

PLANNING PERMIT

Permit No: 5.2009.94.1

Planning Scheme: Northern Grampians Planning Scheme

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

ADDRESS OF THE LAND:

The title details for this land are:

Volume 05729 Folio 770 - Crown Allotment 71 Parish of Bulgana

Volume 04251 Folio 149 - Crown Allotment 94 Parish of Bulgana

Lots 1, 2, 3, 4, 5, on Title Plan 648641H ((formally known as Crown Allotments 50C, 50D, 52, 55 & 61 Parish of Bulgana)

Volume 07490 Folio 151 - Crown Allotment 53 Parish of Bulgana

Volume 06188 Folio 469 - Crown Allotment 53A Parish of Bulgana

Volume 09657 Folio 240, Parent Title Volume 06188 Folio 468 – Crown Allotment 61A Parish of Bulgana

THE PERMIT ALLOWS:

Use and development of land for a Wind energy facility comprising 5 generators and associated infrastructure including access roads, cabling, permanent anemometers, internal powerlines, excavation of rock material, earthworks, maintenance and storage facilities, car parking, removal of native vegetation and alterations to roads.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

DEVELOPMENT PLANS

1. Before the development starts (following pre-construction phase preliminary investigative works and the carrying out of detailed design works), development plans must be prepared to the satisfaction of the Minister for Planning. The plans must be drawn to scale with

dimensions and graphic scale. 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 permitted use and development must be conducted in accordance with all plans that are endorsed under 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 Figure 2.2 of the application 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 site boundary as depicted in Figure 2.2 of the application plans;
- (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) Any ancillary works (e.g. temporary facilities and operations within the construction compounds); and
 - (vi) The infrastructure zone.
- (f) A description of the materials and finishes of the wind turbine towers, nacelles, rotor blades and other permanent on-site buildings. The wind turbine towers, nacelles and rotor blades must be of a non-reflective finish and colour;
- (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;

- (i) Drawings demonstrating that the placement of turbine locations will not interfere with the exclusion zones of any licensed communications links;
 - (j) The location of all host dwellings and non-host dwellings within 3km of the nearest turbine; and
2. 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.

SPECIFICATIONS

3. The wind energy facility must meet the following requirements:
- (a) The wind energy facility must comprise no more than 5 wind turbines;
 - (b) The overall maximum height of the wind turbines (to the zenith of the sweep of the rotor blade tip) must not exceed 135 metres above foundation level;
 - (c) The wind turbines must be mounted on tubular towers;
 - (d) The diameter of the rotor of the wind turbines must not exceed 104 metres;
 - (e) The hub height of the of the wind turbines must not exceed 94 metres;
 - (f) The rotor of the wind turbines must have only three rotor blades;
 - (g) Access tracks within the subject land must, to the satisfaction of the responsible authority:
 - (i) have a surface material that will not unduly contrast with the landscape except where tracks need to be sealed;
 - (ii) be designed to minimise impact on the farming activities on the land; and
 - (iii) have an effective trafficable width of not less than 3 metres;
 - (h) The transformer associated with each wind turbine must be enclosed within the tower / nacelle or be located beside each tower and pad mounted;

- (i) All new electricity cabling and powerlines associated with the internal collector network within the wind energy facility must be underground unless overhead powerlines are demonstrated to be necessary, and must otherwise be in accordance with the endorsed plans except with the further written consent of the Minister for Planning;
- (j) Except in the case of an emergency or to accommodate the requirements of the network service provider, no external lighting of infrastructure associated with the wind energy facility, other than low level security lighting and aviation obstacle lighting as provided for in condition 3(m), may be installed or operated without the further written consent of the Minister for Planning;
- (k) All spare parts and other equipment and materials associated with the use of the wind energy facility must be located in locked storage areas that are inaccessible to the public to the satisfaction of the responsible authority;
- (l) All turbines must be located within the infrastructure zones shown on the endorsed plan(s);
- (m) Aviation obstacle lighting must not be installed unless the written consent of the Minister for Planning has been obtained.

Any lighting installed must conform with the requirements of the environmental management plan, a quantitative risk assessment or the requirement of a regulatory authority and be of the lowest intensity consistent with safety.

