construction transport vehicle routes in the vicinity of the wind energy facility, including details of the suitability, design, condition and construction standard of the roads;
 - b) the designation of appropriate construction and transport vehicle routes to the wind energy facility site;
 - c) 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;

- d) the identification and timetabling of any required pre-construction works;
 - e) the designation of all vehicle access points to the wind energy facility from surrounding roads. The location and detailed design of the connection between the internal access tracks and the public roads must ensure safe sight distances, turning movements, and avoid potential through traffic conflicts;
 - f) recommendations on the need for road and intersection upgrades to accommodate any additional traffic or site access requirements, whether temporary or on-going and the timing of when these upgrades are to be undertaken. This is to include engineering plans demonstrating how truck movements can be accommodated on sealed roadways. The plan must include details of any required road construction works;
 - g) 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;
 - h) a program of regular inspections to be carried out during the construction period to identify maintenance works necessary as a result of construction traffic;
 - i) a program to rehabilitate roads to the condition identified by the surveys required above by Condition 11(a) above ; and
 - j) if required by Moyne Shire Council and/or 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 road works not completed under the Traffic Management Plan or to be released at the end of that period.
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 and the cost of any works including maintenance are to be at the expense of the permit holder.

ENVIRONMENTAL MANAGEMENT PLAN

13. Before the development starts, an environmental management plan must be prepared to the satisfaction of the Minister for Planning, in consultation with the Department of Sustainability and Environment, Moyne Shire

Council, Country Fire Authority and other agencies as specified in this condition or as further directed by the Minister for Planning. The environmental management plan 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 the Environment Protection Authority Publication 480, *Environmental guidelines for major construction sites* and any other EPA requirements;
 - (ii) the identification of all potential contaminants stored on site;
 - (iii) the identification of all construction and operational processes that could potentially lead to water contamination;
 - (iv) the identification of appropriate storage, construction and operational methods to control any identified contamination risks;
 - (v) the identification of waste re-use, recycling and disposal procedures;
 - (vi) appropriate sanitary facilities for construction and maintenance staff in accordance with the Environment Protection Authority Publication 891.1 *Septic Tanks Code of Practice*;
 - (vii) a timetable, where practicable for the construction of turbine bases, access tracks and power cabling during warmer months to minimise impacts on ephemeral wetlands, local fauna and sediment mobilisation;
 - (viii) procedures to ensure that construction vehicles and equipment use designated tracks and works areas to avoid impacts on native vegetation;
 - (ix) the covering of trenches and holes at night time and to fill trenches as soon as practical after excavation, to protect native fauna; and
 - (x) the removal of works, buildings and staging area on completion of construction of the project.

- b) A **sediment, erosion and water quality management plan**. This plan must be prepared in consultation with the Corangamite Catchment Management Authority, the Environment Protection Authority and other authorities as may be directed by the Minister for Planning. The plan must include:
- (i) procedures to ensure that silt from batters, cut-off drains, table drains and road works is retained on the site during and after construction and replaced as soon as possible. To this end:
 - all land disturbances must be confined to a minimum practical working area;
 - soil to be removed must be stockpiled and separate soil horizons must be retained in separate stockpiles and not mixed and replaced as soon as possible in sequence; and
 - stockpiles must be located away from drainage lines;
 - (ii) criteria for the siting of any temporary concrete batching plant associated with the development of the wind energy facility and the procedure for its removal and reinstatement of the site once its use finishes. The establishment and operation of any such temporary concrete batching plant must be designed and operated in accordance with the 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 Environment 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 Environment Protection Authority 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 **flora and fauna management plan** to be prepared in consultation with the Department of Sustainability and Environment. This plan must include:
- (i) measures to protect native vegetation in the site area including application of the Native Vegetation Management Framework principles (removal of such vegetation is not approved by this permit);
 - (ii) measures to protect native fauna during construction and operation of the wind farm; and
 - (iii) procedures for the rehabilitation of construction zones with appropriate pasture species.
- f) 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 Moyne Shire Council. This plan must include and consider:
- i. constructed roads should be a minimum of (4) four metres trafficable width with a four metre (4m) vertical clearance for the width of the formed road;
 - ii. 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;
 - iii. 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;

- iv. dips in the road should have no more than a 1 in 8 (12.5%) (7.1 °) entry and exit angle;
- v. water access points shall be located in safe easily identifiable areas, accessible in all weather conditions;
- vi. water access points should be designed, constructed and maintained for a load limit of at least 15 tonnes;
- vii. a turning point with a minimum radius of 10 metres is required for fire appliances at all water access points;
- viii. fire brigade appliances should be able to park within four (4) metres of the water supply outlet on a hard standing area;
- ix. bulk static water storages (22500 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;
- x. 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;
- xi. water access points are to be marked by appropriate signage as per CFA's *Guidelines for Identification of Street Hydrants for Fire Fighting Purposes*;
- xii. 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;
- xiii. a fuel reduced area of (4) four metres should be maintained around the perimeter of electricity compounds and sub station type facilities;
- xiv. there should be no long grass or deep leaf litter in areas where plant and heavy equipment will be working;
- xv. all plant and heavy equipment should carry at least one 9 Litre Water Stored pressure fire extinguisher with a minimum rating of 3A;
- xvi. internal fire protection systems, where appropriate, to assist with fire suppression;
- xvii. lighting protection devices, where appropriate, installed on each wind farm;