STAGING

- 4. The use and development authorised by this permit may be completed in stages as shown on the endorsed plan(s) to the satisfaction of the responsible authority. 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

- 5. The use and development shown on the plan(s) endorsed under this permit must not be altered or modified unless with the written consent of the Minister for Planning and the following requirement are met:
 - (a) There is no material adverse change in landscape, vegetation, cultural, visual, shadow or noise impacts compared to the endorsed plan(s);

- (b) The turbines and wind energy facility infrastructure are located within the infrastructure zone;
- (c) A turbine is not moved to within 1 kilometre of any non-host dwelling;
- (d) A turbine location is altered by no more than 100 metres; and
- (e) No turbine base is located within:
 - (i) 100 metres from a Road Zone Category 1 or land in a Public Acquisition Overlay to be acquired for a road;
 - (ii) 40 metres from a Road Zone Category 2;
 - (iii) 20 metres from any other road;
 - (iv) 5 metres from the site boundary;
 - (v) 100 metres from a dwelling that is not a host dwelling;
 - (vi) 50 metres from a waterway, wetlands or designated flood plain; or
 - (vii) within an exclusion zone of any licensed communications link.

ENVIRONMENTAL MANAGEMENT PLAN

6. 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 Department of Sustainability and Environment, Ararat Rural City Council, Northern Grampians Shire Council, relevant Catchment Management Authorities and the Country Fire Authority.

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 use and development must be carried out in accordance with the endorsed environmental management plan to the satisfaction of the responsible authority.

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

- a) **Training and induction program** which must include;
- i. 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.
- b) **Native vegetation management plan** which must include;
- i. Protocols so that net gains will be undertaken if native vegetation disturbance and removal cannot be avoided for the construction, operation and decommissioning stages of the project; and
 - ii. Procedures for the rehabilitation of construction zones with appropriate pasture species.
- c) **Net gain offset management plan** which must include;
- i. 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)*;
 - ii. 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;
 - iii. Type of offsets to be provided for each location;
 - iv. 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);
 - v. Methods of managing and restoring the vegetation, including revegetation, such as fencing, weed control, enhancement planting and other habitat management actions;
 - vi. Pest plant and animal control methods;
 - vii. A statement of the need to source local seed stock and options available for sourcing of local seed;
 - viii. A statement of the need for revegetation works to be carried out by a suitably qualified ecological specialist;
 - ix. 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*;

- x. Persons responsible for implementing and monitoring the offset plan; and
- xi. A schedule of management actions, which documents how the net gain outcomes will be achieved within a 10 year timeframe.

d) **Pest plant management plan** which 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.

e) **Bird and bat management plan** which must include;

- i. 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;
- ii. A monitoring program of at least two years duration either commencing from 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;
- iii. The monitoring program must incorporate turbine numbers T32, T33, T64 and T65, and include surveys during the breeding and migratory seasons to ascertain:
 - The species, number, age, sex (if possible) and date of bird and bat strike
 - The number and species of birds and bats struck at lit versus unlit turbines
 - Any seasonal and yearly variation in the number of bird and bat strikes
 - Whether further detailed investigations are to be undertaken in consultation with the Department of Sustainability and Environment and to the satisfaction of the Minister for Planning.
- iv. Procedures for the reporting of any bird or bat strikes to the Department of Sustainability and Environment within 7 days of

- becoming aware of any strike identifying where possible whether the strike was by a lit or unlit turbine;
- v. Information on the efficacy of searches for carcasses of birds and bats, and where practical, 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;
 - vi. Procedures for the regular removal of carcasses likely to attract raptors to areas near turbines;
 - vii. Procedures for periodic reporting, within agreed timeframes, of the findings of the monitoring to the Department of Sustainability and Environment and the local community;
 - viii. 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;
 - ix. Details of any responsive mitigation measures which may be implemented if the trigger mortality rate for a specified species is exceeded; and
 - x. 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).
- f) **Pest animal management plan** which must include;
- i. Procedures for the control of pest animals, particularly by avoiding opportunities for the sheltering of pests.
- g) **Aviation lighting plan**, if lighting is approved by the Minister for Planning.
- h) **Fire prevention and emergency response plan** which must include;
- i. Criteria for the provision of static water supply tanks, solely for fire fighting purposes, including minimum capacities, appropriate connections and signage;
 - ii. Procedures for vegetation management, fuel control and the provision of fire fighting equipment during declared fire danger periods;

- iii. Minimum standards for access roads and tracks, to allow access for fire fighting vehicles, including criteria for access to static water supply tanks for fire fighting vehicles;
 - iv. The facilitation by the 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 Northern Grampians Shire Council's Emergency Management Committee;
 - v. Subsequent familiarisation sessions for new personnel of those organisations on a regular basis and/or as required; and
 - vi. If requested, training of Country Fire Authority personnel in relation to suppression of wind energy facility fires.
- i) **Bushfire mitigation plan.**
- j) **Sediment, erosion and water quality management plan** which 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 and design of any temporary concrete batching plant associated with the development of the wind energy facility and the procedure for its operation, 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 constructions activities during periods of heightened winds and revegetating exposed areas as soon as practicable;
- v. Procedures to ensure that steep batters are treated appropriately for sediment pollution control in accordance with Environmental Protection Authority Publication 275 *Construction Techniques for Sediment Pollution Control*;
- vi. Procedures for the management of contaminated waste water including waster water discharge;
- vii. The identification of waste reuse, recycling and disposal procedures,
- viii. A process for overland flow management to prevent the concentration and diversion of waters onto steep or erosion prone slopes;
- ix. Pollution management measures for stored and stockpiled materials including waste materials, litter, contaminated run-off and any other potential source of pollution to ground or surface waters;
- x. Procedures for the discharge of collected runoff;
- xi. Incorporation of pollution control measures outlined in EPA Publication 480 *Environmental Guidelines for Major Construction Sites*;
- xii. Siting of concrete batching plant and any on-site wastewater and disposal and disposal treatment fields at least 100 metres from any watercourse;
- xiii. Appropriate capacity and an agreed program for annual inspection and regular maintenance of any on-site wastewater management system constructed to service staff, contractors or visitors;
- xiv. A program of inspection and procedures for the immediate remediation of localised erosion within a specified response time; and
- xv. Management procedures to prevent pollution of the local waterways, particularly from wash water and waste concrete materials.

k) Construction workforce accommodation assessment.

- l) **Aboriginal cultural heritage assessment.**
- m) **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 Environment Protection Authority (EPA) requirements;
 - ii. The identification of all potential contaminants and hazardous materials used and/or stored on site in connection with the development and use;
 - iii. The identification of all construction and operations processes that could potentially lead to water contamination;
 - iv. The identification of appropriate storage, construction and operational methods to control any identified contamination risks;
 - v. The identification of waste re-use, recycling and disposal procedures;
 - vi. Appropriate sanitary facilities for construction and maintenance staff in accordance with the EPA Publication 891.1 *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 area avoid impacts on native vegetation;
 - ix. Procedures to ensure the covering of excavations, trenches and holes at night time and to fill trenches as soon as practical after excavation, to protect, as far as practicable, native fauna and domestic stock from being injured by or entrapped; and
 - x. The removal of works, buildings and staging area on completion of construction of the project.
- n) **Blasting plan** which must include;
 - 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 1km 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.

o) Hydrocarbon and hazardous substances plan which must include;

- i. Procedures for the proper handling and storage of hazardous materials on-site including procedures for any on-site, permanent, post-construction storage of fuels, lubricants or waste oil to be in bunded areas; and
- ii. Design criteria for any hazardous materials storage facilities on-site, and
- iii. Contingency measures to ensure that any spills or leaks of hazardous materials, chemicals or oils are contained on-site and cleaned up in accordance with Environment Protection Authority requirements.

p) Incident management plan which must include;

- i. A procedure for the establishment and maintenance of an incident register for the recording of:
 - Environmental incidents
 - Non-conformances, and
 - Corrective actions;
- ii. The register must be available for inspection by the public during normal working hours and its contents should be reported to the responsible authority as required.