- xviii. dedicated monitoring systems within each wind turbine that detect temperature increases in turbines and shuts them down when the threshold temperature is reached;
 - xix. construction of the wind farm outside the fire season where possible;
 - xx. a program of training of volunteer and paid CFA personnel in fire suppression in and around the wind energy facility.
- g) **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.
- h) **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 satisfaction of 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;
 - (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.
- i) **A training program** for construction workers and permanent employees or contractors at the wind energy facility site including a site induction program relating to the range of issues addressed by the Environmental Management Plan.
- j) **A program for reporting** including a register of environmental incidents, non-conformances, complaints, corrective actions and advice on to whom the reports should be made.

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

14. The environmental management plan must be reviewed and if necessary amended in consultation with the Moyne 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.

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

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 5 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 the 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 (if aviation obstacle lighting is installed) 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 species listed under the *Environment Protection and Biodiversity Conservation Act 1999* or the *Flora and Fauna Guarantee Act 1988* struck by or colliding with turbines 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 carcasses 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).
17. Following the completion of the monitoring program of at least 5 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 ASSESSMENT

18. If the turbine hub height is to be increased above 80 metres, new noise predictions for Mortlake South must be undertaken in accordance with relevant standard referenced in the *'Policy and planning guidelines for development of wind energy facilities in Victoria'*, based on the type and hub height of turbines to be used. The results of such assessment should be submitted with an independent peer review (undertaken by a suitably qualified person not otherwise associated with the project) as to its adequacy and conclusions to the Minister for Planning for approval.

NOISE STANDARD

19. 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 Minister for Planning.

In determining compliance the following requirements apply:

- a) the sound level from the wind energy facility within 20 metres of any dwelling must not exceed the level specified in the noise standard referenced in the *'Policy and planning guidelines for development of wind energy facilities in Victoria'*, or the background noise level by more than 5 dBA, whichever is the greater;
- b) compliance must be assessed separately 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 and 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

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 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 prediction, by a suitably qualified acoustic expert, of the area within which the noise level from the wind energy facility during full operation will be 35 dB (A) or greater.
- d) Identification of all dwellings, excluding host dwellings, within the area predicted in (c) above and a statement as to whether consent from the owner of each of the identified dwellings for compliance testing has been obtained or refused.
- e) A method or methods of testing compliance with the noise limits prescribed in Condition 20 of this permit for each dwellings identified in (d) above for which consent for the conduct of compliance testing has been obtained.

The compliance testing method must be either:

- (i) the method described in the standard referenced in the *'Policy and planning guidelines for development of wind energy facilities in Victoria'*;
- (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.
- f) 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.
- g) 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;
- h) 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 5 dB(A) to the measured operating noise levels as shown in Condition 19 (c) of this permit; and
- i) a procedure under which all results of compliance testing conducted in any month are reported to the Moyne Shire Council and Minister for Planning every six months;

NOISE COMPLIANCE ENFORCEMENT

21. Before the use begins the proponent must prepare a detailed noise complaint evaluation and response plan in consultation with the the Environment Protection Authority and the Moyne Shire Council. The plan must be submitted to, and approved by, the Minister for Planning. This plan must include the following elements:

- a) a toll free noise complaint telephone service;
- b) the erection of a 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 19;

- 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) a register of complaints, responses and rectifications which may be inspected by the Minister for Planning and the Moyne 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.

CUMULATIVE NOISE IMPACT

- 22.** If a turbine or turbines of another wind energy facility are constructed within 3km of any turbine at the Mortlake Wind Energy Facility a cumulative noise management plan must be prepared and implemented to the satisfaction of the Minister for Planning. This plan shall include:
- a) identification of any dwellings likely to be affected by noise from both wind energy facilities;
 - b) an evaluation of the likelihood of the noise criteria in Condition 19 being exceeded by either or both of the wind energy facilities;
 - c) agreed protocols with the other wind energy facility operator for recording and responding to complaints from the identified dwellings in 22(a) above; and
 - d) agreed response measures with the other wind energy facility operator including turbine shutdown or noise management pending resolution of the complaint.

BLADE SHADOW FLICKER

23. Shadow flicker from the wind energy facility must not exceed 30 hours per annum at any dwelling existing prior to the planning permit application date.

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).

24. Before the use starts, details of a complaint evaluation and response process must be submitted to and approved by the Minister for Planning to assess any alleged breach of Condition 23. Thereafter, the use must be carried out in accordance with the approved process and alleged breaches identified by this process must be addressed to the satisfaction of the responsible authority.

TELEVISION AND RADIO RECEPTION AND INTERFERENCE

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 5 km 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.

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.
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

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

PRELIMINARY INVESTIGATIVE WORKS

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

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

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

32. This permit will expire if one of the following circumstances applies:
- (i) the development is not started within 3 years of the date of this permit;
 - (ii) the development is not completed within 6 years of the date of this permit.

The Minister for Planning may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

Deleted:

Date Issued:

Signature for the Minister



07 OCT 2010

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.

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

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.