VICROADS REQUIREMENTS

- 7. The local roads identified in the Traffic and Transport Assessment Report (ref 01732-002820) that will be used to exit onto the arterial 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.

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.
8. All roadworks must be completed to the satisfaction of VicRoads prior to the commencement of the development. The contractor must be VicRoads approved or prequalified at R1 level. All works must be at the developers cost.

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

BLADE SHADOW FLICKER

9. 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. In determining compliance with this condition, the results of a geometric computer simulation model is evidence of compliance with this condition.

Any dwelling within the Site Boundary will be exempt from this condition if it is the subject of an agreement with the landowner and is registered on title.

NOISE LIMITS

- 10 Construction of the wind energy facility must comply with noise criteria specified in the Interim Guidelines for Control of Noise from Industry in Country Victoria, N3/89. Compliance testing must be undertaken which conforms to State Environment Protection Policy (Control of Noise from Commerce, Industry and Trade) No N-1 and the 'Guide to the Measurement and Analysis of Noise' accompanying the policy. Compliance testing will be activated when a noise complaint is received during construction of the facility.
11. 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.

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.

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.

Prior to commencement of operations, an operational noise compliance testing plan and an operational noise compliance enforcement plan must be developed.

12. When a final turbine type is selected, the noise assessment, other than background noise monitoring, must be repeated. The results of the new assessment must demonstrate compliance with the noise limits described in Condition 11 and be submitted to and approved by the Minister for Planning.
13. 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 11 of this permit for all non-stakeholder dwellings at or above the predicted noise level of 35dBA predicted from Condition 12 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 that, when operating, influence the noise level at the dwelling, shut down, and
 - the wind in the direction from the wind energy facility to the dwelling for at least 50% of the measurement period.
- d) for each dwelling at which compliance testing is to be performed, determination of the maximum monthly proportions of the wind direction distribution that is from the wind energy facility to the dwelling, plus or minus 22.5 degrees;
- e) a schedule for compliance testing under which compliance testing at all identified dwellings for which consent for such testing has been obtained is performed in the 14 months following the commissioning of the last turbine in a section of the wind energy facility or a stage of the wind energy facility, if the development is in stages, and repeated between 10 and 14 months after the first compliance test;
- f) a procedure for the assessment, by a suitably qualified acoustics expert, of the characteristics of the noise from the wind energy facility to determine if that noise has any special audible characteristics that require the addition of 5dBA to the measured operating noise levels as shown in Condition 13(c) of this permit; and
- g) a procedure under which all results of compliance testing conducted in any month are reported to the Northern Grampians Shire Council and Minister for Planning every six months.

NOISE COMPLIANCE ENFORCEMENT

14. If an exceedance of the noise limits prescribed in the conditions of this permit under the heading NOISE LIMITS is detected, the wind energy facility operator must:
- a) Within 30 days of the confirmation of the exceedance, take sufficient actions to reduce the wind energy facility noise level at the subject dwelling as predicted using the prediction methodology contained in *NZS6808:1998 'Acoustics – the Assessment and Measurement of Sound from Wind Turbine Generators'* by an amount equal to or greater than the amount of exceedance.
 - b) Within 30 days of the confirmation of the exceedance, provide the responsible authority and the owner/occupier of the dwelling with:
 - (i) The results of the compliance testing measurements including the magnitude of the detected exceedance,
 - (ii) Details of the actions taken to reduce the wind energy facility noise emissions, and
 - (iii) Evidence that the actions taken will produce a decrease in the wind energy facility noise level at the dwelling by an amount equal to the magnitude of the exceedance based on a prediction using the methodology of *NZS6808:1998 'Acoustics – the Assessment and Measurement of Sound from Wind Turbine Generators'*.
 - c) Continue to operate the wind energy facility with the implemented actions until approval for a different mode of operation is given by the responsible authority under the provision of (d) below
 - d) Within 60 days of the detection of an exceedance provide the responsible authority and owner/occupier of the dwelling with either:
 - (i) The result of compliance testing using the procedures prescribed in condition 11 of this permit that demonstrate compliance, or
 - (ii) A program for the development and evaluation of an alternative mode of wind energy facility operation that can reasonably be expected to result in continuing compliance with noise levels as allowed in condition 11. The program will:
 - Be developed and implemented under the supervision of a suitably qualified acoustics expert;
 - Include detailed descriptions of proposed actions;
 - Include predictions of wind energy facility noise levels at the dwelling at each stage of the program;

- Not include any actions or combination of actions that are predicted to result in non-compliance;
 - Include compliance testing using the procedures prescribed in the *Operational noise compliance testing plan*; and
 - Include a program schedule that specifies the timing of each stage of the program,
- to the satisfaction of the responsible authority.

If the responsible requires the program to be modified, the wind energy facility operator may either submit a modified program or immediately withdraw the program and conduct compliance testing using the procedures prescribed in the *Operational noise compliance testing plan*.

Following implementation of the program, the wind energy facility operator may provide the responsible authority and the owner/occupier with a detailed description of an alternative mode of operation of the wind energy facility together with evidence that under that mode of operation compliance can be expected, to the satisfaction of the responsible authority. Given such information and evidence the responsible authority may approve the operation of the wind energy facility in the alternative mode and such approval will not be unreasonably withheld.

15. 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 Northern Grampians 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 11;

- 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 Northern Grampians 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.

ON-SITE LANDSCAPING PLAN

16. 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 to the satisfaction of 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

17. 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.

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

18. 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) 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;
- b) The maintenance of landscaping for a period of two years; and
- c) 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, implementation and maintenance of the off-site landscaping plans 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

19. Before the development starts a traffic management plan must be prepared, in consultation with Northern Grampians Shire Council and VicRoads, to the satisfaction of the Minister for Planning 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 Northern Grampians 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 Northern Grampians Shire Council;
- d) Include the designation of routes, operating hours 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) 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;
- f) Specify the need for road and intersection upgrades to accommodate any additional traffic or site access requirements, whether temporary or ongoing, and the timing of when these upgrades are to be undertaken;
- g) 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;
- h) Identify any areas of roadside native vegetation which need removal or pruning and the pruning practices to be followed;
- i) Include identification and timing of any pre-construction works;
- j) 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;

- k) Include agreed criteria that will trigger repair and maintenance works; and
- l) Include a program to rehabilitate roads to the pre-existing condition identified by the above surveys.

TELEVISION AND RADIO RECEPTION AND INTERFERENCE

20. Before the development starts a television and radio 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 and radio reception plan must include:

- a) A definition of the area to be covered by the television and radio reception plan (the defined area) based on the recommendations of a suitably qualified expert;
- b) A pre-construction survey to determine television and radio reception strength at locations within the defined area, completed prior to the commissioning of any turbine. The location of such monitoring is to be determined by an independent television and radio monitoring specialist appointed by the wind energy facility operator;
- c) A procedure for 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 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 Minister for Planning.

DECOMMISSIONING

21. 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 develop the decommissioning plan to the satisfaction of the Minister for Planning.

22. 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 responsible authority within 24 months of approval of the plan or within such other timeframe as may be specified by the responsible authority.

EXPIRY

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

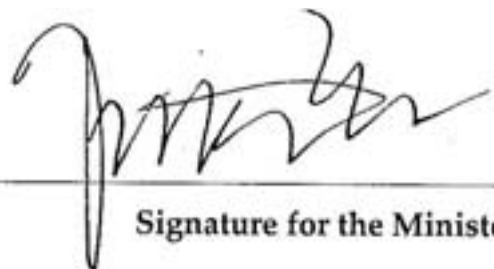
The Minister for Planning may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.

PERMIT NOTES

- 1. This permit should be read in conjunction with Ararat Planning Permit No. 09/004799 which applies to the Ararat wind energy facility within the Ararat Rural City municipality.
- 2. If it is proposed to removal or destroy vegetation that is listed under the Flora and Fauna Guarantee Act 1988 or the Environment Protection and Biodiversity Conservation Act 1999, further consent in writing must be obtained from the Department of Sustainability and Environment.

Date Issued:

22 OCT 2010



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.